

Transcript of the Public session of the Council meeting held on Thursday 6 November 2008 at 1 Lambeth High Street, London SE1 7JN

[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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PUBLIC BUSINESS

Present

President	Mr S Churton
Vice-President	Mr M Astbury
Treasurer	Mr A Gush
Mr S Acres	Ms S Agha
Mr G Alexander	Mrs M Allan
Professor N Barber	Mrs C Brown
Mr David Carter	Dr B Curwain
Mrs D Drury	Dr C Duggan
Dr P Entwistle	Mr J Gentle
Mrs S Hikins	Mrs L Jacobs
Mr R Jobling	Mr A Kershaw
Mrs S Kilby	Professor B Michell
Ms A Moore	Ms M Saunders
Mr D Simpson	Mr D Thomson
Professor K Wilson	

In attendance

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

Mr Jeremy Holmes, Chief Executive & Registrar

The President, Mr Steve Churton: Good afternoon, everybody.

1. Apologies for absence

The President: Just going into the agenda proper now, apologies for absence, first of all, Yvonne Liddell is not able to be with us today and Jane Ramsay is not able to be with us today. Is there anybody else?

Ms Averil Ridgway, Head of Secretariat: Yes, President. John Jolley is not able to be here this afternoon.

The President: John Jolley is not able to be present this afternoon.

2. Declarations of interests

The President: Can I just remind Council members, please, to make declarations of interest at the beginning of any relevant item. Thank you very much.

Professional leadership matters

3. New professional leadership body prospectus

The President: We will move straight into item 3, professional leadership matters, and discuss the prospectus which Jeremy will lead us through.

The Chief Executive & Registrar, Mr Jeremy Holmes: Thank you very much, President. Can I draw your attention to paper 110? We have had a very powerfully constructed debate for which I am very grateful in the strategy session on the TransCom prospectus. If we go to section 3 of this paper, it is proposed that the prospectus will be published by the Transitional Committee and distributed to all members and staff of the Society and to all other organisations represented on the TransCom reference group for them to forward to their members if they wish.

We did not have an opportunity to talk about the communications around the prospectus but if you go to page 2 of this paper, the fifth paragraph makes it clear that we need to have a very comprehensive communication programme around the prospectus, and that is getting under way now.

I just wanted to take you through the arguments for the release of the prospectus, publication of the prospectus, now in advance of anything that might go out for consultation on the Charter. The first point to make is we do not yet have sufficient information on any proposed Charter amendments and a delay in publication of the prospectus might not be well regarded particularly as we are now, I hope, at a point where we can agree to its publication, but if we were to issue the prospectus and the Charter changes at the same time, you will see in the penultimate paragraph of page 2 there is the risk that the Charter would overshadow the prospectus when in fact what we want is for the profession at large to be well aware of what the new professional body is offering. The Charter is an enabling mechanism to help us get there but the prospectus should be the main focus of attention.

There are some arguments for delaying and they are set out in the paper. One is consultation fatigue, if we go out with the prospectus first and then we go out with the Charter second, and of course the second is cost that we would be seeking feedback on two things sequentially rather than simultaneously. The recommendation, as you will see on page 3, is that the arguments in favour of separating the publication of the prospectus and the Charter changes are stronger, that is the publication of the prospectus happens first, they are stronger than those for publishing the two documents together, which would require a delay in the publication of the prospectus. It is also very important that we signal that the prospectus is for a genuinely new professional body.

So the recommendation of this paper is that the Council agrees to the publication of the prospectus just as soon as the printing and practical challenges of that can be accomplished.

The President: Thank you, Jeremy.

Mr Stephen Acres: I would just like to declare an interest. I am Vice President of – (inaudible) -- UK which is specifically mentioned in the prospectus.

The President: Thank you, Steve. Alison?

Mrs Alison Moore: I wondered, Gerald at the very beginning of the strategy day suggested that it might be helpful for us to have a summary of all our discussions in the public business. Is that still going to happen? We did have someone taking shorthand notes.

The President: We did and clearly, at the speed we have been moving, we have not transcribed those shorthand notes. I know that Bob also discussed summarising briefly at the front end of each of these papers. Literally, I have not personally had time to assimilate all these things into one concise statement, I have to say, because we have been moving at a pace, as you will know, for the past two days. I am quite happy to take some discussion of the salient points just to make sure they are on the record. I think it is important if people want to make those points that we do place them on the record. I am sorry that it is repetitious but I think if we could try and do that for the record's sake, I would be grateful.

Mrs Alison Moore: My other point, something we did not get a chance to discuss and it is a shame we did not get a chance to discuss is what we do in terms of communication. If we agree to publish the prospectus, that is absolutely key, it is not just a case of do we publish it,

it is what we do with the publication, what questions if any do we ask of the membership to feed back, who do we feed them back to and how do we handle that? I know some of that is in the next paper but to me the two things are so linked it is hard to publish it without knowing what is going to happen next.

The President: I do not mind having that discussion at this point at all. Bob?

Professor Bob Michell: Just to tidy away the point that has been raised for future reference, what we actually agreed on the strategy day, just so that it gets into the minutes and does not disappear mysteriously, was that in future when we have a strategy day there should be a consensus summary that feeds into the Council meeting, not to bind the Council meeting but to avoid the need for unnecessary repetition.

The President: Thank you, Bob, for the clarity. I appreciate that. We will talk about communication, Alison. I think it is an important point you raise and we will do that. Doug next.

Mr Douglas Simpson: Just a couple of things that Jeremy said which I am just perhaps taking issue with. He talks about this prospectus being what the new professional body is offering. Well, I am very happy that we should publish the prospectus, I think that is the best thing to do and it should be labelled as coming from TransCom. I do not feel that the Council has actually approved the contents of the prospectus and I think that should be made quite clear. It is TransCom's prospectus.

There are two issues in the prospectus which I am personally unhappy with, extending the categories of membership and also I do not agree with the new assembly type structure -- well, I do not agree with the way the assembly is to be constructed or the way it has been named. I want to put on the record that those are things that I do not agree with. It should be on the record too that the Council as a whole has not been through this prospectus and agreed it for publication. We are publishing it as being from TransCom, which I am quite happy with, and then members can say what they think and in the fullness of time when the members have had their say we take proper account of what the members say because it is going to be their professional body. It is them that have got to agree when the Charter changes come through.

