

THE ROYAL PHARMACEUTICAL SOCIETY OF GREAT BRITAIN

Transcript of the Public session of the Council meeting held on Wednesday 24 April 2008

[NB: Decisions in square brackets and narrow type are taken from the unconfirmed minutes of Council and therefore are subject to amendment].

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Present

President	Mr H Patel
Vice-President	Mr M Astbury
Treasurer	Mr A Gush

Mr S Acres	Ms S Agha
Mrs M Allan	Mr G Alexander
Mrs C Brown	Mr J Buisson
Mr David Carter	Mr S Churton
Dr B Curwain	Professor S Denyer
Mrs D Drury	Dr P Entwistle
Mr J Gentle	Mr J Hanlon
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr J Jolley
Mr A Kershaw	Mrs S Kilby
Professor B Michell	Mrs L Morgan
Mr G Phillips	Mr D Simpson

In attendance

Mr P Jones, Chairman, Welsh Pharmacy Board and Dr RM Parr Chairman, Scottish Pharmacy Board.

Chief Executive & Registrar, Mr J Holmes

PUBLIC BUSINESS

1. Apologies for absence

The President: We have apologies from Jane Ramsey, Marcia Saunders and David Thomson.

2. Declarations of interest

You can declare your interests when we discuss the items.

Professional Leadership Matters

3. Report of the Clarke Inquiry into the principles, functions and structure of the future professional body

Eileen Neilson, who has done a lot of background work, unfortunately is not able to be with us today as she is unwell. I will ask Jeremy to introduce them.

Mr Jeremy Holmes, Chief Executive & Registrar: We do not have a paper on this, but Council members will recall our discussions yesterday, which I thought were very constructive and detailed. I think it is worth recording in public business that Council has considered Nigel Clarke's report in great detail, all 64 recommendations. My sense was that we broadly welcomed that report and the direction of travel that it suggests. Overwhelming, out of those 64 recommendations, we have a positive view of his recommendations. We are looking at some of the detail now, as to how those recommendations can be turned into some real progress to get the new professional body underway. We are going to summarise yesterday's discussions in a brief summary response that will be

published. It will be the focus of a press conference on 6th May. It will then go into the *Chemist & Druggist* and the *Pharmaceutical Journal* on 10th May. It will take a similar form to the summary that we prepared for our submission to the Clarke Inquiry. So it will be quite text-light, an easy read with some graphics.

I think it is quite important that the profession as a whole understands what the Society's view is of Nigel's recommendations, and that we can put a positive message across that we support the direction of travel. That is being produced right now. It is possible that we will have a proof of that before you leave this afternoon, in which case I would be very happy to share it with you. I think yesterday it was agreed that officers would sign it off and I hope to within the next 24 hours.

The President: Can we agree that? **(Agreed)** I will go around the room to see if you have comments.

Mr Graham Phillips: Without reiterating all of yesterday's discussion and supporting what Jeremy said, and as I said to Nigel Clarke last night I think, it is a very good report. I do not think anyone else could have done a better response within the timescale and financial envelope available. But I want confirmation on two things. One is that we are going to, with immediacy, consult members on those aspects of the report. Not all 64 recommendations, but that the report be collected into domains, that the domains be turned into questions, with briefings being added and that we consult the members with urgency in a very open and transparent way. I think that was agreed, but I would like that to be confirmed in open business.

Mr Martin Astbury, the Vice-President: Can I second that, please?

The President: We have a proposal that has been seconded. Do I have any more comments on that, or do I move to a vote?

Mr Jonathan Buisson: I will comment for the record that we need to be crystal clear about what we are consulting on. Consultation is good, but clarity of consultation is better.

Professor Stephen Denyer: Also for the record, we did not see a consultation taking place in advance of any of the other stages that needed to take place, so we want to look at the transitional process with immediacy as well.

The President: Professor Denyer, you are talking of parallel tracking of the two processes. Do I understand you correctly?

Professor Stephen Denyer: Yes.

The President: Is that agreed, Council?

Mr Graham Phillips: My second point, which was made with some force at the last meeting and again yesterday, is that Nigel concluded in his report that we should continue with the charter body, with the change of a charter. I have no strong view that we should necessarily do that or not, but I have a very strong view that we should examine options. I think it is very important. The word *Royal* is important. It is important to members and it has an ethos outside. With the word *Royal* goes with the word *charter*, and with the word *charter* goes the Privy Council, and we all know the consequences of that. I want to make sure we have a balanced evaluation.

As I said yesterday, form follows function. I think we are pretty well down the track on function now. I want to examine form. I certainly do not accept the position that we simply, because we have got a charter body now, would need a charter body in the future. That may well be the balanced conclusion that we reach, but I want it to be a balanced conclusion and I want it to be examined. I want it made clear that that is my expectation, as I have done previously. If that requires a proposal, I am happy to take that as a proposal. It seems absolutely right to me that in consulting on what we want this thing to do and getting members' buy-in what form should it take. I accept that it may not be possible to do all of that in the same timescale, but it must be examined and now is the time to do it.

The President: Graham, we are in public business and people will be reading the comments of the Council. You said: "*We all know the consequences of a charter and the Privy Council*". Would you like to clarify what you mean?

Mr Graham Phillips: I am entirely happy to do that. The Privy Council is a slightly opaque branch of government. It is neither independent, nor transparent. We have suffered the consequences of that time and time again. The first time I became immediately aware of it was when we consulted on the last charter. We consulted on the charter in an open and transparent way. We got the agreement of the members, and at that point the Privy Council imposed changes. The same thing applied to the National Boards, and so on and so forth.

