

## COUNCIL

Minutes of the meeting held on Tuesday 2 December 2008 at 1 Lambeth High Street, London, SE1 7JN.

### PUBLIC BUSINESS

#### Present

President	Mr S Churton
Vice-President	Mr M Astbury
Treasurer	Mr A Gush

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 S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw (until 08/146)	Mrs S Kilby
Ms Y Liddell	Professor B Michell
Ms A Moore	Ms M Saunders (until 08/148)
Mr D Simpson	Mr D Thomson
Professor K Wilson	

#### In attendance

Mrs S Melville, Chairman of the Scottish Pharmacy Board, Mr R Daniszewski, Vice-Chairman of the English Pharmacy Board and Mr P Jones, Vice-Chairman of the Welsh Pharmacy Board

Mr Jeremy Holmes, Chief Executive & Registrar

#### 08/140 Apologies for absence

Ms J Ramsey, Mrs B Taylor, Chairman of the English Pharmacy Board, Mr M Donovan, Chairman of the Welsh Pharmacy Board.

#### 08/141 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.

#### 08/142 Welcome to guests

The President welcomed the following guests: Anne Everden, Northumbrian Branch, Ben Marks, Secretary, Barnet Branch, Graham Pickup, Chair, Bolton and District Branch, Paula Wilkinson, Secretary, Chelmsford and District Branch

**08/143 Minutes of the public business part of the meetings of Council held on 7 October 2008 and on 6 November 2008**

**Minutes of 6 November 2008: Overseeing the transition to the new professional body** (minute 08/135 refers)

- ii. the composition of the working group as follows
- the Council's nominees to the Transitional Committee (Mr Churton, Mr Astbury, Mr Gush and Mr Carter);
  - 1 nominee from each of the National Pharmacy Boards (to be reviewed in future if considered appropriate);

With the addition noted above, Council

**resolved**

that the minutes of the public business parts of the meetings held on 7 October and on 6 November 2008 be received and agreed as a correct record.

**08/144 Matters arising from the public business part of the minutes not specifically included in the agenda**  
**Minutes circulated since the October 2008 meeting of the Council** (minute 08/127 refers)

Council

**agreed**

that, going forward, the minutes of the special interest and membership groups should be posted on the Council member microsite.

**Professional leadership matters**

**08/145 New professional body Prospectus**

Mr Jeremy Holmes, Chief Executive & Registrar, reported to the Council that the Prospectus for the new professional body, published by the Transitional Committee, had been very well received and had also had excellent press coverage. He clarified that *Pharmacist Support* was an independent charity and would not form part of the new body, but it was hoped that the existing strong links with the Society would continue with the new body.

Council welcomed the publication of the Prospectus and a number of Council members reported having received positive feedback.

Mr Douglas Simpson expressed his view that the proposal for the new body was that the Society should continue with the cessation of the regulatory functions and the extension and enhancement of professional support provision, not for a new body.

Mr Holmes confirmed that a number of organisations had approached the Society about engaging with and becoming part of the new body. He confirmed that any proposals to include other organisations in the new body would be considered by the Transitional working group and referred to the Council for approval at the appropriate time.

Council

**agreed**

that deputies could be designated for Chairmen of the national pharmacy boards unable to attend meetings of the Transitional working group, and

**noted**

the report.

**08/146 Pharmacy Practice Framework**

Dr Sue Ambler, Education Policy Lead, introduced paper 08.12/C/116, which had been circulated. Following the full debate of the draft Framework at the October 2008 meeting, the Education Committee had also considered the document and the final draft with the Committee's amendments was presented to Council for approval.

Professor Bob Michell raised his strong concern that the document did not make reference to veterinary pharmacy and that because of changes in the law it would soon be incumbent on all community pharmacists to be able to dispense veterinary prescriptions for companion animals and the advise on over the counter products.

It was confirmed that, as agreed with the Veterinary Pharmacists Group (VPG), veterinary pharmacy was mentioned in relation to several of the roles set out in the Framework. It was also noted that the definition of medicine in the glossary included reference to animal and human medicines.

Dr Ambler confirmed that the accreditation standards and criteria in all the schools of pharmacy were very explicit about veterinary medicine. That gave the assurance that when pharmacists joined the Register they had been prepared to deal with veterinary prescriptions. The Framework was intended to be a generic document to be read, understood and applied across all sectors of the profession. Professor Nick Barber confirmed that, in his experience, the dispensing examination included assessment on veterinary prescriptions.

It was suggested that the legislation referred to required pharmacists to be able to dispense veterinary prescriptions. This was appropriate to include in the education standards document which would follow on from the Framework. This work could be commenced with an informal consultation with the Veterinary Pharmacists Group and other specialist groups. There would also be a need to address the issue of the pre registration placements in veterinary pharmacies.