The other point was about it is a genuinely new professional body. Well, I do not think it is a genuinely new professional body. It must be a body which was created in a continuum from the Royal Pharmaceutical Society. It would have some of the characteristics of the current Royal Pharmaceutical Society and the major characteristic, a regulatory characteristic, is being removed. It will have new characteristics which are developed to make the new professional body more responsive to and to better serve members and make it a body that members will really want to join and would feel they will need to join if they are going to be effective professionals and it will support them. So I just want to be clear that what we are talking about is a new life for the Pharmaceutical Society with some characteristics of the old one, others removed and with new characteristics which we hope will make it very attractive for members and make them want to join.

The President: Thank you, Doug. Well said. Brian?

Dr Brian Curwain: Thank you very much, President. Since you ask for a small amount of reiteration, it will be very small. I think we should publish this prospectus. I would certainly suggest that we do that. Unlike Doug, I am delighted to see the inclusion of one or two other membership categories, and namely pharmaceutical scientists in particular, but I would just reiterate my slight concerns that it does not look quite as inclusive to them as the prospectus is written and I would welcome the members' comments upon it.

The President: Thank you, Brian. Dorothy, next.

Mrs Dorothy Drury: How many copies are you going to do? Is this to be posted to every existing member and then to a few groups?

The President: Yes.

Chief Executive & Registrar: Yes, it is going to every current member and the staff and those bodies represented on the TransCom reference group.

Mrs Dorothy Drury: What is it going to cost for everything? Have you got a –

Chief Executive & Registrar: I have not got a full cost right now. We are working on that. It is partly dependent on the design of the thing.

Professor Bob Michell: Two points: one just to feed into the record that the prospectus should include, as Nigel agreed this morning, showing a proper relationship between the Veterinary Pharmacy Group and the assembly.

The Vice-President, Mr Martin Astbury: I was not aware that was agreed. It was a comment that was fed in.

Professor Bob Michell: It was a comment Nigel agreed with and accepted.

Mr Martin Astbury: I am not convinced that is the case.

Professor Bob Michell: I am utterly convinced it was the case otherwise I would have pursued it further.

The President: There were a series of notes that we took over the last two days, all of which will be sent to Nigel and his team for consideration to go into the prospectus, all of which -- they have all been captured. Where is Patrick? Patrick [Stubbs, Head of Marketing & Membership Services], you have already started to have those conversations. I have just seen a draft of the prospectus which takes some of them into account and we have got three or four conversations to go, Bob.

Professor Bob Michell: The other comment is one that was made yesterday but perhaps it never happened and I dreamt it last night. There was going to be a covering letter that urged pharmacists if they disagreed with this that they should say so, so we are not in a position of having 25 responses, and what does that mean, all the others agree with it or all the others disagree with it? It must be emphasised to pharmacists that if they do not like it now is the one and only time to say it, not to have the debate in three months' time.

The President: That message will definitely be in there with it and a covering letter in the body, we will decide -- the message will be there. Sue?

Mrs Sue Kilby: I am pleased that you are going to actually send some of the comments back. Some of them may not be contentious such as, for example, forgetting about the Isle of Man and the Channel Islands. There are some minor things like that that we can agree to.

The issue is that if it is going out under TransCom, it has got to be what TransCom actually agree, rather than what the Council agree. I take Bob's point on board totally. We do need to think how these groups will be managed in the future because it is a big issue, the veterinary medicine side of it. We cannot tell unfortunately TransCom how they are actually going to accept it.

My other point is OK, this is going out as a prospectus for the new organisation. There are other issues because the new organisation is not just the Council or the assembly, it is also staff as well. So you are actually looking at how you will be marketing the whole organisation and I have said this earlier, that that needs to be thought of and it may need to be managed quite carefully in some areas.

The President: Thank you, Sue. Catherine?

Dr Catherine Duggan: I have just got a couple of points of note. It is just for the record in case they do not emerge. One was around rebranding what is called additional services because that might look like they are add-ons. The Benevolent Fund should read Pharmacy Support, and maybe a little more detail around the services to be provided locally, and a glossary would be very helpful because of our obsession and use of TLAs all over the place, and a little bit more detail there which I would be happy to help with. On page 8, to put leadership and management because that is key, and then a more positive why you would want to join on the last page and maybe the logos or the affiliations or the people who have been involved to show it has been such an inclusive and involved process.

The President: David?

Mr David Thomson: Thank you, President. It is just to seek clarification on the support that will be requested, to support the launch of the prospectus. There is a document at tomorrow's Policy and Communications Forum looking at the communication package behind that which has been prepared by the Society on behalf of TransCom. We could use that as members who have been involved in various discussions. That would be appropriate.

The President: Thank you, David. Can we say a few words, Jeremy, about the communications?

Chief Executive & Registrar: David [Pruce, Director of Policy & Communications] is here and has prepared that paper for the Forum tomorrow and indeed was going to do a short presentation in the strategy session if we had some time. I do not know if you can condense that into about 30 seconds, David.

Mr David Pruce: We will be supporting TransCom in the launch and trying to ensure that the prospectus is seen by all members and all potential members. That is the aim. What we want to achieve is that people understand what is being -- what is in the prospectus, that they are assured that it is deliverable and will be delivered if the members want it and to ensure that they understand the process going forward and the necessity for Charter changes to facilitate any changes. We will be supporting Nigel and TransCom in delivering that sort of message by a variety of means.

One thing I would like to emphasise is that as far as the membership are concerned, the membership will be most interested in what the new professional body is delivering for the members. I suspect that the members are not so interested in the structure and governance and I guess the main message we want to get across is around what this is going to do for members, for the average member, whatever sector they happen to be in and whatever age they happen to be.

The President: Thank you.

Mr David Thomson: Another point beyond that -- that is extremely helpful and thank you for that. The content of the paper, there is some inaccuracy and it would be appropriate to correct that so we get it right because if we get it wrong at this stage, then it raises questions of capability of the actual process. So I can point those out.

