

## COUNCIL

**Minutes of the meeting held on Tuesday 3 February and Wednesday 4 February 2009 at 1 Lambeth High Street, London SE1 7JN**

### PUBLIC BUSINESS

**Tuesday 3 February 2009**

**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 K Blair
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 J Jolley
Mr A Kershaw	Mrs S Kilby
Ms A Moore	Ms M Saunders
Mr D Simpson	Professor K Wilson

**In attendance**

Mrs B Taylor, Chairman of the English Pharmacy Board and Mr M Donovan, Chairman of the Welsh Pharmacy Board

Mr Jeremy Holmes, Chief Executive & Registrar

**08/01 Apologies for absence**

Mr R Jobling, Ms Y Liddell, Professor B Michell, Ms J Ramsey, Mr D Thomson

**08/02 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.

**08/03 Welcome to new Council member and guests**

The President welcomed Mrs Kay Blair, newly appointed lay member of the Council.

The following guests were also welcomed: Mr J Davies, President, BPSA; Mr D Evans, Chair, Anglia Region; Mr A Hersom, Secretary, Hull branch; Mr D Morgan, Secretary, Clwyd branch; Mr I Simpson, Chief Executive, College of Pharmacy Practice.

**08/04 Minutes of the public business part of the meetings of Council held on 2 & 3 December 2008**

Council

**resolved**

that the minutes of the public business parts of the meetings held on 2 and 3 December 2008 be received and agreed as a correct record.

**08/05 Matters arising from the public business part of the minutes not specifically included in the agenda**

There were no matters arising.

**Professional leadership matters**

**08/06 New professional body for pharmacy: Prospectus**

Mr Nigel Clarke, Chairman of the Transitional Committee, reported on feedback received following the publication of the Prospectus for the new professional leadership body. A paper had been circulated at 09.02/C/01.

The key points from the feedback were that the membership wanted

- to see prompt action to move forward to the new professional leadership body (PLB);
- to have a strong leadership body to promote pharmacy with the media and the governments; and
- to have a strong local presence from the PLB.

The following concerns were raised:

- that the fee for the regulator and the PLB together should not exceed the current fee level, allowing for inflationary increases; and
- that the PLB should be effective in communications and respond to what the membership wanted, connecting with and involving the profession.

In conclusion, no particular concerns had been detected that would require amendment to the Prospectus as published.

Council members commented as follows:

- there was a great deal of goodwill and engagement at present with many professional groups – maintaining effective contact with professional groups should be a strategic aim going forward;
- delivery of the aspirations set out in the Prospectus was paramount and the Society needed to demonstrate that it was changing to move forward;
- communicating clearly about the Assembly was critical – that it was the overarching strategic and budgetary authority that would meet infrequently and that most of the work would be discharged through the national pharmacy boards. National pharmacy board members appointed to the Assembly would not be representing their boards in that capacity but would be acting corporately, for the PLB as a whole;
- in promoting the PLB it would be essential to offer an ethos and services which would make people want to belong across all sectors;
- promoting the new body should extend to those not currently members of the Society such as students and pre-registration trainees.

The President asked the Council to vote on the proposal that the Prospectus be adopted. The voting was as follows: 23 in favour; 1 against; 1 abstention.

Council

**adopted**

the Prospectus for the new professional body for pharmacy published in November 2008 as the framework for the design and establishment of the new professional body, subject to any unforeseen circumstances of a legal or fiduciary nature which would require additional or alternative actions to those originally envisaged to be taken to achieve the high-level objectives set out in the Prospectus.

Mr Douglas Simpson registered his dissent under article 11 of the Council member Code of Conduct to two aspects of the Prospectus: the categories of membership set out and that the Assembly would not be directly elected.

**08/07 Transitional Working Group Report (TWG)**

Mr Howard Duff, Director for England, introduced the report, which had been circulated at 09.02/C/02. Council members were encouraged to input to the various work streams established from their professional perspectives or with specific points relating to the work.

Council

i. **noted**

the report, and

ii. **agreed**

that further individuals could be co-opted onto the TWG as required, at the discretion of the Chairman.