We may take a view that that compromise is one worth taking -- I am not saying that I have formed a view -- but with the Privy Council relationship goes consequences, and I want to be clear that we have evaluated them.

Dr Brian Curwain: I think it might be helpful for us to remember that we also agreed yesterday that any transitional process we put into place is not simply an implementation of Clarke per se. It is inevitably going to involve some re-examination of things. So there will be plenty of opportunity to do what Graham suggests, which is to look into these matters.

The President: Also we agreed that we will be involving other groups and parties who have expressed an interest in formation of a new professional body. I think we did that with enthusiasm yesterday.

Mr Alan Kershaw: Thank you. I guess we do not want to reopen the whole debate, and I certainly will not do that. We have got an independent view which we commissioned which has focussed things and has set out a model for us to discuss and for others to discuss. That is its status and only that. I am sure that will be the flavour of our response. We have identified issues which require a lot of exploration and consultation, and that is what will happen now. We will be going into the form of that in a minute.

I just want to make a point of information for Graham. Successive Clerks of the Privy Council describe it not as a branch of the government, but the government wearing another hat. It is in fact the government in microcosm, and would not do anything without ministers, although the ministers of the relevant department and their legal advisers, giving the go-ahead on that. It is just a way of expressing it. But that is the consequence of having a charter. Charters of course offer many protections as well as constraints.

Professor Bob Michell: It is a detail -- and I think we all know this, but I think it is important -- but the item actually says "*to approve the Society's response to the report*". This is actually the Society's initial response. The Society's definitive response quite properly awaits the outcome of the consultation with the membership and other relevant inputs as well.

The President: Thank you for that, Bob.

Mr John Jolley: I should like to put on the record the broad agreement that we have reached with regard to the principles of this report, and to compliment Nigel Clarke on a very comprehensive report. I would also like to put on the record the responses from the industrial pharmacist group, regarding the omission of the industrial pharmacist sector, which they see as not part of a science subset, given that the majority of pharmacists working within industry are working outside of a scientific role. This issue has been well documented and Nigel Clarke has in fact been informed and has agreed, I understand, to make necessary amendment to his recommendation in that report, such that industrial pharmacy should be included in one of the nominated sectors in the group.

Chief Executive & Registrar: Nigel Clarke, as I understand it, will not be republishing his report with any amendments. But it is a sign that he does not consider the report to be carved in stone; that he is very flexible and is prepared to listen to input from the profession, certainly in the consultations that I have had, and in the meetings that he has attended where it has been voiced. He is very responsive to the points about industrial pharmacists and I am sure he has taken that on board, as are we.

The President: Any other comments on the Clarke Report.

Mr Graham Phillips: Again I think this point is important because we are in public business on the record, which is that Clarke recommended to us, and we had a discussion about, the need for an independent chair going forward. My recollection of our discussions yesterday was that there was a broad acceptance of that process; a broad acceptance that that should, in a very significant way, involve members of Council. But a broad acceptance that there needs to be a transitional process working with others. So it is not about the Society doing this thing on its own. It is working collaboratively with a number of stakeholders in different ways. It is important that members are aware we have adopted that principle and we will work out the detail.

Mrs Sue Kilby: I think several very important things go alongside the Clarke Report. One is that we have commitment (a) to consult as a result with membership, and (b) that we have commitment to have an on-going communications programme with the members around the whole agenda. I think that is very important to actually relate it to members. The other element is that it is very important that whatever response we produce takes into consideration the English White Paper around pharmacy as well. We have to pick that up as that came out after the Clarke Report as well.

The President: I have a question, which is in order to develop an informed opinion within the profession, what action do we need to take in respect of the report? It has been published, but I cannot imagine that every pharmacist has read all 169 pages of the document. I think it is very important we actively take steps to ensure that the membership really understand what the report is all about and forms an informed view, because it is part of the communications. Because if there is to be a consultation, I would like to think that informed members are participating in the consultation exercise. So I will be pleased to hear comments and suggestions on how the process can be managed and organised. Rosemary, Chairman of the Scottish Board.

Dr Rose Marie Parr, Chairman of the Scottish Pharmacy Board: It is on that point. I think we do now have a responsibility, as Clarke is in the public domain, to bring that debate and widen that debate to members. What we have decided to do as the Scottish Pharmacy Board is to again go round Scotland on a series of roadshow meetings, which will be open to all pharmacist members, to try and highlight and discuss the issues. It is again for us to be in listening mode. I think it is important before any consultation takes place, as you say, to allow members to be informed. So after the AGM, and in a space of quite a short time before the holidays start, I think within Scotland we will be able hopefully to reach a number of members across Scotland.

The President: Peter, are there any plans from the Welsh Board?

Mr Peter Jones, Chairman of the Welsh Pharmacy Board: We are keeping our options open with regard to roadshows. We do intend to try and engage with members by going to meetings of various organisations and joining in their meetings to present and get to members that way.

The President: David, in the Chairman's absence, do you want to comment on plans to include and involve members in the process?

Mr David Pruce, Director of Practice & Quality Improvement and Director for England: The English Pharmacy Board also will be looking at how it can support members and engage with members on this, and on other issues such as the White Paper. We are formulating plans on exactly how to do that.