The President: That will be discussed tomorrow at the policy and communications forum. Thank you very much. Gerald, can I just bring you in here?

Mr Gerald Alexander: Just to capture what you said yesterday, I think we are going to receive as a Council receiving the prospectus and we are as a Council happy to distribute, disseminate, the prospectus on behalf of the Society to the membership and to other groups.

The President: On behalf of TransCom.

Mr Gerald Alexander: On behalf of TransCom. Just to register one or two concerns which I have put before you previously, I think models of governance, and this has been somewhat in argument to David Pruce, that franchise and the voice of members need to be heard and it

is through the electoral capabilities. So I actually have some concerns, I am not going to go into detail, but I would like to register those concerns over the prospectus or the model that is outlined in the prospectus. I have talked about this generally, just how the English Board deal with the population of 50 million and 35,000 pharmacists and how would GB, even UK, matters perhaps in the end be dealt with by the Assembly which only met twice a year or possibly more how would the European matters be dealt with? My concern is over the capability of the structure to deal with the matters that evolve over a period because I just think the English Board and the demographics are out of kilter with the population and the numbers of pharmacists. I just think that also the governance structure, there are areas of concern as far as individual franchise and election to the assembly. It is just how will members' voices be heard by this suggested structure? I just wanted to register that concern.

The President: Thank you, Gerald. I am sure Council have noted your concerns. Sylvia?

Mrs Sylvia Hikins: To repeat what I said yesterday about the actual layout of the document, I think there should be in the front a non-executive summary, a summary of the main points, and against those the page references so it is easy to find your way through. We want to encourage pharmacists to read it and, OK, if they do not want to plough through to the governance, they can find the tasty bits.

Secondly, the consideration of putting a perforated tear-off page at the back to invite comments, perhaps even direction, the strengths, weaknesses, general comments, whatever, and have it as a free post so you can just fold it down and stick it and plonk it in the post box.

The President: Thank you, Sylvia. Alison?

Mrs Alison Moore: Linked very much to what Sylvia said, actually I was going to quote Sylvia from yesterday but she said it herself. If we are now on the communication side of things, one question is who are we going to ask for the comments to go back to because I am a little unclear at the moment as to the continued role of Nigel Clarke in this. I do not know whether at the minute we should be given a remit for any further work from TransCom. So I think we need to be clear about who the comments go back to. I think certainly as Council we should get sight of all the comments that come back in some form or another. That was one side of things, can we have a formal consideration of the continuing role of TransCom and the continuing role of Nigel in terms of receiving comments back?

Then we were discussing amongst ourselves yesterday out of the formal meeting perhaps the types of questions we might want to ask people such as really basic ones like now you have got this prospectus what do you think? Are you in principle likely to join now? Really straightforward questions that would be very helpful to have the answers to. Is there anything in here that would prevent you joining? If there is, what is it? Could we perhaps have some consideration of the questions that we could usefully ask our general membership, not an official formal ballot maybe, but just to get a feel that is there anything in here that people look at and say I cannot do that or thank goodness they have listened to what we have said and they are going to do it. It would be useful.

The President: On the process point, I think the view is that because this is a TransCom document, then invited feedback and comments from members will go to TransCom and TransCom will forward those comments to us for compilation and then back to Council for consideration. So that is the route through, OK, to get comments back to here just so that we can view those comments, discuss those, make some recommendations and view them in parallel with the associated Charter changes. So those comments will be coming back hopefully to the Council meeting at the front of February, 2 February. That is that process point you were asking there.

In terms of the framework for the questions for responses to come back, I think that is really important, to try and guide people into the various sections of the document to get some meaningful comments back rather than just asking for generic narrative back across the whole document. That issue and all the issues that we discussed yesterday, be reassured, please, are being heard by Nigel. Any information or any specific questions which Council

members would like us to give consideration to putting in that tear-off response card and/or the online form, I think we are perhaps going to go through two routes here to try to get comments back in because some people prefer to post and some people prefer to go on line, because of the nature of the time frame here, please could you specifically let Patrick have those specific questions that you feel should be asked on the tear-off slip by close of play tomorrow, please? Is that right Patrick? That would be very useful. We have not discussed those questions in detail over the last two days but I would like to take the opportunity of feeding those questions in.

Mrs Sue Kilby: Steve, could I ask that whatever is developed as a result of the questions, that they may be sent around to Council just as a pilot to see whether they are actually answerable or not. On a number of occasions I have had to answer a questionnaire which I cannot actually answer or put the relevant boxes. I am not a community pharmacist and I am not a hospital pharmacist and I guess it is quite a lot of members who do not fall into the same categories. It was something that was actually brought up again at the education day that there is a group of pharmacists that are under other and we cannot always fill in all the things. I thought it might be quite useful to just test the questionnaire before it is actually sent out.

Mr Patrick Stubbs, Head of Marketing & Membership Services: The question is to have open questions rather than tick boxes, so open questions, and offer the members an opportunity to feed back in the box.

Mrs Sue Kilby: I do not --

Mr Patrick Stubbs: We will design it in a way that can be analysed and there is an opportunity for people to say what they want to say.

The President: I think we would rather be open rather than very closed on this. Ray?

Mr Ray Jobling: Declaring again, which I did in the strategy session, I am a trustee of the Pharmacy Practice Research Trust. With the diagram on page 4, there is an explicit reference to "research trust". I just want to double-check whether that is by intent or design and whether it should just say "research" and not "research trust".

Secondly, the point made there is I feel that it may not be quite so obvious that the research should fit under the domain leadership representation, remotely placed to professional development and education --(inaudible)--

Chief Executive & Registrar: Both of those things are being changed actually, Ray, so that it just alludes to research and we have moved it, as Patrick said, so that it is closer to leadership and advocacy as well.

Mr Patrick Stubbs: It is between the two. A lot of work has been done overnight on this.

Mrs Cathryn Brown: Just if we are being quite anal about layout and that sort of thing, on page 9 -- I was going to do it off line but everybody else has talked about it now -- in the main body of the text it is practising with a 'C' and in the blue box it is practising with an 'S'. I am never 100 per cent sure but --

Mrs Sylvia Hikins: It is "TransCom is", not "TransCom are".