**08/08 Consultation on proposed Charter amendments**

Ms Michele Savage, Adviser on Professional Body Governance, introduced paper 09.02/C/03, which had been circulated. The paper had been developed following the discussions which the Council had had in November and December and the legal advice received.

**08/08.1 Chartered body**

The Council considered the advantages and disadvantages of the new professional leadership body continuing to be a chartered body, rather than surrendering the charter, dissolving the Society and incorporating in another form (as set out in the paper). Council was of the view that the new body should be a chartered body.

**Composition of the Assembly**

Some Council members were concerned that the initial composition of the Assembly included at Article 8(1) (g) "a non-pharmacist member of the Academy of Pharmaceutical Sciences ("APS") appointed by the APS", as they felt this would exclude a number of pharmaceutical scientists from eligibility for appointment. It was clarified that that provision had been included in order to ensure that there was a pharmaceutical scientist on the Assembly from the time of establishment of the new professional leadership body (PLB).

To address that concern the following revised wording was agreed, subject to legal advice: "a pharmaceutical scientist appointed by the persons specified in (a) [the

Chair and Vice-Chair of the English Pharmacy Board established by the Society by regulation ("EPB"); (c) [the Chair of the Scottish Pharmacy Board ("SPB") established by the Society by regulation]; and (e) [the Chair of the Welsh Pharmacy Board ("WPB") established by the Society by regulation] acting jointly, or appointed by the Assembly in accordance with the regulation;"

It was further clarified that the recruitment process for that place would set out the eligibility criteria.

**08/08.2 Public benefit**

Some Council members were concerned that the phrase "within the context of the public benefit" had been removed from Article 2 in order to reduce duplication, given that the public benefit is included specifically in two of the objects. Following discussion Council concluded that the phrase in question should not be re-instated.

**08/08.3 Voting on special resolutions**

Council debated whether special resolutions should be decided by a two thirds majority or a simple majority, and whether there should be specified categories of special resolution, some of which required a two thirds majority and others a simple majority. Council agreed that a two thirds majority should apply to all special resolutions.

Council

i. **confirmed**

that the PLB should be a chartered body and that the RPSGB's Charter should be amended to enable the transition to the PLB;

ii. **agreed,**

for the purposes of consultation, the potential changes to the RPSGB's Royal Charter to enable the transition to the PLB, as shown in Appendix A, with the amended wording set out at 08/08.1 above; and

iii. **agreed**

to consult the RPSGB membership and other identified stakeholders on the potential changes to the RPSGB's Charter, as set out in the paper.

**08/09 The work and future of the Commonwealth Pharmacists' Association**

The President welcomed Mr Ivan Kotze, President of the Commonwealth Pharmacists' Association (CPA), to inform the Council about the history and work of the CPA.

The Commonwealth Pharmaceutical Association had been established in 1969 under the auspices of the Commonwealth Foundation, becoming the Commonwealth Pharmacists' Association in 2007. There are 43 member organisations. The purposes are to promote and disseminate good practice, to facilitate links between pharmacists and government agencies, to support projects and networking. Projects include Pharmaid distribution (BNF), malaria awareness, management of drug supplies, support for HIV/AIDS work. The Society contributes to the funding of the CPA and funds and hosts the Association's administrator. The CPA looks to the Society as its role model. Mr Kotze thanked the Council for the Society's continuing financial

support of the CPA, which was essential to their operation and looked forward to continued close links with the new professional leadership body.

On behalf of the Council, the President thanked Mr Kotze for the informative and interesting presentation.

**08/10 Commonwealth Pharmacists' Association (CPA) – Society's representative on the CPA Council – Call for expressions of interest**

Mr Jeremy Holmes, Chief Executive & Registrar, introduced paper 09.02/C/05, which had been circulated.

Mr Andrew Gush proposed that in view of the importance of the role, it would be appropriate to appoint the President, Mr Steve Churton, to the CPA Council.

The Vice-President, Mr Martin Astbury, took the Chair for the duration of the item.

Council

**agreed**

- i. to appoint Mr Steve Churton to the CPA Council, and
- ii. that the term of office for the appointment should be two years.

The President resumed the Chair.