The President: In terms of branches of the Society and the regions, there needs to be an encouragement to make sure that this item is discussed at a local branch. Graham as Chairman of Communications, do you want to say something.

Mr Graham Phillips: I think we must not talk ourselves into some situation here that we do not feel we can consult with members, and that we have not got the mechanism to do so. We have got branches. We have got a regional structure, a developing website and 48,000 members. We have every possible means to consult them, and to consult them in a much more meaningful way than was possible in the past. The end point may be, for example, a special general meeting to amend the charter and we will get, if we are lucky, 500 people. But we can go far beyond that now.

We have the internet. We have got an unlimited resource in a developing website and a fantastic opportunity to infuse members with a vision, engage with them and do something very special. We have noted over the last couple of days the notable successes the communications team has had recently. I am quite confident, if we can apply the same skills to this consultation process, we will have equal success.

The President: Thanks for your comments, Graham. I did not note any reluctance from anywhere not to consult the members. I think there is enthusiasm to consult the members. I wanted to make sure that people have the right impression of our discussions.

Mr Martin Astbury: Just to note, in the afternoon session of the Branch Representatives' motion, it is proposed to have something about Clarke there as well.

The President: Are there any other issues or comments on Clarke?

Mr Jonathan Buisson: Given that this is probably my last chance to make any kind of comment on this kind of thing, this is where we start building the future professional body that the members actually want. That is where we are going. That is what they want: something they will want to join, something they will pay to join. That is what Clarke gives us a route towards. It is not definitive. There are plenty of details to be argued out -- there always are -- but it points in the general direction, and the opinion leader research shows us quite clearly that actually people want this, and they want more than the Society. They want bigger, wider, louder than the Society. That is where we are going and Clarke has given us a good steer, so best of luck.

The President: We are in public business, so I want to thank the staff who have worked very hard since publication of the Clarke Inquiry Report, and before that to ensure that the Society's response was produced and submitted to the Clarke Inquiry team. Since then, there has been an awful lot of analysis. It has to be put on public record that we have been speaking to a large number of organisations and seeking consensus. That dialogue is going extremely well. There should be more on this at a later date, but to date we have had nothing but encouragement and support from other organisations. Dealing with organisational matters of the Society.

[Council confirmed i. that the transition process to the new professional body should move forward with urgency; ii. that during the transition process, the membership should be consulted on key aspects of the new body; iii. that a communications programme was essential to inform and involve the membership and stakeholders in the transition; iv. that there was broad support for an independent chairman of the transition committee; and v. transitional committee would have significant involvement from the Council and work collaboratively with stakeholders.]

4. Appointment of a lay Council member

Appointment of a lay Council member following the decision of John Hanlon not to seek reappointment. John, once again thank you for all the work that you have done on the Society and on our behalf. You will be sadly missed. Hopefully in due course, after a sabbatical, you will seek reappointment.

We have paper C30, which suggests the direction of travel. I would say that at this particular time following publication of the English White Paper, which we will discuss a little later on, there is a need for clinical skills on the Council.

Mr Andrew Gush, The Treasurer: I certainly recognise that there could be a need for clinical skills, but as we go towards de-merger, the amount of information that any new layperson would have to take on would be substantial for them to contribute to the maximum that many of the lay people do now. When you relate it to the cost of the benefits as well, £14,500, I would suggest -- and it follows the rationale which was used at the last Council meeting -- when we decided that there was a benefit to the Society to retain the lay people we have, because they have the information to help us go towards de-merger, which would be difficult for new people to take on. So I would suggest that we do not recruit, because I do not believe we will get the full benefit from it.

Dr Phillida Entwistle: I was going say exactly the same as the Treasurer.

The President: I need some advice here on not to recruit, because we will have to consult the Appointments Commission on this. Just one moment. Can we suspend the item while information is being sought and resume afterwards? **(Agreed)** I would like to go to the next item on the agenda, which is attendance of branch and regional observers at Council meetings.

[Council agreed that it was their strongly held view that the current vacancy for a lay member on the Council should not be filled and the Privy Council should be requested to leave the place vacant.]

5. Council confidential business: attendance of branch/region observers

We have paper C31 in our bundle of papers. The paper comes following the attendance of observers at the last Council meeting, where at times they were invited to leave the Council as confidential matters were being discussed. We have a number of proposals in front of us. I will take general comments first before going to the action points.

Dr Brian Curwain: Thank you, President. I think these matters have come to our notice, not just at the last Council meeting, but at other meetings. I remember when I myself was an observer, before I came on to Council, being a bit miffed about being kicked out, and so on and so forth. I welcome the paper. I think it sets out the issues clearly and makes it quite easy for us. There are three things we should consider doing. One of them is to minimise to the minimum that is necessary -- and there will always be some necessary -- confidential business, thinking particularly of some of the financial stuff which probably, because it is members' money, could be in the public domain. I think we could seriously consider asking pharmacists who, as we have heard from around this table, are by and large sensible people who understand confidentiality, where it is necessary to sign an agreement if they are an invited observer. I think that is the most important thing. I think the third thing we do need to do from time to time is to reserve ourselves powers to have confidential business without anybody else in it. I think when the paper addresses the point about whether invited observers are different from any members of the public who may choose to turn up, even though that is quite unusual, then I think they probably are different. We have invited them and to some extent we want their input and we want their output, having seen how the Council runs. I am happy we continue routinely to exclude members of the public but that we look favourably on changing the arrangements for invited observers.

The President: Thank you, Brian. You used the words "kicked out"...