The President: Can I just remind people that we are in public business and can I also remind people that it is Nigel who is making the decisions on this, not this Council, but in response to suggestions from Council. I just want to put that on the record.

Mr Douglas Simpson: I need to declare an interest as a former member of staff of the Society and member of the pension fund. I am sorry, I forgot to do that.

Mrs Margaret Allan: I would like to say a huge thank you to Nigel Clarke for doing this huge piece of work for us. He spent 15 months having widespread consultations with pharmacists

and allied groups across the profession and I think he has put together a great piece of work for us and I would now hope that our members will embrace and engage with us as to actually what they actually feel about this new, exciting prospectus for our professional body.

The President: Thank you very much, Margaret. With that, can I move to ask Council to agree to the publication of the TransCom prospectus? (Agreed) Thank you very much.

[Council **agreed** (i) the publication of the Prospectus, and **noted** (ii) the process for dissemination and feedback, and (iii) that the Council would consider the feedback in February 2008 in parallel with proposals for amendments to the Society's Charter. Council also **noted** (iv) that the communications plan for the publication of the Prospectus would be discussed by the Policy & Communications Forum the following day. Council further **agreed** (v) that a report of the consensus agreements reached at future strategy days should be available at the following formal Council meeting in order to be entered into the formal record of the Council.]

4. Overseeing the transition to the new professional leadership body

The President: If we can move on now to the next item on the agenda, please, which is item number 4, overseeing the transition to the new professional leadership body, regrettably we did not have time to consider this in the strategy part of these two days but can I ask Jeremy to take us through the proposed plan here.

Chief Executive & Registrar: Thank you, President. Just as background to this paper 111, I just wanted to give you the wide picture. I just wanted to give you the broad picture of how we get from here to there. How do we get to the new professional body? I distinguish between the what and the how. The what of the new professional body is the design that TransCom has made a fantastic start on. I think there is a lot more detail to go into the design but that prospectus is, as the President said, a blue print, a sketch. I think it is a pretty good sketch but it gives us the basis of a design for the professional body. What that is leading to already, as Andrew alluded to yesterday -- this morning actually, it was meant to be yesterday but it was actually this morning, is a business plan which we have made a lot of progress on and that business plan will drive an internal reorganisation and quite possibly negotiation with other bodies on the kind of relationship that the new professional body needs to have with other players in pharmacy. That is very much driven by the kind of consultative and inclusive approach that TransCom has itself adopted.

That process is itself fed by a very wide-ranging and thorough going change process within the Society and that involves a management change, a cultural change and a real shift in communications. As we have already discussed, the Policy and Communications Forum tomorrow will be talking about the communications around the prospectus but it also needs a shift in the way that we engage with the membership throughout 2009. As part of that, we have been running a programme that Council already knows about called Project Energise. I am sorry about the colour clash between the Energise logo and the bottom of the slide. Project Energise is our internal programme to give us much clearer focus and clarity of purpose in relation to our role as two new entities, a professional leadership body and a new regulator. To that end, we have developed directorate and division level mission statements and key performance indicators so that we are very clear about what each part of the organisation is supposed to be doing and how well it is doing it so that we are absolutely focused on what our mission is. We have had a very comprehensive survey on staff attitudes to customer service which has just been followed by some mystery shopper work in-house, that is to say, using an external research company but looking at how people who make inquiries of or have contact with the Society actually experience what the Society does and provides. That will be fed back to staff and will impact on the training programme. The training programme has already started with a programme called Training for Change and a series of learning lunches. We are identifying so-called change champions within the organisation and we are introducing a special bonus scheme for those people so that we can encourage role models, if you like, of people who are really engaged in changing the way we operate such that we are more in touch with our membership and we are delivering the things that the membership requires and, frankly, not doing a lot of the things that are not high priority so that we can focus our resources more effectively. We have a staff team building event early next month.

We are also introducing specific project management for the product and service development that the TransCom prospectus requires. So we are going to have a real focus on the items in the prospectus that require some real business development and we will be adopting a clear project management approach for that.

I mentioned external communications and, just very broadly, there are three phases to that. There is the promotion of the prospectus and the feedback on that, which we have already talked about, there is the consultation on possible Charter changes and a special resolution on those, and then there is a sales campaign. As I was saying yesterday, 2009 is the period in which we have to do our marketing and sales campaign for the new professional body so that when we get to 2010 everybody is very clear about what that body offers, what the argument is for membership of that body, and they would have to have some very strange reason not to be a member. The default position should be that everybody is a member of the professional body. So 2009 is our sales and marketing period.

So we have got the what, at least the start of the what, which is leading to a business plan and an internal reorganisation. We have got a change process that already is under way which encompasses management, cultural and communication shifts. We need some monitoring and oversight of that whole process and the paper that you have before you, paper 111, recommends a transitional working group to do three things: to monitor that change progress towards the new professional body and report to Council on progress within time scale, effective coordination of work streams and effective risk management. So it is on the professional body side of our operations that that monitoring oversight is most important because that is where most of the changes happen.

The composition of that body, that group, is recommended in the paper as firstly those Council members who are representatives on TransCom, nominees one from each of the national boards. It is not in the paper but I would like to recommend to Council that Lorna should be a member of that transitional working group primarily because the link between the kind of discussions that we had in the Governance Committee last week and the kind of discussions we have already been having on the process to get from here to the governance of the new professional body is a very important link. Nigel Clarke has agreed, if Council wishes, to act as an external adviser as well. Then, if and when any other organisation formally commits to being part of the new professional body, they should have a representative on that working group too. So there is a little bit of expansion of the recommendation in the paper that you have got in section 2.1.

That is really what will get us to the delivery of a new professional body. It is a rather easy chart to put up and a big challenge to accomplish but I think it will be greatly assisted by a transitional working group. So that is what we are asking.

The President: Thank you, Jeremy. Gerald?

