

## COUNCIL

**Minutes of the meeting held on Tuesday 2 June and Wednesday 3 June 2009 at 1 Lambeth High Street, London SE1 7JN**

### PUBLIC BUSINESS

#### Present

President	Mr S Churton
Vice-President	Mr M Astbury
Treasurer	Mr J Gentle

Mr S Acres	Ms S Agha
Mr G Alexander	Mrs M Allan
Professor N Barber	Mrs K Blair
Mrs C Brown	Mr D Carter
Mrs D Drury	Dr C Duggan
Dr P Entwistle	Mr G Hall
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw	Dr T Learoyd
Ms Y Liddell	Mrs S Kilby
Professor B Michell	Ms A Moore
Ms M Saunders	Mr D Thompson
Mrs V Turner	Professor K Wilson

#### In attendance

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

Mr J Holmes, Chief Executive & Registrar

#### 09/61 **Welcome to guests and new Council members**

The President welcomed Mr James Davies, Research Pharmacist, and Ms Jacqueline Lamberty, self employed pharmaceutical consultant, to the meeting as observers.

The President welcomed Mr Graeme Hall, Dr Tristan Learoyd and Mrs Valerie Turner to their first meeting of Council as Council members.

#### 09/62 **Apologies for absence**

Apologies for absence were received from Ms J Ramsey.

#### 09/63 **Declaration of interests**

The President reminded Council members to make declarations of interest before each agenda item as appropriate.

**09/64 Minutes of the public business part of the minutes not specifically included in the agenda**

Council

**resolved**

that the minutes of the public business part of the meeting held on 31 March & 1 April 2009 be received and agreed as a correct record.

**09/65 Matters arising from the public business part of the minutes not specifically included in the agenda**

There were no matters arising.

**09/66 Standing Orders of the Council**

The Chief Executive & Registrar introduced paper 09.06/C/47 which had been circulated.

Council

**adopted**

the Standing Orders of the Council.

**09/67 Council Governance Handbook**

Ms Lorna Jacobs, Chairman of Governance Committee introduced paper 09.06/C/48 which had been circulated.

Professor Bob Michell raised concern about some of the wording to Appendix P – Harassment and Bullying Statement, in particular the sentence ‘The key is that the actions or comments are viewed as demeaning and unacceptable to the recipient’. Professor Michell argued that actions and comments should be assessed by an independent panel and not just be dependent upon the view of the recipient concerned.

Council agreed that the wording of Appendix P be referred to Governance Committee for further consideration but that it be noted that until this was referred back to Council for agreement ‘a test of reasonableness’ be applied in all instances of harassment and bullying.

Council

**adopted**

- i. the Council Governance Handbook for 2009/10; and
- agreed**
- ii. that ‘a test of reasonableness’ be applied for all instances of harassment and bullying until Governance Committee had referred back their decision on Appendix P.

**Professional leadership matters**

**09/68 Transitional Working Group**

Mr Howard Duff, Director for England, introduced paper 09.06/C/49 which had been circulated.

The Chief Executive & Registrar clarified that Mr Andrew Gush was being asked to continue on TWG to provide transitional in-depth knowledge of the work to date and did not replace the role that the new Treasurer would have on the Group.

In discussion the following points were noted:

- The work carried out on 'scoping the profession' had been submitted to the Professional Support Tools workstream
- There would be a link from the Society's website where the Council papers were displayed to the professional leadership body website which contained all the background information on the TWG
- The Council strategy days would be reinstated as a way of ensuring that Council members were fully engaged with TWG
- Council members should select which workstreams they wanted to follow and be a part of
- The Friday letter would now provide an update on the work of TWG

The Chief Executive & Registrar suggested that the July Council meeting due to be held on 28 & 29 July instead become a strategy day on the 28 July with all formal Council business to be conducted on the 29 July.

Council

- i. **received** the report;
- ii. **noted** that Mr Andrew Gush would continue his role on the TWG as a co-opted member;
- iii. **agreed** that the new Treasurer be appointed to TWG; and
- iv. **noted** the change of TWG Chair from the President to the Chief Executive & Registrar.