Council then discussed the options for the timetable for the Education standards development and agreed the schedule at (iii) below.

Council

**i. approved**

the final draft of the Practice Framework;

**ii. agreed**

the publication of the Practice Framework, and

- iii. the following timetable for the preparation of and consultation on new Education Standards based on outcomes derived from the Practice Framework.

January 2009	initial draft to Education Committee (whether or not Drafting Group had been able to discuss)
February/March	informal discussions with special interest groups internally
May	Formal consideration by Education Committee
June	Formal consideration by Council
Mid-June	Consultation

**08/147 Moving to the new Professional Body Assembly and National Pharmacy Board structures**

Mrs Christine Gray, Head of Corporate Governance, introduced paper 08.12/C/117, which had been circulated. The proposals built on the discussions at the Council strategy day on 21 November 2008.

Council considered the terms of office for the National Pharmacy Boards (NPB) members elected in June 2010 and was strongly of the view that the period between the commencement of the Assembly (including NPB members elected in 2010) and the holding of elections for the new professional body under its regulations should be as short as practicable. Council recognised that there was considerable work to do to bring the new regulations for election to the national Pharmacy Boards into force and that there was also a risk in not allowing enough time to complete that work by agreeing a short term of office. Council concluded that the term of office for those elected in 2010 should be the period between taking office and day one, plus up to two years from day one of the Assembly, with an expectation that elections would be held as soon as reasonably possible.

Council

**agreed**

- i. that the National Pharmacy Boards election scheme be amended for the 2010 elections;
- ii. that all National Pharmacy Boards members be asked to stand down in 2010;
- iii. that draft new regulations and a new election scheme for the National Pharmacy Boards should be prepared but not made in advance of when regulation transfers to GPhC; and
- iv. that the term of office for those elected in 2010 should be the period between taking office and day one, plus up to two years from day one of the Assembly, with an expectation that elections would be held as soon as reasonably possible.

**08/148 Referral from Law & Ethics Committee: Posting of medicines**

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 08.12/C/118, which had been circulated.

Following a brief discussion Mr Carter agreed to withdraw the paper and refer it back to Law & Ethics Committee for further consideration.

Council

**noted**

that the paper was withdrawn pending further consideration by the Committee.

**08/149 A quality management feasibility study for the Pre-registration Scheme**

Dr Nicola Tyers, Head of Preregistration, introduced paper 08.12/C/121, which had been circulated. The research had been undertaken following agreement by the Council in 2007. It was clear that the deanery model was not the only possible model and the pre registration division would be pursuing a range of options.

With the amendments suggested and on the recommendation of the Education Committee,

Council

**agreed**

- i. that the report '*Future Quality Management Strategies for Pharmacy Pre-registration Training: A Scoping Study*' be published with a clear foreword contextualising the research; and

**noted**

- ii. that the recommendations of the report would be considered by the Pre-registration Division.

**08/150 Referral from Governance Committee: Remit of Science Committee**

Mrs Lorna Jacobs, Chairman of the Governance Committee, introduced paper 08.12/C/120, which had been circulated. The proposal aimed to clarify that the Science Committee's role in relation to the Museum.

Council discussed the Information Centre and whether it should be included in the amendment. The view was that the Science Committee could continue to discuss issues relating to the Information Centre and feed views through to the Transitional working group but that it was not part of the Committee's formal remit.

On the recommendation of the Governance Committee,

Council

**i. agreed**

that the following be added to the Science Committee remit:

To advise the Council on policy proposals relating to the Society's Museum and to monitor implementation of such policies, and

**ii. rejected**

the proposal that the Information Centre should also be included in the amendment.

**08/151 Referral from Science Committee: Future strategy for the Museum**

Dr Brian Curwain, Chairman of the Science Committee, introduced paper 08.12/C/119, which had been circulated. The Committee had discussed the issues in detail. In determining the future of the Museum it would be

important to maintain flexibility of approach to achieve the best result for the Museum. Moving the Museum to charitable status was one option but it would take considerable work to achieve. Council was being asked to take an “in principle” decision in order that work could commence to explore charitable status.

Council recognised the value of the Museum as custodian of the Society’s and the profession’s history. Council also recognised the work of the Museum team in increasing public access and engagement with the local community.

Council

**agreed**

- i. to support the Museum remaining in the professional body if possible, but to be mindful of other options, and
- ii. to support exploring charitable status for the Museum

**08/152 Top Ups: NHS Guidance consultation**

Mr David Pruce, Director of Policy & Communications, introduced paper 08.12/C/122, which had been circulated. The paper proposed a pragmatic way forward to ensure appropriate input to and sign off of the Society’s response to the consultation, based on the key points agreed by Council in November 2008. Council noted that review by the Policy & Communications Forum had been included on this occasion in order to be able to have the views of the three pharmacy boards.