Mr Gerald Alexander: Just in relation to that slide, I can see the process and the way that you would need to have monitoring and oversight of management, cultural, communications, and you would need to have oversight of internal reorganisation and negotiation with other bodies but, and the but is the governance arrangements of the potential professional body and the oversight of those arrangements. It is not made clear in the paper, and I am a little bit concerned that why do we need to divest the Council of that responsibility to the working group? So I think if the remit were narrowed to some extent to what I have outlined and if we were a little bit more concerned perhaps with the principles of nominations to the assembly, areas of governance, the Governance Committee identified concerns in relation to how the current national boards are structured and how individuals from the current national boards would be moved up into governance arrangements where they were not expected to go when they sought elections and nor did the electorate realise that that is what they were electing them for previously.

So my view is that I am very happy to support a working group with a somewhat narrower remit but if it impinges on areas of governance in relation to the shadow and then the interim assembly, I think that should be left with the Council.

The President: Can I just say that I do not think there is anywhere in here which suggests that we are taking responsibility away from Council to exercise its responsibilities in terms of the transitional process. This is a working group set up to actually coordinate, plan and deliver the process, through whatever vehicle it needs to, the resources it needs to, and to regularly update Council and involve Council in those decisions as those decisions need to be made, which would clearly involve the process for transition into a new governance arrangement, Gerald. So let me just give you that assurance.

Mr Gerald Alexander: If I am allowed to come back, with your permission, I am happy to support that but, as I say, I think the remit should be a little bit narrower in relation to those governance issues that I have outlined. I am very happy that you have reported back. Again, there is an area in this paper that talks about reporting. It does not say how the reporting should be done. For instance, in the past we have had reporting on the prologue by verbal reports from the Officers and Chief Executive to the Council. I would always support the reporting to Council in a written format in advance of the Council meeting in order that we actually can understand and consider what is being put to us. So, you know, if we are going to go down this route, I would hope that there is always a written narrative attached to the reports that Council receive. I still would like the remit of the working group narrowed just a little bit in order that you realise the boundaries and we know our responsibilities in relation to future governance.

Chief Executive & Registrar: I am just looking at section 2.2 of the paper, Gerald, which says that the remit is to ensure progress is being made within the required time scales, there is effective coordination of work streams and risks are being managed effectively. What would you want to reduce in that?

Mr Gerald Alexander: The risks, obviously any working group would identify those risks and report to Council as and when possibly by e-mail letting us know if the potential circumstances were different. I am not suggesting that but I am just talking about areas where the Governance Committee identified questions in relation to the electoral route proposed from the national boards to the assembly. There are just those areas and I just think those are areas that we as Council should not divest ourselves of.

The President: I absolutely agree, and there will be other areas as well.

Mrs Lorna Jacobs: My understanding is not that those kinds of issues should be yanked away from the Governance Committee. The Governance Committee has raised them and the Governance Committee will look at them again in January. I think that the suggestions that as Chair of Governance that I should be on this group so that I can act as a link, if you like, between the previous Governance Committee discussions and the next Governance Committee, I think that that is -- it is not to say it would not come to Governance Committee, it would be to have some ongoing input.

Mr Gerald Alexander: I am sorry to labour this point, President. It is the process by which this takes place. I am very happy that the Chair of the Governance Committee is going to be appointed by Council to this working group so that she will take responsibility along with yourself and the Chief Executive in reporting back to Council the issues as they arise in relation to governance. That is really all I am saying but I do not want the working group to go off -- I am sorry to say it -- and grow legs and decide on governance arrangements that we are presented with as a fait accompli at a later stage.

The President: Let me give you that reassurance, Gerald that the purpose of this is to work it very efficiently, not for avoidance at all.

Mr Gerald Alexander: I am glad you pointed it out to us. I am more than happy to accept that.

The President: Thank you very much. Seema?

Ms Seema Agha: Two things: one about the composition. As I looked at this, I thought where is the inclusivity? We are in danger of now repeating a mistake that Nigel picked up on. You look at it and it looks like the men in grey suits making a decision for a diverse profession, from where I am standing, apart from when Lorna has been added. So it is very much again male dominated. Where are the women and where is the inclusiveness in all of this?

The President: What would your suggestion be, Seema?

Ms Seema Agha: I would suggest that there is nothing in those comments that says that diversity would be achieved by actually asking the English Pharmacy Board to nominate X member. I do not want to have positive discrimination but that should have been addressed very upfront if that paragraph somewhere so that that says there has been some thought put into it in writing that. I have no confidence, I have to say, because I repeat this constantly, that that issue is being picked up on. Nigel said it at the last EPB, he recognised what I was saying was important, and he is disappointed that the Society has failed to take this point on. That is the first point.

The second one is in terms of the staff lead to be held off. Putting my English Pharmacy Board hat on --(inaudible)-- I just wondered whether there is going to be conflict in the work loads and are we setting it up to fail to support both? Is this achievable? Has that been looked at? There is a lot of pressure on the Board to do a lot of prioritising of work.

The President: There is.

Ms Seema Agha: I think if you are setting people up to fail, you know --(inaudible)-- unnecessary expectations and burdens that cannot be achieved and the whole process falls apart.

Chief Executive & Registrar: Can I say that I have every expectation that Howard is going to do it extremely well. We are aware of the work load and pressures and a lot of the staff are working extremely hard because they have their day job to do and they have the change to go through. So we are looking at how that can be managed to best effect but Howard is very comfortable with the brief and I am sure will do a very good job.

Ms Seema Agha: I would like him to be able to come back and say actually can we revisit this? I know it is easy to say yes and yes and oblige but it would be nice to say actually this is too much, can we revisit this, and then support provided within that mechanism.

The President: I am sure Howard would do so. Sandra?

Mrs Sandra Melville, Chairman of the Scottish Pharmacy Board: Speaking on behalf of the three pharmacy Boards here, the principle is right --(inaudible)-- a transitional working group to see this work through. I think there is a risk that this looks a bit like TransCom two and we need to be seen to be looking forward. The three Boards would like to suggest that we actually have two nominees from each Board given that the national boards are going to form much more of a backbone of the new professional body and that is a step, a small step, towards that in the right direction. So that is our suggestion, speaking on behalf of the three boards.

The President: On that particular point, does anybody have any comment to make on that?

Dr Catherine Duggan: Steve, that addresses the first point, that that might share the work load a bit and allow if somebody is off for any reason, a good opportunity.