**08/11 Practice Guidance for the provision of printed Medication Administration Record Charts by Community Pharmacists: proposed recommendation for changes to guidance**

Mr Marc Donovan, Chairman of the Welsh Pharmacy Board, introduced paper 09.02/C/04, which had been circulated. The work had been undertaken following a prompt from the Welsh Assembly Government to update the guidance. The Welsh Pharmacy Board undertook the work on behalf of the three national pharmacy boards and had consulted widely with stakeholders, including with other regulatory bodies.

A number of editing changes were noted, including linking to the Code of Ethics principles.

Council

**approved**

the draft guidance on MAR charts, which would replace the existing Council guidance on "Practice Guidance for the Provision of Printed Medication Administration Record Charts (MAR) by Community Pharmacists for Use in Health and Social Care Settings"

**08/12 Presentation of Honorary Memberships**

The President welcomed Lord Fraser of Carmyllie, Lady Penelope Moore and His Excellency, Dr Dalhatu Tafida OFR, Nigerian High Commissioner, to accept the award on behalf of Professor Dora Nkem Akunyili.

**Professor Dora Nkem Akunyili.**

Professor Akunyili had a world-wide reputation for her fight against counterfeit medicines in Nigeria. She was appointed Director General of the Nigerian National Agency for Food and Drug Administration and Control in 2001 and

dedicated herself to the eradication of counterfeit drugs in Nigeria. She achieved a change in the legislation in Nigeria, tightening penalties for counterfeiting medicine; convinced the government to channel all medicines imported by them through one location to assure authenticity.; publicly blacklisted companies known to produce counterfeit medicines; lobbied in China and India to put pressure on companies in those countries to cease production of counterfeit medicines; and revoked the licences of Nigerian wholesalers who imported counterfeit medicines.

As a direct result the level of counterfeits in Nigeria dropped to about 20% (from 60%) and large drug companies re-opened their manufacturing sites in Nigeria to provide domestically manufactured safe and efficacious medicines. Professor Akunyili had thus saved countless lives and became a role model globally in the fight to ensure the availability of safe medicines.

The award of Honorary membership of the Society recognised Professor Akunyili's enormous contribution to pharmacy in Nigeria and world-wide.

His Excellency, Dr Dalhatu Tafida, accepted the certificate on behalf of Professor Akunyili, and thanked the Council and the Society for the great honour bestowed on her and Nigeria.

#### **Lady Penelope Moore**

The Statutory Committee, which was established under the Pharmacy Act 1933, held its final meeting on 13 December 2007 and responsibility for the professional discipline of pharmacists passed the new Disciplinary Committee.

Lady Penny Moore was the first lay member to be appointed to the Statutory Committee in 1998. She served for nine years and maintained a well nigh unbroken attendance record. She integrated closely with her pharmacist colleagues and the Chairman and her contribution to the enquiries by the Committee from a lay viewpoint were of great value and matched the other members' in frequency.

Lady Moore added to the social interaction among Committee members by hosting several functions, the role of hostess being one with which she was very familiar and comfortable as the wife of a Rear Admiral in the Royal Navy.

During her period of service Lady Moore studied and graduated from the Open University, she also serves as a JP.

The award of Honorary membership recognised Lady Moore's outstanding contribution to the work of the Statutory Committee.

Lady Moore thanked the Council and the Society for the great honour which the award represented. She paid tribute to her colleagues on the Statutory Committee over the years and to the hard work of the Society's staff who supported the Committee

#### **Lord Fraser of Carmyllie**

Lord Fraser of Carmyllie QC, a former Scottish Solicitor General and Lord Advocate, was a Conservative member of Parliament from 1979 to 1987 and Parliamentary private secretary to the Secretary of State for Scotland from 1981 to 1982. Created a life peer in 1989, he was appointed to the Privy Council in the same year. He served as Lord Advocate from 1989 to 1992, Minister of State in the Scottish Office from 1992 to 1995, then Minister for Energy from 1996 until the 1997 general election.

