

COUNCIL

Minutes of the meeting held on Wednesday 29 July 2009 at 1 Lambeth High Street, London SE1 7JN

PUBLIC BUSINESS

Present

President Mr S Churton
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	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw	Dr T Learoyd
Mrs S Kilby	Professor B Michell
Ms M Saunders	Mrs V Turner
Professor K Wilson	

In attendance

Dr B Curwain, Chairman of the English Pharmacy Board and Mrs S Melville, Chairman of the Scottish Pharmacy Board.

Mr J Holmes, Chief Executive & Registrar

- 09/88 Welcome to guests and new Council members**
The President welcomed Dr Helen Boardman, Sherwood Region; Mr Ahmad Atchia, Sunderland Branch; Ms Gemma Donovan, President, BPSA; Dr Teresa McCarthy, Hertford & District Branch and Mr Hasanat Mohbat and Ms Nasira Adam from Boots.
- 09/89 Apologies for absence**
Apologies for absence were received from Mr M Astbury, Mr D Carter, Mr G Hall, Ms S Hikins, Mrs Alison Moore, Mr D Thompson and Mr M Donovan.
- 09/90 Declaration of interests**
The President reminded Council members to make declarations of interest before each agenda item as appropriate.
- 09/91 Minutes of the public business part of the meeting of Council held on 20 May and 2 & 3 June 2009**

Council
resolved

that the minutes of the public business part of the meeting held on 20 May and 2 & 3 June 2009 be received and agreed as a correct record.

09/92 Matters arising from the public business part of the minutes not specifically included in the agenda

There were no matters arising.

Professional leadership matters

09/93 Special Resolution ballot result

Ms Michele Savage, Advisor for Professional Body Governance, introduced report 09.07/C/74 which had been circulated and advised that the turnout had been 22.3% and that the deadline had been extended for return of postal votes by one day to allow for the postal strike.

Mr Jeremy Holmes, Chief Executive & Registrar, advised that 22.3% was an excellent turnout, not just in comparison to previous Council and Charter elections but also against other professional bodies, and trade unions. The result of the ballot was that the Special Resolution on changes to the Society's Royal Charter had been approved by 77.7% of the members voting.

The President thanked the Council and the National Pharmacy Boards for their support with the Charter vote.

Council

noted

- i. the result of the ballot of the RPSGB membership on the Special Resolution to amend the RPSGB's Charter;

agreed

- ii. the proposed amendments to the RPSGB's Charter as shown in the Special Resolution, to enable the transition to the professional leadership body; and
- iii. that the proposed Charter changes be forwarded to the Privy Council for approval.

09/94 2010 National Pharmacy Boards election scheme

Ms Michele Savage introduced report 09.07/C/75 which had been circulated.

Ms Savage advised that the election scheme would only be for elections being held under the current regulations for the period to cover the creation of the new professional leadership body (PLB) as a new election scheme would be submitted to the PLB Assembly as soon as possible after Day 1 of the PLB.

There was a lengthy discussion on the number of sector places on the English Pharmacy Board and some concern was expressed about there only being one unreserved place as well as the term 'wholly or mainly' being used to describe whether a person's employment qualified them to stand in a sector position.

Ms Lorna Jacobs, Chair of Governance Committee, advised that Governance Committee had considered this issue and had requested that the English

Pharmacy Board provide guidance on the requirements for the sector places in order to assist both candidates and voters.

It was requested that the election scheme and what this entailed for the professional leadership body be communicated positively to the membership.

Mr Holmes advised that the date of office was likely to be before 1 March 2010 as stated in the report as it would be helpful to have the newly appointed Board members in post well before the de-merger date.

Council agreed

- i. that the current election scheme be replaced subject to the following amendments:
 - 5(1)
Eight places on the English Pharmacy Board shall be reserved for pharmacists ~~who practise wholly or mainly~~ *whose substantive practice* is in each of five sectors practice
 - (a) ~~five~~ *three* places for community practice, ~~of which at least one shall be filled by a locum pharmacist and at least one shall be filled by an employee pharmacist~~
 - (b) two places for hospital practice
 - (c) one place for industrial practice;
 - (d) one place for academic practice; and
 - (e) one place for primary care/public health practice
 - (2) ~~One place~~ *Three places* for a pharmacists from any sector or as specified to meet national requirements
- ii. that the Council member elected to the constituency of England, Channel Islands and Isle of Man be eligible to stand for the EPB; and
- iii. that the election scheme for members of the National Pharmacy Boards be for the elections in 2010 only.