Mr David Thomson: I support Sandra's proposal because it affects the amount of work that is going to be involved.

Professor Nick Barber: I think one of the things is the skill mix that is required to make this work and the people mainly with commercial background here. I think having more from the

Boards will allow more public sector change management experience to come in.

The President: Alison, on that point?

Mrs Alison Moore: I am just concerned that we are turning a working group into TransCom for no reason. This is supposed to be, from what I have read of this paper, merely a small working group to undertake an implementation of stuff that is going to be agreed at Council. So I do not understand why it needs to have lots of representatives for this, why diversity matters, not that diversity does not matter, but this is a working group. It is not a group that is going to be making decisions or taking -- Council is going to be making decisions so I am a bit confused. I also do not understand why Nigel needs to be on it for those same reasons, not that I would not value Nigel's experience, but does he really need to be involved in the implementation of the process? I do not understand.

The President: This is a group that is going to be making recommendations to Council so it is not just a --

Mrs Alison Moore: It does not say that here.

The President: It is going to be making recommendations to Council to make decisions on. It is not just going to be a passive group otherwise there would be no use having the group at all. It is to manage the process. It is the working group that will move through to manage the transitional process. So although ultimately decisions will be made by Council, it is not a working group that is very passive in its nature. I think it will be a very busy and active working group.

Mr Andrew Gush, The Treasurer: Can I make one point as well? I see a major role in this. The staff have got a huge job to operationalise this plan and this should be all about making it easier for them. If we give them a Committee which is so cumbersome for them to manage and interact with, it is going to slow them down. I have been looking at the body language from the staff who have got this big task ahead of them. If you give them a huge Committee to interface with, it is going to make life even more difficult. I know how hard the staff are working at the moment. Talking about people doing two jobs, I know there are people coming in at seven o'clock and going home at seven o'clock and there are hours before and after when they are trying to get their day job done as well. So we have got to make it easy for them. Jeremy, what would make -- I am not saying what we should do but what would be the best to actually execute this plan in the time scales we have?

Chief Executive & Registrar: Thank you, Andrew. The proposal is what is in the paper because I think that is a compromise between inclusiveness and pragmatic efficiency. It is no coincidence that it does have continuity with those members of Council that are on TransCom. I think actually this is a continuation of the TransCom process but operationalising it within the Society.

The President: Sue, on this point.

Mrs Sue Kilby: Definitely on this point. As you can imagine, I have been Chair of Education and I have real concerns. Wendy has been really good at actually organising already two days and looking at how we can actually divide the educational aspects between the profession and the regulation body. Yet there was nobody there from education that is actually involved within this group. The major services that are going to be developed will be linked around education. I am Chair of Education. I also look at the group and I see what is it, four, five -- the white males who are actually sitting there from the community pharmacy background. None of you are marketeers, none of you have -- well, I do not know. At the Chartered Institute of Marketing, we are busy flogging how marketing is important but nobody seems to recognise any other professional body qualifications.

Mr Andrew Gush: I think you are being a bit sweeping with the skill sets there, Sue.

Mrs Sue Kilby: If you are member, then please --

Mr Andrew Gush: Having a skill set does not mean that you are a member of anything.

Mrs Sue Kilby: Well, we have been arguing that it is important to have MRPharmS and the benefit of it being linked to future employment.

The President: Can you just let Jeremy respond to the functional point you made?

Mrs Sue Kilby: That is what I am actually trying to get to. I have concerns on the fact that there was nobody involved from education when I have responsibility for both professional and the regulation aspects of education and we have quite clearly identified that this is the one area that actually goes across both regulation and professional and that needs to be actually looked at carefully as to how it is divided up going forward into the professional body and the GPhC. You know, so that is why I would think it was quite important. We have also highlighted within the prospectus and within David's section that the whole range of services around actual education is actually important and those will need to be set up. So that is why I am saying there should be an input from Education Committee.

Chief Executive & Registrar: Can I just explain some of the rationale here? We could have gone down a functional route, that is, we could have put together a transitional working group that had an education specialist, a research specialist, a science specialist, someone who had an interest in communications, through the Policy and Communications forum. We could have composed a transitional working group that had functional composition like that. We chose not to do that primarily because the continuity from TransCom is probably best represented through those members of Council who were on TransCom and, secondly, because we already have an infrastructure around those functional areas of specialism such as Education Committee, which this will work in concert with. So we are not trying to duplicate all those other areas, we are trying to just monitor the transition process, and it will need input from Ed Com and from other specialist groups as particular work streams because, as you say, education is going to be a hugely important development for the professional body. So we are not ruling that out, it is just a supplement to it.

Mrs Sue Kilby: I am not quite sure how it is going to feed in. I am also aware that whilst TransCom has been going on, a lot of the routine committees, such as RMC and Communications, have not actually existed so I was really concerned --

Mr Andrew Gush: That is totally wrong, Sue. RMC does exist. I am sorry, you are making sweeping statements again. The reason why there has not been an RMC meeting is because there has been nothing to go on the agenda and actually to put the cost up to support a meeting with no agenda would go against all we have been talking about for the last year. So I think that is unfair and I do not accept it.

The President: Can I just say, just from a pragmatic point of view, that a working group of four, eight or 18 are not going to deliver this new body. They will have to work in close relationship with the people in this building and others beyond this building to actually make this happen. It will be an inclusive process, as the process has been inclusive right now. We cannot really afford and it would be totally unwieldy to have a working group of 20 people. We might as well have Council doing it. Can you imagine 30 people trying to lead this? It is not practically possible to actually do that. So the commitment is that we involve people as and when they need to be involved in this process and that will be a lot of people, a lot of time, so please be reassured of that. Steve, did you have a point to make? I have got you on here.

Mr Stephen Acres: I have two points. One comes from Sue's point about the education input and when you look at the remit of the group for me the remit of the group is around general management and communication skills, not around specifics.

The other point that I would like to make is you talked about the working group working with organisations committed to being part of the new professional body. Will that extend to affiliated groups and, if not, at what point will that happen?