He was appointed Chairman of the Society's Statutory Committee in 2000 and served until 2007 when the Statutory Committee was replaced by the Disciplinary Committee. He then became Chairman of the Disciplinary Committee and oversaw the smooth transition to the new Committee. He retired as Chairman and his successor took up the post in December 2007. The Statutory Committee made a lasting contribution to protecting the public and at the same time maintained the confidence of the profession. However, for a long time Lord Fraser particularly advocated the establishment of a Health Committee, with more appropriate methods for dealing with those of our colleagues suffering serious ill-health. The Society now has powers to help and remediate in these cases.

Lord Fraser also led the Society's devolution review and reported recommendations to the Council, including the establishment of the English Board and proposals for Scotland and Wales. The findings of the review were central to the development of the Society's work and structures across GB and an important influence on the National Boards which would continue through to the new professional body.

The award of Honorary Membership recognised the tremendous contribution to pharmacy as a whole and to the Statutory Committee in particular made by Lord Fraser.

Lord Fraser commented that the work of the Statutory Committee had been varied and interesting and the strength and purpose of his colleagues on the Committee exemplary. He had welcomed the establishment of the new Health Committee under the Pharmacists and Pharmacy Technicians Order 2007, which addressed a long standing dilemma for the Committee in how to deal appropriately with pharmacists whose performance problems were the result of ill health.

Lord Fraser thanked the Council and the Society for the award, which was a great honour to receive.

The President closed the meeting.

**Wednesday 4 February 2009**

## **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 K Blair
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
Mrs S Kilby	Ms A Moore
Ms M Saunders	Mr D Simpson
Professor K Wilson	

### **In attendance**

Mrs B Taylor, Chairman of the English Pharmacy Board and Mr M Donovan, Chairman of the Welsh Pharmacy Board

Mr Jeremy Holmes, Chief Executive & Registrar

**08/13 Apologies for absence**  
Ms Y Liddell, Professor B Michell, Ms J Ramsey, Mr D Thomson

**08/14 Public interest and health issues**  
No matters were raised.

### **FOR NOTING**

**08/15 Work streams briefs**  
Council

#### **noted**

the briefs describing the scope of work in the different work streams, which had been made available on the Council microsite.

### **Regulatory matters**

**08/16 Referrals from Education Committee: Review of CPD records maintained on paper**  
Mrs Sue Kilby, Chairman of Education Committee, introduced paper 09.02/C/08, which had been circulated. In formulating the recommendation put forward, the Education Committee had considered the results of the pilot project to test the processes for call-in, review and feedback. The Committee acknowledged that there was significant additional cost associated with

reviewing CPD records maintained on paper whilst recognising that there might be exceptional circumstances in which registrants were unable to record CPD records electronically.

On the recommendation of the Education Committee

Council

**agreed**

- i. that the recording of CPD on paper should continue to be accepted by the Society when routine CPD review begins;
- ii. that registrants who maintain their CPD records on paper should receive the full review and feedback service provided to those who keep electronic records;
- iii. that all extra cost associated with processing paper records would be absorbed by the Society in the first instance; and
- iv. that making electronic CPD records more easy be explored.

**08/17 Referrals from Law & Ethics Committee**

**08/17.1 Standards and guidance for continuing professional development**

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 09.02/C/09, which had been circulated. Following a formal consultation on the draft standards and guidance, the Law & Ethics Committee recognised the view expressed that there was need for clarity regarding the minimum number of CPD entries required annually. The Committee recommended 9 entries.

Some Council members raised concerns that 9 entries was too many and that the proposed standard of 6-12 was adequate.

The Council was assured that the Committee had had a full and vigorous debate which had explored a number of options and had agreed almost unanimously to recommend 9 entries per year.

Dr Peter Wilson, Head of Post-registration, confirmed that the Society's intention remained to support members in their undertaking and recording of CPD and to provide more structure and guidance particularly for those members who had difficulties with the processes. Such work was a good opportunity to demonstrate professional leadership.

On the recommendation of the Law & Ethics Committee,

Council

**agreed**

the professional standards and guidance on CPD recording developed to support the Code of Ethics for Pharmacists and Pharmacy Technicians as circulated.

**08/17.2 Addition of non-compliance with CPD requirements to the list of cases which would not be referred to the Investigating Committee**

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 09.02/C/10, which had been circulated.