Dr Brian Curwain: I apologise for the language.

The President: If we say *invited to leave*, or something like that.

Mr Jonathan Buisson: This is long overdue. We have been taken to task by several eminent people, one of whom was a guest last night, I understand. This is rank stupidity, and I am glad that we are correcting it. I also want to extend it to Council members elect. I myself was invited to leave the very last meeting of the Council, prior to the change of charter, when I was sitting in the corner of the room, despite the fact that 24 hours later I would have been receiving all the confidential information I was not allowed to hear prior to that. I do not believe it is necessary for them to sign a confidentiality agreement. I think Scout's honour...

The President: Can we eliminate an option presented to us. (i)? Can we delete (i) as an option?

Mr Gerald Alexander: Firstly, as a matter of process, as a member of the Governance Committee, John Gentle (also as a member of Governance Committee) brought it to our attention at the last Council Meeting, and we are very grateful that you did bring it to our attention. This paper has not gone through Governance; it is a matter of process. I would have thought that was the right way for this discussion to have proceeded. Nevertheless, I think we should all applaud greater openness from the Royal Pharmaceutical Society. I think we have been talking about it for a long time. Many of the papers that come into confidential business could have been presented in open business, with the Secretary and Registrar making the decision and the President agreeing the decision. Hence there would be less need to ask observers to leave. That is the sort of process I would prefer: a greater number of papers in open business rather than in confidential business. If, for the sake of argument, there would be less papers in confidential business, the need for this particular paper would probably not be quite so important – not that I am against the content of it. We can ask people to make undertakings or Scout's honour, but certain information should not necessarily be distributed in the

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public domain. But in the main, I think the majority of information should come to the Council in open business and not in confidential business. So I would rather see a transfer of confidential papers into open business as a matter of principle. I think that is the way the Council would wish to work in future. But I would have liked to have seen this document go to Governance for discussion there.

The President: I will respond to that. When it was brought to Council's attention that these members are being asked to leave the chamber, it appeared to me, chairing that meeting, that people wanted to make a decision there and then about policy. At that time, Council agreed that a paper would be produced and brought to the next Council meeting. It is also worth noting that all the members of Governance Committee apart from one are here, so process-wise they have an opportunity to comment. Otherwise what will happen is that it will make the process unwieldy at a time when we are trying to streamline the way we work. I think there should be no problem in bringing papers straight to the Council, sometimes when it is absolutely necessary. On this occasion, Council was in a haste to make a decision. That is why it has been brought here.

Ms Seema Agha: President, I slightly disagree with you. I think we have expertise in the Governance Committee, and they should be able to cast their eye over what is being proposed and perhaps contribute and classify, looking at that. There are issues, for example in paragraph 5, if matters refer to an individual organisation. Those matters have been taken in confidential business and I do wonder how much screening does take place, and when things go into public when they should be confidential and there should be closer screening. The point I really wanted to discuss is paragraph 4 in terms of confidential undertakings. Breach of confidentiality can be very, very serious, and people signing any undertakings must understand what that undertaking means, and not just sign on the dotted line, which they may do and say, *Yes, I will sign on the dotted line*, but what consequences flow from that? What are we going to bind them to? These are not legal undertakings where you would be in contempt. What consequences would the Society say in dealing with a breach of confidentiality? That could be very serious, if personal information was discussed. You would not even know who it had been breached to. I think we should be careful about having people in confidential business. I think we should perhaps have a short discussion and then say people are invited in. But I think there would be much more control to that. It could cause risk to the Society.

The President: I wanted to clarify that the items listed which would remain confidential business are already in the Handbook and Council policy. So there was no intention to change that.

Ms Seema Agha: I was not saying there should be an intention to change it, but there are matters that have come in that have been taken in confidential, when they perhaps should be in public, or vice versa. I think there should be screening in terms of what goes into which classification of item, closer screening.

Mrs Lorna Jacobs, Chairman of Governance Committee: I take up Gerald's point. Matters of governance like this should go the Governance Committee first. I recognise that most of the members on Governance Committee are here, but our external expert is not. He brings valuable experience to the Governance Committee. Then a debate can be had where the issues of governance are focussed upon, and the Committee can then make a recommendation to the Council. There is another Governance Committee on 13th May and I would recommend that the matter goes there. If people wish to discuss it further here, I will give further points, which are that I agree wholeheartedly with Gerald and Seema that there is guidance on what terms should be in confidential business and what should be in open business. I think it is appropriate that we look very carefully at our current agendas to see if more items should be in open business. As a generalisation, I think we would find that more items should be in open business. If, having scrutinised them, it is agreed that they should be in confidential business, we should therefore be very clear on what basis they are in confidential business. Having eliminated only those, or brought only those to the confidential business that come into that category, we should be very wary of including members in the chamber who are not members of Council, for the reasons that Seema has mentioned – the fact that, as it says in paragraph 6, these are not bound by the Code of Conduct. I wish my perception to be clear that the default is that the papers should be in open business. Everything should be in open business, unless there is a very clear reason why it should be in confidential business – for example, something that would be protected by freedom of information.

Chief Executive & Registrar: Can I say I completely support the principle that the default should be public business. In a couple of meetings at Officers we have talked about how we can try and ensure that, so that we minimise the amount of material that is going into confidential business. But there will always be some material that goes into confidential business. This paper is about who we should allow into the chamber to observe that process. If I understand, you are very hesitant about this paper. You are reluctant to allow people in to observe our confidential business, however small it is.