**09/69**

**Public interest and health issues – Ambition for Pharmacy**

Mr David Pruce, Director of Policy & Communications, introduced paper 09.06/C/50 which had been circulated.

This was considered to be an important document that paved the way for the new professional body.

In discussion the following points were raised:

- The Ambition needed to be more radical and to incorporate the breadth of pharmacy
- There needed to be more strategic thinking around healthcare and working with other healthcare practitioners
- The report should focus on the ends not the means of getting there as NHS spending will be cut in the future years
- Include the diversity of patients and the challenges for the medical professions and the pharmacist's role in the protection of children

Council agreed that the following key points should be included in the document:

- Skillmix of the pharmacy family

- Ways of working in health clinics
- Secondary care and outpatient clinics
- Ethical issues
- Science into practice
- Local Practice Forums
- Leadership aligned with national and international priorities
- Benefits to public safety

Mr Pruce thanked Council for their input and requested that a drafting group be set up to work on the document comprising of Council and Board members.

The President thanked Mr Pruce for the valuable document and advised that this document would be submitted to the next strategy day for further debate.

Council

**agreed**

- i. that a small group of Council and Board members meet with David Pruce to work through the Ambition for Pharmacy document;
- ii. that the report be further circulated to stakeholders for additional comments;
- iii. that the report be given a presentational re-draft by an independent writer; and
- iv. that the final paper be returned to Council in October.

**09/70**

**Charter consultation report and Special Resolution ballot**

Ms Michele Savage, Adviser on Professional Body Governance, and Ms Christine Gray, Head of Corporate Governance, introduced paper 09.06/C/51 which had been circulated.

In a lengthy debate the following key points were made:

- 61% of respondents to the Charter consultation, including 63% of individual respondents, had supported the changes indicated
- There were still some concerns about the Assembly not being composed of directly elected members. However, the proposed governance structures stemmed from the TransCom prospectus which had itself been informed by wide consultation and were intended to allow decisions to be taken closer to members
- Respondents had sought reassurance on the financial viability of the professional leadership body
- Clear communication was needed so members understood the reasons behind the changes to the Charter

Mr Bernard Kelly, Director Finance & Resources, provided an overview of the affordability of the professional leadership body (PLB). An internal restructure of the organisation was underway in preparation for the new PLB; Publishing was a successful, profit generating part of the Society that could be used to support the PLB if required, (although it was hoped that this would not be necessary); revenue could be achieved from using 1 Lambeth High Street to

rent space to the GPhC as a tenant for the first few years as well as using it for events and conferences. Overall he believed that there was sufficient financial security for the first 3 to 5 years of the PLB which would allow it the time to establish itself.

The President thanked Ms Savage for her work on the report.

Council

**agreed**

- i. that the RPSGB's Charter should be amended as shown in Appendix A;
- ii. the other proposed Charter changes as described in section 6 should also be incorporated; and
- iii. that the RPSGB membership be balloted on the Special Resolution to amend the RPSGB's Charter in this way.

Ms Alison Moore and Mr John Jolley asked for their dissent to be noted.

**09/71 Committee Review – Membership & Special Interest Groups**

Ms Alison Moore, Council Champion, introduced paper 09.06/C/52 which had been circulated.

In discussion Council members agreed that a 'one size fits all' approach could not be adopted for the Membership & Special Interest Groups as they were very different in size of membership, ability to generate funds and activities.

Dr Catherine Duggan offered to share ways of working that had been adopted by UKCPA.

The Chief Executive & Registrar advised that the Committee Review was about cost effective ways of working, not about disbanding the groups themselves.

Council

**agreed**

- i. the roll-out of information technology that would enable the Membership & Special Interest Groups to manage themselves with a view to the reorganisation of the committees of the CPG, HPG, IPG and VPG;
- ii. that the VPG committee become a formal sub-group of Science Committee; and
- iii. that the APG committee become a formal sub-group of Education Committee.