On the recommendation of the Law & Ethics Committee,  
Council

**agreed**

the inclusion of non-compliance with CPD requirements to the list of cases that were considered suitable for non referral to the Investigating Committee.

**08/17.3 Posting of medicines**

Mr David Carter, Chairman of Law & Ethics Committee, introduced paper 09.02/C/11, which had been circulated.

Some Council members remained concerned that there was no absolute requirement for a signature to be obtained. The general view was that a pharmacist would require to use his/her professional judgment in considering delivery in individual cases, for example when the medication was for a child or an elderly person. The guidance provided further clarification.

On the recommendation of the Law & Ethics Committee, with the minor editing changes suggested,

Council

**agreed**

the amendments to the standards for the posting and delivery of medicines.

**08/18 CHRE Performance Review 2008/2009: submission of draft self-assessment**

Mrs Eileen Neilson, Head of Policy, introduced paper 09.02/C/07, which had been circulated.

Council recorded its concern that the performance review exercise was extremely burdensome and skewed the work of the Society because the administrative input was substantial. Mr Jeremy Holmes, Chief Executive & Registrar undertook to make that point at the meeting with CHRE to discuss the response.

Mr Holmes thanked the team who had compiled the response for their hard work and dedication over the previous months.

Council

i. **approved**

in principle the Society's draft self-assessment for the 2008/2009 CHRE Performance Review, and

ii. **agreed**

that the final submission, taking account of any comments received from Council members by 13 February 2009, should be approved by the President.

**08/19 Revalidation standards: report to Department of Health (DH)**

Dr Peter Wilson, Head of Post Registration, introduced paper 09.02/C/12, which had been circulated. The report aimed to establish the foundations for

a revalidation model in pharmacy and identify the next steps in developing and testing such a model. The components of two generic approaches to a revalidation model were evaluated in the context of pharmacy practice: the decentralised appraisal model and the centralised portfolio model. It was concluded that a process based on evaluation of CPD records and other evidence was likely to be the most practical and cost effective approach for pharmacy. The report identified research required to inform decision-making on the options for a revalidation model, and indicated the next steps in developing revalidation in pharmacy. It was confirmed that the DH had been approached regarding funding of the research.

On the recommendation of the Revalidation Advisory Group (RAG),  
Council

**agreed**

- i the revised principles for revalidation in pharmacy;
- ii. the suggested research projects to inform decision-making on options for revalidation in pharmacy; and
- iii the draft report for submission to the Department of Health.

Council thanked Dr Wilson, Dr Andreas Hasman (Secretary to RAG), Mrs Wendy Harris (Deputy Registrar & Director of Regulation), and the members of the RAG for their excellent work in producing the report.

***FOR NOTING***

**08/19 Revalidation Advisory Group**  
Council

**noted**

the report, which had been circulated at 09.02/C/13.

**08/20 CPD pilot report**  
Council

**noted**

the report, which had been circulated at 09.02/C/14.

**Organisational matters**

**08/21 Chief Executive & Registrar's report**

**08/21.1 Recommendations from the Officers**

Mr Jeremy Holmes, Chief Executive & Registrar introduced paper 09.02/C/15, which had been circulated. The proposal was that the Society's response to the consultation on the Pharmacy Order should be made in two parts to reflect the regulatory and the professional body functions of the Society moving towards de-merger. The regulatory part would be led by the Section 60 Response working group and the professional body part by the national Pharmacy Boards.

Council

**agreed**

that the Society's response to the consultation on the draft Pharmacy Order 2009 should be in two parts.

**08/21.2 Lease for Bell House – affixing the Common Seal of the Society**

Mr Jeremy Holmes, Chief Executive & Registrar, introduced paper 09.02/C/16, which had been circulated.

Council

**ratified**

the agreement of the Council taken by email in December 2008 that the Common Seal of the Society be affixed to the lease.

**FOR NOTING**

**08/22 Council update**

Council

**noted**

the update and progress report, which had been circulated at 09.02/C/17.

**08/23 Any other business**

No items of any other business were raised.

The President closed the public business of the Council.