Mrs Lorna Jacobs: Yes, because I think that it should only be in confidential business because there are very good reasons for it being in confidential business. For those very good reasons, whatever the individual item, those should be the reasons why observers should be excluded for that item.

The President: Could I go further? I think when a confidential paper is presented to Council, after the purpose it should state why the paper is in confidential business. That way, each paper would have clarity. Also what happens is when we discuss items in confidential business, at some stage it moves into public business. When that move takes place, Council members should be made aware that it has been moved from confidential to public. Because in the past, people have assumed it is confidential. They have then read sections of the paper in the PJ and wonder who made the decision. I think that process should be transparent. I will take more comments if Council wants, or I am happy to refer the paper with your permission to Governance Committee. There is something I must say about the process. I think we do not want to make process too cumbersome. There will be occasions when the Secretary and Registrar or the President feels the paper needs to come to Council, and we should not tie their hands. I am not going to be here long, so it is not about me, but it is very much about the office of the President and the office of the Chief Executive. Having said that, I want to say the agreement to bring the paper directly to Council was made by the Council at the last meeting, when the people who are saying that it should have gone to the Governance Committee were here. If a comment needed to be made, I think it should have been made then. Then it would have been clearer.

Mr Alan Kershaw: I am happy with the principles that have emerged. If we remind ourselves that we are not really losing time on this, because we have not got another substantive Council meeting until June. If we could ask the Governance Committee if they could bring proposals there for early business, then we would be starting as we mean to go on for the newly elected Council, and will overcome some of John's concern about the time it has taken to get to this position. I think the position we are developing now is rather better than we might have done, because if our first default is that the presumption is everything is open unless there is a very good reason not to, and we explain why in each case, then we avoid the situation where we would have three categories of business. We could have a situation where observers are allowed in for confidential business, but there will still be things they have to be excluded for -- typically things that affect the personal circumstances of individuals and so on. Therefore you already have three categories complicating matters further. It is much better if open is open and confidential is confidential and we all know where we stand. If we accept those principles, I think the Governance Committee can fairly easily formulate some modification of the present arrangements. I think if we end up with a situation where observers were allowed to observe some confidential business, they should be put on the same footing as Council members in regards to confidentiality. So signing a confidentiality agreement, which we have all just done, is not painful. It can be done, as long as it is explicit what it is. I do not think we are going to need that, if we follow the principle we are trying to do.

One last point. Once we have settled this, we really need to make sure that we order the business so it makes it as easy as possible to bring people in for as much as possible and not have them in and out.

The President: That was the point I was going to make. Council, are you agreed that paper C31 should be referred to the Governance Committee for consideration? **(Agreed)**

We will now go back to item 4 that we were discussing and which I suspended. Christine, you have looked at records.

Mrs Christine Gray, Head of Corporate Governance: The need to fill a vacancy is not covered in the regulations applying to appointed Council members. It is covered in the regulations applying to

the election of Council members, which say that the Council may decide not to fill a vacancy where the remaining term does not exceed a year. However, of course, the lay member appointments are not the Council's appointments; they are Privy Council appointments and the Privy Council may have a view. There are two factors that they may particularly consider. One is that Mr Hanlon is the only Privy Council appointee from Scotland currently, and legislation provides that at least one of the Privy Council appointees should live or work wholly or mainly in each of England, Wales and Scotland. We have known that the Privy Council has tolerated a vacancy. We did not have someone from Wales for a long while, until Mr Kershaw helpfully moved to Wales.

Mr Alan Kershaw: I was happy to make the sacrifice. **(Laughter)** I could move to Scotland if possible. **(Laughter)**

Mrs Christine Gray: I do not know what their view would be. The other factor they may want to consider is that they are moving towards having a greater proportion of lay members on regulators' councils, so they may want to be seen not minding having a vacancy among the lay membership. If Council is agreeable, the best way to make progress might be for you to consider whether you would wish to apply any additional criteria in the event that we have to go to recruitment. Then we would consult with the Privy Council office. If they say it is okay to leave it as a vacancy at the moment, we can do that. If they say no, we feel that vacancy should be filled, then we would not have to come back to you again, but could get on to the Commission and make progress.

The President: Firstly, Council, are you happy with the proposal?

Mrs Lorna Jacobs: Which proposal?

The President: The proposal to consult with the Privy Council and leave the vacancy unfilled. If that is not acceptable, then we will look at the second option, which is to identify the skills that we want on the Council.

Mr Douglas Simpson: Was it not the need to identify skills so we were prepared?

Mrs Christine Gray: That only works if your preferred option is to actually to leave the vacancy. If your preferred option is to fill the vacancy, then say what kind of criteria you wish to apply.

Mr Alan Kershaw: Thank you, President. We have no rule for this. We do have an option for the elected members. Therefore I think we could probably infer that an option for the appointed members would not be difficult. However, when we had a vacancy for an elected member from Wales, we did opt to fill that. That was a professional member a little while ago and Margaret was elected. So that may be seen as a precedent. I would be very happy to leave the vacancy and to go to the Privy Council, not simply saying *What do you think?* but *Our proposal is, because of the upcoming changes, etcetera, that it seems to make sense to leave this.* However, you may feel that Scotland would be unrepresented or whatever, and just let them make their minds up. But I think a proposal to say *We are ready not to fill this vacancy,* would not be a problem for me. Are we speaking now to the point about skills? May I come back to that in a moment?