**09/72 Workload Pressure and Pharmacy Workforce: supporting professionals and protecting the public**

Mr David Pruce, Director of Policy & Communications, and Dr Sue Ambler, Head of Education Research, provided presentations on the Workload Pressure and Pharmacy Workforce initiative following the recent symposium. (Both presentations can be viewed on the Pharmacy Practice Research Trust website).

In discussion about Workload Pressure, which Council agreed was of vital concern to the pharmacy profession and to patients, the following points were noted:

- There was evidence that pharmacists and pharmacy technicians worked long hours without taking proper rest breaks
- The Society needed to consider what it could do to ensure rest breaks became mandatory, both for the benefit of the public and the pharmacy professional
- As a professional leadership body the Society should provide advice on good practice for breaks which employers should take note of.
- Locum agencies needed to be regulated
- There was a role for Local Practice Forums in promoting the importance of rest breaks and getting support with workplace stress
- There was a cultural context of pharmacists working long hours which needed to change
- IT could assist in reducing stress
- Some locum pharmacists worked very long hours then drove 2-3 hours to get home
- It was important to consider what information was not being provided about workplace stress – such as discrimination, harassment and the need for reasonable adjustments for disabilities

Mr David Carter, Chairman of Law & Ethics Committee, advised that Law & Ethics would consider amendments to the Code of Ethics in order to encourage rest breaks to support pharmacists and safeguard patient safety.

The President thanked Dr Ambler and Mr Pruce for their work on the campaign and paid tribute to Dr Ambler who was leaving the Society after fourteen years employment.

Council

**agreed**

- i. that the National Pharmacy Boards be involved in taking the workforce pressures campaign to members.

### **Regulatory matters**

#### **09/73 Pharmacy Regulation and Leadership Oversight Group (PRLOG)**

Ms Christine Gray, Head of Corporate Governance, introduced paper 09.06/C/53 which had been circulated.

Council

- i. **noted** the update on matters relating to PRLOG and the transition to the GPhC; and
- ii. **agreed** that the President should approve the papers for submission to PRLOG for July 2009.

**09/74 Administrative determination: application for retention form 2010**

Mr Seth Davies, Head of Regulatory Operations, introduced paper 09.06/C/54 which had been circulated.

Mr David Thomson requested that the paragraph asking members if they wanted to donate to Pharmacist Support be reinstated on the retention form.

Council

**agreed**

- i. that with the addition of a paragraph asking members if they wanted to donate to Pharmacist Support and one amendment to Section B, box 1b, 'I agree to pay immediately...' the application for retention form be approved; and
- ii. that the retention form for Pharmacy Technicians be amended to reflect the changes agreed for Pharmacists.

**09/75 Statutory regulation of pharmacy technicians: registration criteria**

Ms Janet Flint, Head of Pharmacy Support Regulation, introduced paper 09.06/C/55 which had been circulated and tabled some minor amendments as attached to these minutes at Appendix 1.

Council

**approved**

- i. the statutory registration criteria for pharmacy technicians

**09/76 English language competency of EEA pharmacists**

Ms Wendy Harris, Deputy Registrar, introduced paper 09.06/C/56 which had been circulated and provided a presentation on the results of the employer survey.

Ms Harris advised that initial results from the employer survey indicated that employers were not aware that they had a responsibility to test the English language competency of EEA pharmacists and that they had experienced problems associated with communication skills.

The President advised that the legal opinion sought by the Society had been broadly supportive of the Society's stance that EEA pharmacists should be subject to proportionate language tests in order to practise as a pharmacist in Great Britain. Representations were currently being made to the Department of Health and support was now being offered from some of the other healthcare regulators.

Council

- i. **noted** the results of the employer survey.

**09/77 Appointments of Chairmen and members to Statutory Committees**

The Chief Executive & Registrar introduced paper 09.06/C/57 which had been circulated.

Council

**noted** the appointments.

**09/78 Branch Representatives' Meeting**

Mr John Gentle, Branch Sponsor, introduced paper 09.06/C/58 which had been circulated.