09/95 Public interest and health issues

The Migration Advisory Committee's recent advice to the UK Borders Agency on shortage occupations: implications for pharmacy

Professor Bob Michell raised concern about the removal of pharmacists from the UK Borders Agency list of shortage occupations. He advised that whilst community pharmacies were still reliant on locums there was a potential public safety issue and a 'precautionary principle' should be applied.

Mr Damian Day, Head of Accreditation, advised that the Migration Advisory Committee (MAC) required evidence of any safety concerns that the Society may have, but such evidence was not currently available. It was also agreed that it would be inappropriate to imply that locums were less safe than their permanent colleagues. However, the Society had made strong representations to the MAC regarding the list of shortage occupations and was in close consultation with pharmacy employer bodies.

The Council thanked Mr Day for his report and agreed that a shorter, public version of the paper be prepared for wider dissemination.

09/96 Implementation plan for medicines safety report

Professor Nick Barber declared an interest as the lead for the research team who wrote the medicines safety report.

Ms Eileen Neilson, Head of Policy Development, introduced report 09.07/C/76 which had been circulated.

In discussion the following points were noted:

- Links needed to be made to work currently ongoing in Europe on authenticating medication
- Work should be undertaken with the pharmaceutical industry
- Medicines safety in the home and compliance with Disability Discrimination Act legislation needed to be considered

The title of the report was discussed as Hemant Patel's original vision had been 'to make Britain the safest place in the world to receive medicines' not just for Britain to become safer. Ms Neilson clarified that this report was seen as a step towards that overarching goal.

Council
noted

- i. the draft implementation plan for the report, which will be subject to further refinement by the National Pharmacy Boards; and

agreed

- ii. that decisions on priorities, specific actions and timescales for implementation be remitted to the National Pharmacy Boards.

Regulatory matters

09/97 Pharmacy Regulation and Leadership Oversight Group (PRLOG)

Ms Wendy Harris, Deputy Registrar & Director of Regulation, introduced report 09.07/C/76A which had been circulated.

Council
noted

- i. the update on matters relating to PRLOG and the transition to the GPhC; and

agreed

- ii. that an agenda item on the Pension Fund be submitted to the October Council meeting.

09/98 Addition of a temporary case type suitable for non referral to the Investigating Committee to be used in the event of pandemic influenza

Ms Sarah Billington, Chief Inspector, introduced report 09.07/C/77 which had been circulated.

There was discussion over which organisation had the authority to declare a pandemic and it was clarified that the World Health Organisation had

responsibility for declaring a pandemic but then each member state made their own declaration on the state of their country as appropriate.

Further clarification on this 'trigger' for declaring a pandemic was requested.

Council
agreed

- i. the addition of a temporary case type and specific case examples to those candidates suitable for non referral to the Investigating Committee, for events related to the sale and supply of medicines during a period of pandemic influenza; with clarification sought over the trigger for a pandemic.

09/99 Reference from Education Committee

09/99.1 Code of Conduct for Pharmacy Students, Code of Conduct for Pharmacy Technicians and Fitness to Practise in Schools of Pharmacy

Ms Sue Kilby, Chair of Education Committee, introduced report 09.07/C/78 which had been circulated and advised that endorsement had been received from CUHOPs and the BPSA and that the PSNI had also asked to endorse the Codes which would make the documents UK wide.

Ms Gemma Donovan, BPSA President, advised that the BPSA were happy to endorse the Codes as they would provide clear guidance on working practices and were proportional to the year of study of students.

Mr Damian Day, Head of Accreditation, advised that the Codes would be sent to all students and be put onto the website. Guidance was being produced that would assist student associations and Schools of Pharmacy on how to disseminate the Codes. A workshop was due to be run for academics in December 2009.

In response to a query Mr Day advised that he would clarify with the research author the second paragraph on page 51/67 regarding health and conduct issues.

Council
agreed

- i. the Code of Conduct for Pharmacy Students;
- ii. the Code of Conduct for Preregistration Trainee Pharmacy Technicians; and
- iii. the Student Fitness to Practise Procedures in Schools of Pharmacy.

09/100 Reference from Law & Ethics Committee

09/100.1 Addition of non-compliance with Responsible Pharmacist requirements to the list of case types suitable for non referral to the Investigating Committee

Ms Seema Agha, Vice-Chair of Law & Ethics Committee, introduced report 09.07/C/79 which had been circulated and advised that this addition of non-compliance was a small part of the regulatory framework that matched the Responsible Pharmacist requirements to the existing statutory committee processes.