The President: Council, are you agreed that we approach the Privy Council with a view that the vacancy remains unfilled?

Dr Phillida Entwistle: I would like to write quite a strong letter to the Privy Council saying that is our preferred route of Council, because it is our appointment we are talking about. But I would like to strengthen that by having a view of the Scottish Office to tell us how they feel about having somebody from Scotland.

The President: Christine, can you give an indication of time-scales and what happens next, because that may have a bearing on what happens next. If the post is to be advertised and filled, what time-scale are we looking at?

Mrs Christine Gray: I did ask the Appointments Commission how quickly they could get a lay member appointed, if we went back to them immediately after the Council meeting. They said they hoped they would have someone in post by July.

If we go back to the Privy Council office, I cannot say how quickly they would come back to us with their decision.

Dr Rose Marie Parr: I think it is important that the Chair of the Scottish Pharmacy Board is allowed to speak on this item, as it obviously does affect us with a lay member resident within Scotland. It is really to help Council with how they take forward the decisions to Privy Council, and the Privy Council obviously makes the decision. But I would support, with discussion with other lay members, the issue of the vacancy being left at this point. I think it is a very pragmatic decision, and I would expect to go back to my Scottish Board members and they would also hopefully agree with that. There is an issue for me to confirm that the Scottish Pharmacy Board does think that the involvement of lay members is very important, and that should not be diluted, but perhaps this could be done in a number of different ways. I think we would be content to allow that decision to go forward and would welcome input from other lay members from around the table. They do not perhaps have to move to Scotland, but it would be really nice to see some of them visit us.

The President: I would like to make sure that all the lay people on Council are able to express their view.

Professor Bob Michell: The reason I raised my hand was precisely that I think it is quite clear what we want to do. In conveying that to the Privy Council, I think we ought to indicate what I think is the case; that not only is that the view of Council, it is a unanimous view, or more important, that that view includes all the lay members.

Mrs Lorna Jacobs: I would not concur that is my view per se. If we are talking about £15,000, that is a disproportionate amount of money and I would query if there is any way that we can fill the post without incurring all that money. The bit I am particularly surprised by is the statement that there are no available candidates on a reserve list who meet the essential criteria. There was an advert last year when Jane was appointed. I am very surprised if, as a result of that, when the advertisement went out for two people, that Jane was the only candidate -- and I am quite happy she is the most suitable -- but I am surprised if she was the only one who met the essential criteria. I wonder if there are other people who have applied for other positions, for example on other regulators, that the Appointments Commission have on their data bank that could be approached.

Mrs Christine Gray: I have asked them this. They do not have anyone in Scotland. They have people who are not in Scotland. They have not got anyone who meets the criteria for this appointment.

Mr Andrew Gush: Lorna, I hear what you say about cost, and obviously cost is something which determines my view quite clearly. But I was taken by the robust arguments used at the last Council meeting, when it was suggested that it was the wrong time to bring someone new, because they would not be able to get up to speed quick enough to add full value to the Council.

Mrs Lorna Jacobs: I would agree, but that related to having potentially seven new Council members and losing a tremendous amount of expertise. I am not suggesting that we would find somebody easily. Clearly if Christine says they have nobody, I would have thought that if you had somebody with some relevant experience, it might be possible.

The President: There are a number of people wanting to speak, but I detect some consensus that the Council is recommending to the Privy Council that the vacancy is left unfulfilled.

The President: At the moment John has obviously chosen not to stand. I wonder whether or not we could go back and ask him again whether he would be prepared to stand for this position, especially bearing in mind the difficulties that it is creating as the result of him not standing. If we promise to reduce the amount of workload that we present for John. I am wondering whether he could be left to think about it for 48 hours.

The President: John, do you want to respond?

Mr John Hanlon: I will not, President.

The President: Council, are you in agreement that we contact the Privy Council and let them know of our intention, if they are agreeable, to leave the vacancy unfilled? Is that agreed? **(Agreed)** Second, if they insist that the vacancy needs to be filled, then we need to discuss the criteria. On that, we have a number of people who have indicated they want to speak.

Mrs Sylvia Hikins: I was thinking about what Christine said. The problem with a reserve list is that we have no-one from Scotland. Is it not possible that we could consider still taking someone from a reserve list who would not be in Scotland, but would save us these extra charges, but looking at a way we deal with the Scottish link.

The President: I think we have made a decision. We are going to say that we leave the vacancy unfilled.

Mrs Sylvia Hikins: Are we not now talking about if the Privy Council come back and say, *Sorry, guys, you cannot do this?* I am fully in agreement with the vote, and I voted for that arrangement, but if they come back and say *You have got to fill it*, rather than go through the whole system of advertisement, could we not go back to the reserve list, even if it means there is no-one in Scotland, and see how we might use that and improve our links with Scotland, and see how lay members might become more involved north of the border? There have been recent appointments to HPC.

The President: We can try that. Is that agreed, Council?

Mr Martin Astbury: My suggestion was that we go in with a very strong position, that we suggest the vacancy is not filled. If the Privy Council say something different, we should worry about it at that point. We do not go in with a more defensive position of, *If they say this, we can then go down this avenue*. I think that would be the wrong message to give.

The President: I see a lot of nods around. Is it agreed that at this point our only recommendation is to leave the vacancy unfilled? **(Agreed)** All those in favour please show. **(Vote taken: carried)**

Mrs Christine Gray: Can I clarify? That means if the Privy Council come back and say *No, we believe the vacancy must be filled*, I have to bring it back to Council.