Council

**agreed**

to delegate to the Officers group with the Chairman of the English Pharmacy Board, and informed by a virtual review by the Policy & Communications Forum, the authority to approve the Society’s response to the Department of Health’s (England) consultation following the Richards Report: *Guidance on NHS patients who wish to pay for additional private care.*

**08/153 Members designated as Fellows of the Society by the Panel of Fellows under Regulations Section 12**

Council

**i. noted**

the Fellows designated by the Panel of Fellow in November 2008 as circulated at paper 08.12/C/123 and the addendum, which had been tabled, and

**ii resolved**

that the Common Seal of the Society be affixed to the certificates.

Council congratulated Mrs Cath Savage, Director for Wales, who had been awarded a Fellowship.

**08/154 Public interest and health issues**

The President commented that Council had agreed on 6 November 2008 that, as part of the horizon scanning process for policy development, an opportunity for Council members to formally bring to Council's attention any issue under the general heading of public interest and health issues would be provided as a standing item on the public Council agenda. It was important that notice be given of such items. It was also clear the President had discretion in accepting such items for the agenda.

The President agreed to accept an item from Ms Seema Agha which arose from a very recent Ministerial announcement regarding a review of the work of agencies involved with vulnerable children. Pharmacy had not been specifically mentioned.

Council

**agreed**

that the matter be referred to the Director of Policy & Communications to take forward.

## COUNCIL

Minutes of the meeting held on Wednesday 3 December 2008 at 1 Lambeth High Street, London, SE1 7JN.

### PUBLIC BUSINESS

#### Present

President	Mr S Churton
Vice-President	Mr M Astbury
Treasurer	Mr A Gush

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 S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw (until 08/146)	Mrs S Kilby
Ms Y Liddell	Ms A Moore
Mr D Simpson	Mr D Thomson
Professor K Wilson	

#### In attendance

Mrs S Melville, Chairman of the Scottish Pharmacy Board, Mr R Daniszweski, Vice-Chairman of the English Pharmacy Board and Mr P Jones, Vice-Chairman of the Welsh Pharmacy Board

Mr Jeremy Holmes, Chief Executive & Registrar

#### 08/155 Apologies for absence

Professor B Michell, Ms M Saunders, Ms J Ramsey

#### Regulatory matters

#### 08/156 Council election 2009

Mr Jeremy Holmes, Chief Executive & Registrar, introduced paper 08.12/C/124, which had been circulated.

Council

- i. **noted** the Council members whose term of office expired in 2009;
- ii. **appointed** Electoral Reform Ballot Services Limited as the scrutineer for the Council elections in 2009, and
- iii. **agreed** that the date from which newly elected or re-elected members of the Council take office in 2009 be 00.01hrs on Thursday 21 May 2009.

**08/155 Patient and public involvement: Annual Report 2008**

Dr Brian Curwain, Council member sponsor, introduced paper 08.12/C/125, which had been circulated. Council welcomed the report and was assured that the full membership of the Public Liaison Group (PLG) participated actively in discussion through a web-based discussion board. Having noted that Mr Stephen Acres was no longer a member of PLG, Council agreed that Ms Yvonne Liddell should become a member to ensure input from pharmacy technicians.

Council

- i. **noted** progress in the delivery of the Patient and Public Involvement strategy;
- ii. **approved** the annual report for publication; and
- iii. **appointed** Ms Yvonne Liddell to the PLG

**08/156 The Commission's proposals for a Directive on the application of patients' rights in cross-border healthcare**

Martha Pawluczyk, International Registration Manager, introduced paper 08.12/C/126, which had been circulated. The Directive was intended to address issues regarding the quality of record keeping in other European country regulators, and the amount of information they hold, or are allowed to hold and if or how that information was made available to the public. Council strongly supported the need for countries to have effective, centrally held records which were publicly accessible and included information on fitness to practise.

A number of concerns were raised, including:

- The need for legal clarity on internet pharmacies
- Confusion which might arise as a result of different names of the same drug or product in different countries and variations in dosages and indications or drug combinations between countries.

Council welcomed the proposals and the draft Society response and with amendment to reflect the points agreed in the discussion,

Council

**approved**

the proposed response to the DH consultation on the European Commission's proposals for a Directive on the application of patients' rights in cross-border healthcare.

**08/157 Referral from Law & Ethics Committee: Consideration of the use of records and fitness to practise history in relation to cases not referred to the Investigating Committee**

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 08.12/C/127, which had been circulated. Council had agreed further work be undertaken on what use should be made of records and fitness to practise history and what information should be disclosed to inquirers when cases were not referred to the Investigating Committee, but dealt with under published threshold criteria.