Chief Executive & Registrar: I am not suggesting that affiliated groups should have a representative on this working group but it is certainly the case that the working group should have the right kind of dialogue with those other bodies and that process is part of getting to a professional body that has the widest possible support. So there is a distinction between a representative on the transitional working group and the kind of dialogue that that group might have with other bodies.

The President: John Gentle.

Mr John Gentle: Bearing in mind what Jeremy was just saying about the size of the group and problems that maybe the whole Council is too large and it is easier to take it in a smaller group, at 3.1, the third bullet point talks about the group comprising other organisations which commit to being part of the PLB. Those organisations, as I understand it, could well include small niche groups of pharmacists or whoever. How many of these groups do we envisage because might it be not 20 or 30? One of them from each group is going to be on this Committee giving you a Committee of 35 or 40. Surely some kind of maximum should be put on this or we have three or four representatives of this smaller grouping but not one from each of them if there are loads of them.

Chief Executive & Registrar: Can I say I think it is a very good point and at the point where another body says yes we are formally committing to being part of the professional leadership body, we will bring that back to Council.

Mr John Gentle: We could have Sue and Keith, Pharmacists for Education, wanting to join the new body.

Mrs Sue Kilby: It looks as if it is the only way actually.

Mr John Gentle: Can I just make one other quick point as well? On 2.3, can we delete the last two words so that we guarantee that we get a place on Council meetings? I think that would be important, to do away with the "if required" because I think they are required.

The President: yes. Are you happy with that?

Chief Executive & Registrar: I would not do an update just for the sake of doing an update. We will do an update as a standing item for every formal Council agenda and if there is a need for one in between, then we will do that too.

Mr John Gentle: Surely the group is not doing its job if it goes for two months without deciding.

The President: We can agree to that, John. Phillida?

Dr Phillida Entwistle: I was concerned by Gerald's view of the importance of risk management in the proposed remit. In my view, that should be the number one item on your agenda because there already is a transitional risk register in existence for the pharmaceutical side and for the regulatory side. I do not understand why the professional body is so behind the regulatory side in creating this transitional risk register. So I would like to see it done very quickly and I would like to see it.

The President: Thank you.

Mrs Cathryn Brown: It was just a question. Could we see the other possible structure of the working group? I know we have got the one that is in the paper but at one point we were having Lorna and Nigel and did that one include the two people from each Board or was that just an idea? So we are still looking at the four people on Council who were on TransCom, one person from each Board, people from other organisations, Nigel and Lorna?

Chief Executive & Registrar: Nigel would be an external adviser if required.

Mrs Cathryn Brown: Yes, and Lorna.

The President: That would be what we put to Council for the recommendation as opposed to the one in the paper.

Mrs Cathryn Brown: At one point it said we are going back to the one in the paper.

Mr Richard Daniszewski, Vice-Chairman, English Pharmacy Board: Is it possible for Board members to receive copies of the meeting reports as well and maybe one easy way of doing that would be to put it on the share point microsite that English Pharmacy Board members already have access to.

The President: I have no problem with that. It is an open and transparent process. Gerald?

Mr Gerald Alexander: Just a question to Jeremy on the remark you just made about Nigel if required. How would you make that sort of decision whether he was required or not and on what basis?

The President: It is a judgment call, Gerald.

Mr Gerald Alexander: If he is there as an external adviser, he is there as an external adviser. If he is not there as an external adviser, on what basis would you make the decision not to invite him or not to require him? I am unsure of that because it is not in the paper and none of this is in the paper. I just wanted to have some reassurance as a member of this Council that Nigel would be there as that external adviser for that particular purpose.

Chief Executive & Registrar: Well, I think there are probably two criteria and one of them is the practical aspects. I mean, Nigel costs money and I would not want him to attend every meeting unless there was a specific reason for him to be there, and he has other things to do with his life as well. So I think there is a practical dimension to it. The other is, as the President says, the judgment call. Is there an issue that this transitional group is wrestling with where experience that Nigel has gained over the last 15 months could help to illuminate? That would be the key deciding thing.

Mr Gerald Alexander: You could report that to Council by way of your narratives?

The President: Absolutely.

Mr Gerald Alexander: Thank you.

The President: Could I ask that we consider the recommendations before you? At (i), can I just ask that the Council agree to the establishment of a New Professional Leadership Body working group to oversee the process of transition to the PLB? (*Agreed*) At (ii), to agree the composition and remit of the working group as set out in Appendix 1 to the paper but with the addition of Lorna Jacobs and the use of Nigel Clarke as an external adviser.

Mr John Gentle: Bearing in mind the comments I made before, would there be any chance to limit the numbers in this group based on what was said before about the advantage of smaller groups?

The President: I think we suggested that those bodies who agree to come into the new professional body, we would bring that to Council to agree that a member of that body should join the group.

Mr Richard Daniszewski: And clarification on numbers from each of the national Boards because I heard a few yeses but there was nothing conclusive either way, and then the discussion moved on.

The President: OK. That is on the point we are on now in terms of the composition of the

working group. So we have either got composition as in the paper plus Lorna Jacobs and Nigel Clarke, as an external adviser, or the alternative is as just said plus further representation from national Boards, two from each national Board.

Mr Martin Astbury: Just speaking on that issue, it is just for Council members just to look at the possible remits there and the size of that actual Committee and just to check that you would be happy with having that Committee that is there that is feeding back to you in the event of there being five Council members plus seven others that are not Council members. It is up to you to make the decision as to how you want it. This Committee is feeding back to you.

The President: Gerald, do you want to make a point?

Mr Gerald Alexander: Just another very minor point. It is about reporting to Council. Minutes, agendas, presumably Council will have sight of those agendas in advance and as soon as it is practicable to write up the minutes and distribute them to Council in the time-honoured fashion, in order that we can actually perhaps comment and send our comments to yourself and to Jeremy and Nigel so that any concerns that we may have that have not been picked up we can actually feed in.

The President: We will have to work very efficiently, that is number one. We will have to operate in a very open and transparent way and we will have to operate recognising that Council have responsibility for this and we will combine those as best we can, Gerald. I give that you that assurance. Lorna?