The President: That is what the Council has agreed.

Mr Ray Jobling: In relation to areas of expertise, if we have to go down that road, I think we should be conscious of the particular and special circumstances of Scotland. It has a separate NHS. It has very different social care policy and provision. Its public health problems are very distinct. If we are going down the road of expertise, picking up with it here, with Scotland and bearing its circumstances in mind, I think that would be really useful.

The President: That debate will be held after that communication is received by us. I would now like to move to the next item on the agenda.

[Council referred the paper to the Governance Committee.]

5. Any other business: "Pharmacy in England" White paper

Council, I want to raise an issue which we discussed earlier on which relates to the English White Paper. I want to say that in England there is a lot of legislation, working groups, consultation bodies, etcetera. The new White Paper on pharmacy in England is a welcome landmark. Dawn Primarolo, Minister responsible for pharmacy, wrote to me to thank the Society for our contribution to the policy development and thinking in the paper. It was good to have the recognition for the hard work and innovative thinking of the Society's staff, Council and members of the Society. Keith Ridge and Jeanette Howe deserve our thanks for showing the support of government in England for the potential of pharmacy to move forward and build on our strengths. Our strengths in the community, where we provide access for all, including the less advantaged and individuals and families with low mobility, in hospitals where pharmacists and pharmacy technicians are stepping out from behind the role of dispensers and out on to the wards. Finally to recognise the steps already taken by Bill Scott in Scotland and Carwen Wynne-Howells in Wales. There is much to read in the White Paper.

I am sure that Keith and Jeanette will understand that there is some impatience to move forward with a timetable and funded implementation plan. They have provided the road map, and throughout the pharmacy world we must seek to work with them to increase the pace, to prioritise what will make the biggest improvement for the public and to make it happen. That means pharmacists everywhere in England -- LPCs, Society branches, academia and PCTs -- working together at a local level. At a national level, the English Board has already started to develop a work plan. In addition to that, I will be writing to every PCT Chief Executive in England offering our help in developing standards. Are there any comments on the English White Paper?

Professor Bob Michell: I welcome everything you say. It is an extremely important document, but I would like to place on the record what may be seen as a negative comment. Normally the Society would have used at least one whole strategy day to discuss that White Paper. I think it should be a matter of public record, because it is not in the public interest that the political circumstances surrounding the Society have made it necessary to devote almost the whole of our two strategy days to the consequences of de-merger, and this has left us able to devote only 30 minutes to an extremely constructive presentation on the White Paper. That is not in the public interest and it is outside the Society's control.

The President: Thank you, Bob. I think it has to be borne in mind that there was very detailed discussion at the English Pharmacy Board, and there is a tremendous amount of work going on behind the scenes, and it includes our communications team, which has been quite effective in getting the messages across. I think there has been a tremendous amount of public interest in this development. I thank our communications team for responding appropriately and in a timely manner, which is very welcome.

Mrs Sue Kilby: You mentioned the English Board. Obviously it should be sitting with the English Board to take this work forward, but I would like to emphasise it is not just the English Board where it is actually being discussed. It will also be taken up at the Education Committee, and probably other groups as well that will look at the implications of it, and what we should be doing to go forward. The other group that you have not mentioned is industry. It does refer to industry pharmacists within this document. As you say, it is a case of all pharmacists working together, which is why you need to have a professional organisation that represents the interests of all pharmacists.

The President: Thank you.

Dr Rose Marie Parr: I think also I would add to the welcome of the English White Paper. It may seem strange that the Chair of the Scottish Pharmacy Board has even read it, but I have and it is an interesting read. There are some good things -- some of which were obviously brought down from north of the border, but that is another story! **(Laughter)** I want to reassure a number of Council members that in many ways this is devolution in action. Because what you have done is under an agreed devolution protocol, asked your English Pharmacy Board and other groupings within the GB context to look at this and then come back to the Council, so you can have an overview of the GB context. I think this is a really positive step, a good case study to see how that works. For me sitting in Scotland, the English White Paper does have implications, because we are a GB organisation. Education may change, if it has implications, Scotland and Wales as well. So it is important that Council come back and discuss this in a GB manner, because I think we need that flexibility as it goes forward. I think it is a very positive step.

The President: I agree with everything except the sequencing of the work. I have to say this, because the strategy is about workforce, which is GB-wide. It is about education, which is GB-wide. It is about resourcing, which is GB-wide. It is about IT, which is GB-wide. What I am saying very clearly is that when national policies are developed, they should be reported to the Council, and Council should take appropriate and timely action, in parallel with the consideration given to it by each of the Boards, so Council and the three Boards work in parallel to ensure that all the activities are co-ordinated properly. Because if we are looking at, for example, the CPD requirements as a result of the commissioning of new services, we need to develop some material. When it comes to standards for new services, these need to be developed in conjunction and in co-operation with the Boards and other organisations within the Royal Pharmaceutical Society. So I think there is a need to involve implementation and co-ordinate the activity, particularly when it concerns communications. Are there any other comments relating to the English Board?

Mrs Lorna Jacobs: I have a comment before we close the meeting, but it does not relate to that.