The President provided an update on the work being carried out by the Society on the decriminalisation of dispensing errors which included tabling an early day motion, a meeting with Mr Mark Simmonds MP and providing evidence to the All Party Pharmacy Group on 16 June 2009.

Council

**noted**

that the motions carried would be referred to relevant committees of the Council for discussion and preparation of draft responses for the Council to approve at its October meeting.

**Organisational matters**

**09/79 Election of the Society's Officers and Council members working with the Officers for 2009/10**

Mr Jeremy Holmes, Chief Executive & Registrar assumed chairmanship of the meeting. He drew Council's attention to the procedure for election, which had been circulated at 09.06/C/59.

President

One nomination for President had been received and the candidate's statement had been circulated to Council members according to the procedure.

Mr Holmes read out the nomination as follows:

Mr David Carter nominated Mr Steve Churton for the office of President of the Society for the Council year 2009/10. Mr Ray Jobling seconded Mr Steve Churton for the office of President of the Society for the Council year 2009/10.

Mr Steve Churton declared that he was an employee of Boots UK.

Mr Holmes asked Council to affirm Steve Churton as President for 2009/10.

The Council

**affirmed**

Mr Steve Churton to the office of President of the Society for the Council year 2009/10.

The President assumed chairmanship of the meeting.

Vice-President

The President asked for nominations for the office of Vice-President, which were as follows:

Mr Martin Astbury was nominated by Mr David Carter and seconded by Ms Sylvia Hikins.

Mr Astbury declared that he was an employee of Morrison Plc.

Dr Tristan Learoyd was nominated by Ms Seema Agha and seconded by Ms Valerie Turner.

Dr Learoyd declared that he was an academic pharmacist at Sunderland University.

A secret ballot was taken. The voting was as follows:

Mr Martin Astbury	18 votes
Dr Tristan Learoyd	11 votes

The Council

**elected**

Mr Martin Astbury to the office of Vice-President of the Royal Pharmaceutical Society for the Council year 2009/10.

Treasurer

The President called for nominations for the office of Treasurer of the Society for the year 2009/10.

Mr John Gentle was nominated Dr Catherine Duggan and seconded by Mr Alan Kershaw.

No other nominations were received.

The Council

**affirmed**

Mr John Gentle to the office of Treasurer of the Society for the Council year 2009/10.

Additional member of Council to work with the Officers

The President called for nominations for the pharmacist member of Council to work with the Officers in the absence of an Immediate Past President.

Mrs Cathryn Brown nominated Mrs Alison Moore who was seconded by Mrs Lorna Jacobs.

Mr David Carter nominated Professor Nick Barber who was seconded by Mrs Marcia Saunders.

A secret ballot was taken. The voting was as follows:

Mrs Alison Moore	13
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Professor Nick Barber 16

The Council

**elected**

Professor Nick Barber as the the additional member of Council to work with the Officers for the Council year 2009/10.

Lay member of Council to work with the Officers

The President called for nominations for the lay member of Council to work with the Officers.

Ms Sylvia Hikins nominated Mr Alan Kershaw who was seconded by Mrs Margaret Allan.

No other nominations were received.

The Council

**affirmed**

Mr Alan Kershaw as the lay member of Council to work with the Officers for the Council year 2009/10.

Tributes were paid to Mr David Thomson, former additional member of Council who worked with the Officers for the year 2008/09, and Mr Andrew Gush, former Treasurer for the year 2008/09.

**09/80**

**Pharmacist Support (the Benevolent Fund of the Royal Pharmaceutical Society) Trusteeship in 2009/10**

Mr Bernard Kelly, Director of Finance & Resources, introduced paper 09.06/C/60 which had been circulated.

Council welcomed the Trustee's adoption of diversity in its strategy for operating the Charity and Ms Seema Agha advised that she would be working on a diversity strategy for Pharmacist Support.