Mrs Sarah Billington, Chief Inspector, set out that as cases taking the non-referral route were of a type and level that could previously have gone to Investigating Committee the proposal was that the outcomes should align exactly with the Society's policy and procedures as they currently stand.

Council members raised some concerns about whether information on a pharmacist would be disclosed after the 5 year period had expired. The overriding concern would always be the public interest and patient safety. Routine disclosure, for example, to employers, would not be the case. However, if it could be demonstrated that there was a valid reason to have that information and it was in the public interest it would be in order to disclose it. Such instances would have to be considered on a case by case basis.

There was also concern that events being dealt with individually would mean that an overall pattern would not be recognised. However, the non-referral criteria already in force contained a safeguard to prevent such a situation.

On the recommendation of the Law & Ethics Committee, Council

**agreed**

i. Recording

That records be maintained for 5 years as part of the registrant's fitness to practise history to show that the registrant had admitted to the allegations made and had accepted the advice provided.

ii. Consideration of fitness to practise history

That during that 5 year period the Society would consider the allegation disposed of by way of the non-referral process in exactly the same way as it would consider an allegation disposed of by the Investigating Committee.

iii. Disposal

That at the end of that 5 year period the record made in the registrant's fitness to practise history resulting from a non-referral route would remain on the electronic record but would not be disclosed to enquirers or put before any statutory committee in the event of a future referral.

iv. Disclosure

That the fitness to practise history recorded as a consequence of the non-referral of a case would be disclosed to enquirers during the 5 year period.

Mr Douglas Simpson asked that it be recorded that he voted against (iv) above

**08/158 Statutory Committees statistical report**

Council

**noted**

the report which had been circulated at 08.12/C/128.

**Organisational matters**

**08/159 RPSGB Staff pension scheme: Deed of Amendment**

Mr Bernard Kelly, Director of Finance & Resources, introduced paper 08.12/C/129, which had been circulated. Mr Kelly confirmed that the Resource Management Committee would be considering the pensions issues in January and a report would be brought to Council following that.

Council

**resolved**

to exercise (with the consent of the Trustee of the Scheme) the power of amendment now contained in Rule 1 of Schedule 2 of the Definitive Deed and Rules and amend a provision of that deed by executing under the Common Seal of the Society the Deed of Amendment in the form or in substantially the form annexed to the paper.

**08/160 Pharmaceutical Trust for Educational and Charitable Objects: Appointment of new charity trustees**

The Vice-President took the chair for the duration of the item and asked the Council to consider paper 08.12/C/130, which had been circulated.

Council

**nominated**

Mr Steve Churton, the President, and Professor Nick Barber as trustees of PTECO.

The President resumed the chair.

**08/161 Chief Executive & Registrar's report**

**08/161.1 Location of Council meetings in 2009**

The Chief Executive & Registrar introduced paper 0812/C/131, which had been circulated. Mr Holmes confirmed that every attempt had been made to contain costs for the Cardiff meeting and only essential staff had attended. Some Council members were of the view that there should be a meeting in Wales and one in Scotland each year as well as a meeting in England outside London in 2009.

Council

**agreed**

- i. the Council meeting to be held on 31 March and 1 April 2009 be held in Edinburgh, and
- ii. the meeting scheduled for October 2009 be held outside London in an English city.

**08/161.2 Recommendation from the Officers**

The Chief Executive & Registrar introduced paper 08.12/C/132, which had been circulated.

On the recommendation of the Officers, Council

**agreed**

that Professor Peter Noyce be invited to attend all meetings of the RAG as an observer to inform his work for PRLOG.

**08/141.3 Minutes circulated since the October 2008 meeting of the Council**  
Council

**received**

the minutes of the following committees

Scottish Pharmacy Board	1 October 2008
Welsh Pharmacy Board	9 October 2008
Science committee	16 October 2008
Education Committee	24 October 2008
Law & Ethics Committee	24 October 2008
Governance Committee	28 October 2008
English Pharmacy Board	29 October 2008
Policy & Communications Forum	7 November 2008

**08/142 Any other business**

**08/142.1 Transitional working group stakeholder event**

The Chief Executive & Registrar reported that the working group planned to hold a stakeholder event in the new year for all interested bodies which might wish to form a relationship with the new professional leadership body. Nigel Clarke had been invited to chair the event.

**08/142.2 Appointment of Lay member to Council**

The President reported that the Appointments Commission had confirmed that an offer of appointment had been made and Council would be informed as soon as the candidate had confirmed acceptance.

**08/143 Council update**

In response to a question the Chief Executive & Registrar agreed to seek information on progress with the diversity strategy.

Council

**noted**

the update and progress report which had been circulated at 08.12/C/133.

The President closed the public business of the Council.