

COUNCIL

Minutes of the meeting held on Thursday 24 July 2008 at 1 Lambeth High Street, London, SE1

Present

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| President | Mr Steve Churton |
| Vice-President | Mr M Astbury |
| Mr S Acres | Ms S Agha |
| Mr G Alexander | Mrs M Allan |
| Professor N Barber | Mrs C Brown |
| Mr David Carter | Dr B Curwain |
| Mrs D Drury | Dr C Duggan |
| Dr P Entwistle | Mr J Gentle |
| Mrs L Jacobs (until 08/87) | Mr R Jobling |
| Mr J Jolley | Mr A Kershaw |
| Mrs S Kilby | Ms Y Liddell |
| Professor B Michell | Ms A Moore |
| Mr D Simpson | Mr D Thomson |

In attendance

Mrs B Taylor, Chairman of the English Pharmacy Board, Mrs S Melville, Chairman of the Scottish Pharmacy Board and Mr P Jones, Vice-Chairman of the Welsh Pharmacy Board.

Mr Jeremy Holmes, Chief Executive & Registrar

PUBLIC BUSINESS

- 08/76 Apologies for absence**
Mr A Gush, Mrs S Hikins, Mrs J Ramsey, Ms M Saunders, Professor K Wilson and Mr M Donovan, Chairman, Welsh Pharmacy Board.
- 08/77 Welcomes**
The President welcomed: Mrs B Taylor, newly elected Chairman of the English Pharmacy Board, Mrs S Melville, newly elected Chairman of the Scottish Pharmacy Board and Mr P Jones, newly elected Vice-Chairman of the Welsh Pharmacy Board.
- 08/78 Declaration of interests**
The President reminded Council members that declarations of interest should be made by individual Council members at the beginning of the relevant item.

08/79 Minutes of the public business part of the meetings of Council held on 21 May 2008 and on 3 & 4 June 2008

With the following amendments,

Council

resolved

that the minutes of the public business parts of the meetings held on 21 May 2008 and 3 and 4 June 2008 be received and agreed as a correct record.

21 May 2008: Add to those present – Mr D Thomson

4 June 2008: Minute 08/72

The results of the first round ballot for the election of President to have a footnote indicating that the inclusion of the voting was a post meeting note for information.

Mr Gerald Alexander was nominated by Mr John Jolley and seconded by Mr Andrew Gush

Mr David Thomson was nominated by Mr David Carter and seconded by Ms Alison Moore.

08/80 Allocation of lay and pharmacy technician members to English regional Committees

Mr John Gentle, Council Branch Sponsor introduced paper 08.06/C/67, which had been circulated. The intention of the proposal was to enhance direct contact between regions and all Council members.

It was clarified that claiming an attendance allowance for such meetings was at the discretion of the Council member.

Council

agreed

to allocate lay and technician members of the Council to the Society's 11 Regional Committees in England.

08/81 Welsh Language Scheme

Mrs Margaret Allan introduced paper 08.06/C/68, which had been circulated. She commended the Scheme to the Council.

Council

noted

i. the draft Scheme, and

approved

ii. its submission to the Welsh Language Board.

08/82 Consideration of cases for non referral to the Investigating Committee – Amendments

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 08.06/C/69, which had been circulated. Council had previously agreed criteria for non-referral to the Investigating Committee (paper 08.06/C/51 refers). The proposals aimed to clarify those criteria to avoid confusion in application and ensure fairness.

On the recommendation of the Law & Ethics Committee,
Council

agreed

- i. to amend the wording of recommendation (iii) of Council paper 08.06/C/51 to include within the scope of a single one-off dispensing error the supply of a date-expired medicine, where there was no evidence of deliberate intent on the registrant's part to supply a date-expired medicine.
- ii. to amend the wording of recommendation (iv) of Council paper 08.06/C/51 to replace the term: "the Inspector's investigations" with: "the Society's investigations".
- iii. to approve the addition to recommendation (iv) of the wording "by the Society, if any" after the phrase "the advice provided".
- iv. to confirm that the Fitness to Practise Directorate had discretion to categorise allegations which did **not** fall within one of the specific "Examples" listed within Appendix 1, Box 2 of Council paper 08.06.C/51 as being suitable for non-referral.
- v. the amended wording for cases suitable for non-referral as outlined in appendix 1.
- vi. the suggested approach to handling cases which involved more than one allegation against a registrant, where at least one of the allegations fell within the criteria for non-referral to the Investigating Committee.
 - (1) If there were multiple allegations against a registrant and one or more of those allegations fell within the criteria for non-referral, but at least one other allegation did not fall within those criteria, the whole case would be referred to the Investigating Committee.
 - (2) If there were multiple allegations against a registrant, and each of those allegations would individually fall within the criteria for non-referral, the approach taken would vary depending on whether the allegations were supported by evidence, as set out below:
 - (a) If there was evidence to support only one of the allegations, the case would proceed down the non-referral route.
 - (b) If there was evidence to support more than one of the allegations, all the allegations would be referred to the Investigating Committee. The rationale for that was that each additional allegation which was supported by evidence amounted to: "evidence of other misconduct that would form the basis of a complaint", which was one of the factors stated in Council paper 08.06/C/51 as being likely to result in referral.

08/83 Pharmacy Regulation & Leadership Oversight Group (PRLOG) meeting 17 September 2008

The Chief Executive & Registrar informed the Council that the next meeting of PRLOG would take place on 17 September and as there would be no further Council meeting until after the date for submission of the Society's three update papers, it would be necessary for the President to sign off those papers.

Council

agreed

to delegate approval of the three update papers for the PRLOG meeting on 17 September 2008 to the President.