Council

**resolved**

- i. that the current term of office of each of the present Trustees of Pharmacist Support (the working name of the Benevolent Fund of the RPSGB, charity number 221438), (the "Charity"), will not automatically expire on 30 September 2009 but is to continue (subject otherwise to the provisions relating to the removal or resignation of trustees contained in the Declaration of Trust dated 27 November 2006, the governing document of the Charity) for a further period not extending beyond 31 December 2010. Any Trustee may stand for re-appointment for a further term or terms at or before that time, in accordance with the terms of that governing document and subject to a maximum period of service of nine consecutive years;
- ii. that the Society supports the Trustees' intention to alter the criteria for appointment as a trustee of the Charity by removing the requirement that four of the eight trustees should be Fellows of the Society in future

when there is next an appointment of a new trustee or trustees, however it will still be a requirement that the Trustees should still be members of the Society;

- iii. that the Society welcomes the Trustees' adoption of diversity in its strategy for operating the Charity; and
- (iv) that the Society notes that the Trustees will amend so far as may be necessary the provisions of the Charity's governing document to ensure that implementation of these points is not inconsistent with its terms.

**09/81 Report on the one hundred and sixty eighth Annual General Meeting of the Society held on Wednesday 20 May 2009 (AGM)**

The Chief Executive & Registrar introduced paper 09.06/C/61 which had been circulated.

Council

**received**

the report of the 168<sup>th</sup> AGM

**09/82 Pharmaceutical Society Staff Pension Scheme (the 'Scheme')**

Mr Bernard Kelly, Director of Finance & Resources, introduced paper 09.06/C/62 which had been circulated.

Council

**resolved**

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

**09/83 Remuneration Committee Report regarding salary increases for 2009**

Professor Bob Michell, Chairman of Remuneration Committee, introduced paper 09.06/C/63 which had been circulated.

The Chief Executive & Registrar clarified that Society staff had been advised of the recommendation of Remuneration Committee not to apply pay increases to base salaries as there was a salary review deadline of 1 June 2009. No decisions had yet been taken on the performance related supplements.

On the recommendation of Remuneration Committee

Council

**agreed;**

- i. that no pay increases be applied to base salaries;

- ii. that in place of base salary increases non-consolidated performance related supplements be awarded to the upper quartile of high performing staff in June at Directors' discretion;
- iii. that the budget for the Performance Related Supplements be set at 1% of total salary budget; and
- iv. that in view of the current organisational and economic uncertainty this decision would be reviewed at the next meeting of the Remuneration Committee in October.

**09/84 Council update**

Council

**noted** the paper which had been circulated at 09.06/C/64.

**09/85 Audit Committee Report – risk registers**

Dr Phillida Entwistle, Chair of Audit Committee, introduced paper 09.06/C/65 which had been circulated.

It was suggested that it would be useful if the risk registers were colour coded so that Council could immediately see areas of concern. It was agreed that the risk registers, that only identified the high risk areas, would be submitted to Council three times a year for consideration.

Council

**agreed**

- i. that it had considered the registers and was content with the management and monitoring being effected by the staff and the Audit Committee; and
- ii. that the high risks in the registers be submitted to Council three times a year for consideration.

**09/86 Members designated as Fellows of the Society by the Panel of Fellows under Regulations Section 12**

The President introduced paper 09.06/C/72 which had been circulated and advised that this paper was now in the public domain as the nominations had all been accepted.

Council

- i. **noted** the decision of the Panel of Fellows to designate members for Fellowship of the Royal Pharmaceutical Society of Great Britain; and
- ii. **agreed** that the Common Seal of the Society be affixed to the certificates of those Fellows designated in 2009.

**09/87 Any other business**

Premises Fees

Mr Bernard Kelly asked for Council's agreement that he be instructed to ask Ministers to increase premises fees. It was agreed that the actual amount to request would be discussed with the Treasurer.

Council

**agreed**

- i. that the Director of Finance & Resources be instructed to ask Ministers to increase premises fees with the final amount requested to be agreed with the Treasurer.

Ways of working

Professor Nick Barber requested if an expert in efficient board workings could be employed to assist Council to conduct their meetings more efficiently in terms of time management and discussion.

The President agreed to give further consideration to improving the efficiency of future Council meetings.

The President thanked the observers for attending the meeting and closed the public business part of the meeting.