Some confusion was expressed over Appendix 2a Example 2 relating to pharmacy procedures and Ms Billington advised that she would provide an explanatory footnote clarifying the example.

Council
agreed

- i. subject to an explanatory footnote being added to Appendix 2a Example 2 on the pharmacy procedures; the inclusion of non compliance to specific parts of the responsible pharmacist requirements to the list of cases suitable for non referral to the Investigating Committee; and

noted

- ii. the case types that will not be suitable for non referral to the Investigating Committee.

09/100.2 The implementation of the Responsible Pharmacist requirements

Ms Wendy Harris introduced report 09.07/C/91A which had been tabled at the meeting. Ms Harris advised that this paper had been written after discussion at the Council strategy day on 28 July 2009 and the views of the Council had been incorporated.

A vote was taken by a show of hands and with 3 for, 18 against and 1 abstention. Council agreed:

- i. that the Society should not ask the Department of Health to amend the commencement date of the responsible pharmacist regulations; and
- ii. that the Society should undertake urgent work, in conjunction with other bodies, to provide further clarification, guidance and support to members and pharmacy owners to enable them to fulfil their obligations under the new regulations.

Dr Tristan Learoyd requested that his dissent to the decision above be noted.

09/101 Statutory committees' statistics

Council

noted the report which had been circulated at 09.07/C/81.

Organisational matters

09/102 Chief Executive & Registrar's report

09/102.1 Minutes of committees circulated since the April 2009 meeting of Council

Council

received the minutes of the following committees:

Law & Ethics Committee	5 May 2009
Education Committee	6 May 2009
Science Committee	7 May 2009
Policy & Communications	4 June 2009
English Pharmacy Board	24 June 2009
Welsh Pharmacy Board	25 June 2009
Scottish Pharmacy Board	6 May 2009 & 10 June 2009

09/102.2 Ratification of Officers decisions

Mr Jeremy Holmes introduced report 09.07/C/82 which had been circulated.

Council
resolved

- i. that the Society's seal be affixed to a minor works building contract relating to alterations to the first floor at 1 Lambeth High Street, London SE1 7JN

09/103 Resource Management Committee report

Mr John Gentle, Treasurer, introduced report 09.07/C/94 which had been circulated.

09/103.1 Limited liability structure for professional leadership body

Council
noted

- i. that a full report on the limited liability structure for the professional leadership body would be submitted to RMC in September and Council in October 2009.

09/103.2 Bank Mandates – Signing Instructions

Council
agreed

- i. that approval of the current bank accounts and signing instructions for the Society and the associated companies be granted.

09/103.3 2009/10 Officer and Council member allowances

The Treasurer advised that in keeping with the current economic climate no increase be made to the Officers or Council members attendance allowances for 2009/10.

Council
agreed

- i. that the President's responsibility allowance should remain at £11,000 p.a;
- ii. that the Vice-President's additional responsibility allowance should remain at £5,500 pa;
- iii. that the Treasurer's additional responsibility allowance should remain at £5,500; and
- iv. that the daily attendance allowance for Council members remain at £223.

09/104 Reorganisation of Society

Ms Vivienne Murch, Head of Human Resources, introduced report 09.07/C/83 which had been circulated.

In answer to a question about Council responsibility and whether Council would receive the professional leadership budget outlines, Mr Holmes advised that further work was being carried out by Mr Graham Duncan, Deputy Director Finance, and this would be submitted to RMC and then Council.

Council

noted

i. the report.

09/105 2010 Retention Fees consultation

Mr Gerald Alexander declared an interest as a member of the Board of Trustees at the NPA. Mr Steve Acres declared that he was Vice-President of APTUK. The Treasurer declared that he was a member of NPA.

The Treasurer introduced report 09.07/C/84 which had been circulated and advised that the increase in costs related to the de-merger of the Society was continuing, along with the Pension Fund deficit. A small increase in retention fees was required in order to meet these costs and ensure the future of the Society was financially sound. The Treasurer advised that the Society continued to exercise strict budget controls as exemplified in the zero staff salary rise.

These was a lengthy discussion about the effect of the fee increase on the members' view of the Society as the de-merger was approaching and members could request a refund from the joint fee post April 2010. Some Council members advised that they were against a fee increase, due to the economic climate and the need to ensure members' goodwill. However, some Council members were of the view that a £9 per year increase for practising pharmacists was a small rise but one that would make a big financial difference to the Society.