08/84 Appointment of a lay Council member

The Chief Executive & Registrar introduced paper 08.06/C/70, which had been circulated.

At its meeting on 24 April 2008, the Council had agreed to write to the Privy Council (PC) expressing the strong view that the vacancy for a lay member should not be filled, based on the complexity of knowledge and understanding which a new Council member would need to acquire in a relatively short time in order to contribute effectively to the transition process. They replied stating that leaving a vacancy in the lay membership would run counter to Department of Health policy on the composition of councils of regulatory bodies, as set out in *Trust, Assurance & Safety*. PC advisers had confirmed that the remaining period before the transition to the GPhC and professional body would be too long a time for the Society's Council to be without its full complement of lay members, given that the Society remained the custodian of regulatory activity for pharmacy in GB for at least another 18 months.

A number of Council members expressed their regret that the Privy Council had so decided.

Council considered the possibility of adding additional criteria to the standard criteria as set out in the paper.

Council

agreed

- i. that no additional criteria be applied in the recruitment exercise to fill a vacancy arising in the Council's lay membership; and
- ii. that the vacancy be advertised on the public appointments website in the first instance.

08/85 Schedule of Council and committee meetings 2009

Ms Averil Ridgway, Head of Secretariat, introduced paper 08.06/C/71, which had been circulated.

Council considered the paper and asked that two additional days be identified in 2008 for provisional strategy days to be used only if required and that the Council guest night should be held at the December Council meeting in 2008 and in 2009.

Council

agreed

The schedule of Council and committee meetings for 2009, with the above amendments.

08/86 GB-wide public affairs and communications

The Chief Executive & Registrar introduced paper 08.07/C/72, which had been circulated. The paper had been developed following proposals to the Governance Committee in February 2008 regarding revising the remit of the Public Affairs Planning Group (PAPG). In order to achieve more streamlined, efficient and effective working between Council and the national Pharmacy Boards it was proposed that the Council's Liaison Group, which had responsibility under the Council's devolution protocol to consider matters which had a GB-wide scope, might be expanded to include an element of communications and public affairs oversight.

Mrs Lorna Jacobs, Chairman of the Governance Committee, commented that there had been concerns from members of the Governance Committee that the proposals had not been considered by the Committee before being brought to the Council, particularly as the July meeting of the Committee had been cancelled. Mrs Jacobs explained that in terms of proper governance there was no requirement that proposals had to be referred to a committee before being considered by the Council.

Comments had been sought from the Governance Committee members, the national Pharmacy Boards Chairmen and the Committee Chairman (Education, Governance, Law & Ethics and Science). Those comments indicated a preference for disbanding the PAPG and leaving the Liaison Group as established, but that an additional session, which would include the Committee Chairman should be held following the Liaison Group meetings with a remit to consider GB-wide communications and public affairs.

Council discussed the proposals and was of the general view that a pragmatic solution was required quickly in order to ensure effective and efficient co-ordination of communications and public affairs. The preference seemed to be for two meetings on the same day: the Liaison Group, working to its current remit, followed by an expanded group for communications and public affairs and that the number of meetings of the Liaison Group (and expanded group) be increased to four times per year.

Council

agreed

- i. that the comments received from Governance Committee members, NPB Chairmen and Committee Chairmen should be circulated to all Council members for information,
- ii. that the Officers would give the matter further consideration, and
- iii. that a proposal would be brought to the Council meeting to be held on 4 September 2008 for decision.

08/87 Appointments of Council members

The Chief Executive & Registrar introduced paper 08.06/C/73, which had been circulated.

Council noted that the last item relating to appointment of PTECO trustees had been withdrawn.

Council

noted

the appointment of Mrs Sue Kilby to the Council's Revalidation Advisory Group;

ratified

the decision of the Officers that the Vice-President, Mr Martin Astbury, should attend the CHRE Council meetings as the President was unavailable on the scheduled dates, and

agreed

the appointment of Mr Steve Acres as Council sponsor for the Armed Forces.

08/88 General Pharmaceutical Council Order

Mrs Elaine Mulingani, Internal Governance Co-ordinator, introduced item 08.07/C/79.

Council

noted

- i. the Department of Health's plans to issue this Order for public consultation in summer 2008; and

agreed

- ii. that the s60 Consultation Response Working Group be reconstituted as set out in the paper for the period between the publication of the draft Order for consultation and the Society responding to the public consultation on this Order;
- iii. that Ms Seema Agha and Mr David Thomson, Council members on the s60 Consultation Response Working group continue to serve on the reconvened group;
- iv. that Council members be invited to submit expressions of interest in membership of the group, including as chairman and deputy chairman; and
- v. that the President should consider the expressions of interest and make the appointments to the working group.

08/89 Council Engagement in *Pharmacy in England: Building on Strengths – Delivering the Future*
Council

agreed

the proposals as circulated* at paper 08.06/C/80, including an additional Council strategy day and formal meeting on 4 September 2008.

[*Subsequent to the meeting a revised paper was circulated clarifying the proposals and the timetable.]

08/90 Working with other professions

Professor Bob Michell raised his concerns that, although this matter had been identified as a matter for discussion at the July strategy day, it had not appeared on the agenda. The President apologised to Professor Michell for this oversight, and committed that this matter would be included on the agenda for the next Council Strategy Day.

08/91 Council member fees and allowances

Council

noted

the decisions agreed by the Council in June 2008, which had been circulated at paper 08.06/C/74.

08/92 British Pharmaceutical Conference

Council

noted

the report on the future strategy for BPC, which had been circulated at paper 08.06/C/75.

08/93 Report of the Returning Officer: election 2008

Council

noted

the report of the Returning Officer, which had been circulated at paper 08.06/C/76.

The President closed the public business of the Council.