Mr Jonathan Buisson: I too welcome pharmacy in *England*. The word that dare not speak its name is back. I am really pleased that that is the title of the White Paper. In my former existence, I have read many white papers in detail. I congratulate Keith and Jeanette for this one. This is about as good as it gets for us. It is a really good white paper, but the devil is in the detail. There is a lot of consultation still to come. There are a lot of responses to be made before that, as Charles pointed out to us, and when the formal consultations come on. The English Pharmacy Board is already on the case, with Pharmacy in England, as you would expect. It has been discussed at the Board. The English Pharmacy Board's working group had its first meeting on Tuesday this week. I think one of our key objectives is to work in collaboration with all the other pharmacy bodies. We would be foolish to say, *Oh yes, that is great. We can do it all*. Nor can other bodies do it all on their own. We all need to work together. The key thing is: what is going to make this happen for the average pharmacist, for the members out there in the pharmacy, in the hospitals, whatever sector they are? What is going to make it happen? What is going to make these new services that we have demanded for so long actually happen? What is the paperwork they need? What is the training they need? What is the CPD they need? What are the standards they need to work to? All of that has got to be worked out. We have a very important role to do it, both as the English Pharmacy Boards, but also as some of these aspects are at Council level. Education has been mentioned and CPD has been mentioned. We have also decided, one of our first decisions was that we will ask the other sector groups for their input. 1. What is in the white paper that you like and what are we going to do about it? 2. Is there anything missing that we should have got in there? We have already asked for these comments to be sent to us, and hopefully we will receive them for the next working group meeting, which I believe is in the middle of May.

Mr Peter Jones, Chairman of the Welsh Pharmacy Board: Although it is Pharmacy in England -- and I understand what we have already said on CPD and standards obviously would apply across GB -- obviously if it has any effect on the Community Pharmacy Contract, this has implications for Wales as well, so we are liaising with the English Pharmacy Board to make sure we are aware of what is going on in case it affects Wales.

The President: There are other issues which are GB-wide, and that is doctor dispensing and how we work with them.

Chief Executive & Registrar: I want to put on record thanks to the staff, because although the input from the Society has not been perhaps very visible to the wider profession, there has been a huge amount of input which I am very glad to see reflected in the White Paper, particularly the practice and quality improvement and the public affairs teams have had a very significant influence. I think you heard Charles say earlier on that the White Paper reflects a lot of what he calls messaging, which is what we have been doing. They have picked up those messages in the Department, so we are working in concert. That is very good to see, so well done to the staff.

Mr Ray Jobling: Although we are talking of Great Britain, there is a great deal that goes on which now occurs within a European, EU framework. I would like to put on record a warm welcome for the Society's response for the DG Enterprise and Industry proposals on information to patients. Eileen has sent round that document. I commend it. I think it is absolutely right. It is a defence of patients' interests which has been made by the pharmacy profession, and I would like to thank you for it. I think it is extremely important, and the proposals which they have made from Europe are premature and, I believe, to be wrong-headed. The defence of patients' interests really is about medicines come from qualified professional pharmacists.

Chief Executive & Registrar: I should have mentioned the policy team earlier. It is a jolly good example of joining up our policy and our communication activities. We did it very well on the European Commission paper and we did it very well on the White Paper. That is part of the strategy for reorganisation, so thank you very much.

Mr Douglas Simpson: The National Health Service is of course pharmacy's biggest customer bar none, so this White Paper is very important. It is the best thing I have read since I read the Scottish Pharmacy Plan. I read the Scottish Pharmacy Plan from cover to cover. I was so impressed with it,

I phoned up Bill Scott and thanked him for it. I have read our White Paper from cover to cover, and when I saw Keith Ridge last night I thanked him personally for it. I think as statements of intent for the future direction of travel for the pharmacy profession, they are first-class, and I hope they are a catalyst for change which can make a huge difference to the way that pharmacy is practised.

Mr John Gentle: Now that the Council has a public position on the White Paper, but also on the response to the Clarke Inquiry, I wonder whether it would be possible to get the PowerPoint presentation that Council members use in branch talks updated to reflect that. Particularly, if it can be done by next Wednesday, as I am doing one in Wolverhampton. To be honest, it is looking a bit outdated. Some of the figures for technician membership go back to September 2006, so this is probably an appropriate moment to do it.

Any other business: Charter for Safety of Patients

The President: The next item I want to draw to Council's attention is that on 22nd February 2007, as President of the Royal Pharmaceutical Society I signed a charter for the safety of patients. Yesterday we were very lucky that Sir Bruce Keogh was able to be with us as our chief guest. Also attending the meeting was the Chairman of National Patient Safety Agency, Lord Naran Patel. Quite a bit of work has been going on. The Chief Executive earlier mentioned some of the initiatives which we have already started well before the White Paper was published. Making Britain the safest place in the world is one of them.

As I said earlier, some work has started. Our chief Science Adviser, Jane Lawrence, is already involved alongside our Head of Policy, Eileen Neilson, to scope the first stage and to identify what needs to be done next. They are helping me to focus on the areas where pharmacy can make a particular contribution, the areas where the Society can play a useful role, changes that will make a substantial contribution improving patient safety. Changes that have already been achieved somewhere, have been properly evaluated and are capable of being rolled out more widely. The levers required to achieve the key changes at all levels, the overall health system, commissioning national standards for providers and education and training for individual healthcare professionals. Finally the stakeholders, including the patient and all prescribers, who have the power to make the necessary changes happen. So the work has already commenced and I wanted to report that to the Council.

The President: We will close public business and go into confidential. Are there any other items to be discussed in open business? If not, I would like to close the public session and go into confidential session.

The President closed the public business of the Council.