The President called for a vote on the proposed fee increase of 2.2% and Dr Tristan Learoyd asked for this vote to be recorded. The results were as follows:

Mr Steve Churton	FOR
Mr Steve Acres	AGAINST
Mrs Margaret Allan	AGAINST
Mr Gerald Alexander	ABSTAINED
Professor Nick Barber	FOR
Mrs Kay Blair	FOR
Mrs Cathryn Brown	FOR
Dr Catherine Duggan	AGAINST
Mrs Dorothy Drury	AGAINST
Dr Phillida Entwistle	FOR
Mr John Gentle	FOR
Mrs Lorna Jacobs	FOR
Mr Ray Jobling	ABSTAINED
Mr Alan Kershaw	FOR
Mrs Sue Kilby	ABSTAINED
Dr Tristan Learoyd	AGAINST
Miss Yvonne Liddell	AGAINST
Professor Bob Michell	ABSTAINED
Ms Marcia Saunders	FOR
Mrs Valerie Turner	AGAINST
Professor Keith Wilson	AGAINST

The result was 9 for, 8 against and 4 abstentions, therefore;

Council

agreed:

- i. that all fees be increased by 2.2%; and

approved:

- ii. the affixing of the Common Seal of the Society to the Rules regarding fees for 2010

09/106 Appointment of one Council member to RPS Publishing Board

Mr Robert Bolick, Director of Publishing, introduced report 09.07/C/85 which had been circulated and advised that the title of the report should include the approval of Mr Andrew Gush as a non-executive member as well as seeking expressions of interest from Council members for the remaining vacant position.

It was clarified that the Appointments Panel would make the decision from the nominations received for the latter appointment and it was requested that these be received by Friday 7 August 2009.

Council

agreed

- i. that submissions be invited from Council members to sit on the RPS Publishing Board as a non-executive Board member for the current period until the re-establishment of the RPS Publishing Board under the relevant new governance arrangements following the de-merger of the Society by Friday 7 August;
- ii. that the Appointments Panel be asked to make the decision from the submissions received; and
- iii. that Andrew Gush be approved as a non-executive Board member for the current period until the re-establishment of the RPS Publishing Board under the relevant new governance arrangements following the de-merger of the Society.

09/107 Reference from Governance Committee

09/107.1 Council Governance Handbook

Mrs Lorna Jacobs, Chair of Governance Committee, introduced report 09.07/C/86 which had been circulated.

Council agreed with the suggestion that a 'but' be added to the transparency addition for added clarification. Mrs Jacobs also suggested that training be provided for Chairs who would use teleconferencing for meetings.

Council

agreed

- i. the addition to Appendix P as follows:
 3. What is harassment?
Harassment is unwanted conduct...and may be persistent or an isolated incident. The key is that the actions and comments are viewed as demeaning and unacceptable to the recipient *and the test of reasonableness is applied;*
- ii. the following amendments to the Council Governance Handbook:

Appendix F.1 Standing Orders of Council

8.6 At the discretion of the President, *but taking account of the need for transparency*, meetings of the Council may be held in the form of a teleconference or using other remote conference facilities which allow all Council members participating to hear and address one another.

Appendix F.2 Standing Orders of the Committees of Council

10.7 At the discretion of the Chairman, *but taking account of the need for transparency*, meetings of a committee may be held in the form of a teleconference or using other remote conference facilities which allow all committee members participating to hear and address one another.

Appendix F.3 National Pharmacy Boards Standing Orders

11.7 At the discretion of the Chairman, *but taking account of the need for transparency*, meetings of a board may be held in the form of a teleconference or using other remote conference facilities which allow all board members participating to hear and address one another.

09/108 Schedule of Council and committee meetings 2010

Council

noted the report which had been circulated at 09.07/C/87 and that Council members will be asked to attend the AGM in 2010 to sign off the statutory accounts for 2009.

09/109 Council meeting to be held outside London

Council

noted the report which had been circulated at 09.07/C/88.

09/110 Council update

Council

noted the report which had been circulated at 09.07/C/89.

09/111 Appointments Panel report

Council

noted the report which had been circulated at 09.07/C/90.

09/112 Report of the Returning Officer: election of Council members 2009

Council

noted the report which had been circulated at 09.07/C/91.

09/113 Any other business

There was no other business.

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