Mrs Lorna Jacobs: I think partly on that note, whereas it is -- I suppose I speak as the Chair of Governance. It has been said can we have reports in writing where necessary? It has been said can we have minutes as quickly as possible? I think we have to recognise the stresses that staff are under. Governance rules have been written on the basis of, if you like, a different time. Our responsibilities do not change and we have to bear that in mind, but we also have to remember that we are not -- it does not serve our purpose to make life impossible for staff. They are trying to do two jobs at once with diminishing resources. We have to all be flexible about what we ask them to do. I think that is very important. I think the use of this microsite to get agendas and papers up on and then alert to say look at the microsite, we cannot expect staff to -- I was going to say pander. We cannot expect the same level of service as we have had when life was different. The ultimate goal must be to deliver this new professional body, not to beat staff that they have not provided us with what they said they would do.

The President: That is absolutely well said, Lorna. I think we do have to remind ourselves that we do still have statutory responsibility until midnight on the night to deliver what we have to deliver now. So it is a case of the day job now and this on top of it and it is a huge task. I will come to you in a minute, Sylvia. I have got Sandra over here.

Mrs Sandra Melville: Can I just say I agree with everything that you have just said. I am concerned that there might be a little bit of muddled thinking, and I might be wrong, around the fact that if you have got two nominated regional pharmacists appointed, that is somehow going to add to the work load of the staff. I am not sure people think that but I get the impression people might be thinking that and I do not see how that is the case.

Also, on a similar note, I think communication should be through one person, presumably yourself, Steve, so absolutely the group should not be too big, it has to be a working group, but I do think it has to have the proper representation.

Mrs Lorna Jacobs: Can I come back? I did not wish to give the impression that I was talking against having -- that is where the subject came up, that having extra members on the group would cause extra work load. What I was actually going to say was exactly what you have said, that three extra members on the group do not add to the staff.

Mrs Sandra Melville: In fact, it shares the work load of the group.

Mrs Sylvia Hikins: Just about the group communicating with Council really, which is I think what this discussion is about, obviously if you put an agenda together, then if it goes out to the membership it is easily available on a site available to Council as well. I cannot see that being a problem having sight of that. With regard to keeping full minutes and that, is it not possible that a member of the Committee could just make some key point notes which could be -- just so that the members of Council can see what is going on? It does not have to be formal minutes and all that but just to be kept in touch with what is happening. That could actually be done by a member of the Committee, not the staff.

Chief Executive & Registrar: Can I just point out, it does give us the option of action notes rather than minutes.

Mrs Sylvia Hikins: Yes, exactly, something flexible like that which would not necessarily be staff. A member of the Committee could keep some action notes and get them on the website.

Mr Howard Duff, Director for England: I appreciate Council's concern and I may have a solution. Jeremy has alluded to the programme approach we take and part of the programme approach is having its own reporting structure. If that reporting structure could also be used for reporting to this group it would save a considerable amount of time and would be very succinct. So can I make that suggestion?

Mrs Sylvia Hikins: That would keep us all in touch with what is going on.

The President: Thank you, Howard. That is very helpful.

Dr Brian Curwain: I lost track slightly as to whether we agreed the increased representation.

The President: We have not yet. We have agreed (i). That is all we have agreed at the moment, (i). We have still not agreed (ii) but we do need to because time is going on. What is the easiest way to decide whether we need two representatives from each national Board or one? I do not really want to go to a complete formal vote.

Mrs Margaret Allan: The English Board are going to have two because they have got Martin and one so can't the Scottish and the Welsh have an extra one?

Mr Martin Astbury: I will not be sitting there with an English Board hat on, not by any stretch of the imagination. You are kidding yourself if that was the case. They would have to have an additional person to represent the English Board. I am there as the Vice-President of Council.

The President: Dorothy, have you got the solution for us?

Mrs Dorothy Drury: Why not start with the one and see how you get on and look at two at the next meeting.

The President: Are you happy with that suggestion? Moving to (ii) then, can we agree the composition and remit of the working group as set out in Appendix 1 with the addition of Lorna and Nigel Clarke as external adviser? (Agreed)

Thank you very much. (iii), to note the –

Professor Bob Michell: (iii) is actually different from what it says under 2.3. What it says under 2.3 is: *"It is proposed that a report from the working group will be a standing item on formal Council agendas and that updates will be provided between meetings .."*

and they have already agreed to delete the words "if required", which is not really the same as little (iii) up there.

The President: OK.

Mr Gerald Alexander: Just a point in relation to (ii), it is as set out in the paper and taking into account comments made by Council members. We talked about the governance about that and the remit. So we have had a discussion. As President, you have taken that into account, that is fine, but if you ask us to say as set out and we are going back to the original at the moment, otherwise it would have been not worth making the points.

The President: That is absolutely right. (iii) then, could I propose that the words of (iii) are taken from 2.3 on page 2 of 5, which is basically that the reports from the working group will form a standing item on formal Council agendas and that updates will be provided between meetings. (Agreed)

Thank you very much, Council.

Professor Bob Michell: Chairman, I would like to raise one other issue on this item, please, which is in relation to that standing item. I would like to propose that there should be another standing item on our Council agendas, which should be public interest and health issues to give us the opportunity to pick these up in a timely fashion if they are not there on the main agenda. It really is a question of risk because in the last six months we have horribly failed to deal with top-ups until belatedly yesterday and today, we have never dealt with poly clinics properly and, worst of all, we have not addressed at all huge expenditure which the government is putting into terminal care at home, assuming the money is still there, a third of a billion, I think, and that has huge opportunities for pharmacists, raises huge challenges, and these issues just keep slipping past us. So as a safety net, because these are still our duties, and I understand why this is forced upon us as using up a lot of time, but to ensure that the other things do not keep slipping through I would like a standing item public interest and health issues.

The President: Thank you, Bob. I realise you weren't there in Cardiff. We did discuss that issue there in terms of policy formulation under that title and we did agree that we would have regular policy discussions at strategy days and Council sessions moving forward.

Professor Bob Michell: I am making a specific proposal that it should be a standing item, just as this one is.

Dr Phillida Entwistle: I think I would support that because I think it behoves Council, as the professional leaders really, to demonstrate their continuous interest in the widest clinical field possible, but particularly in public health because of your interactions one to one with patients all the time. I think it is an important suggestion.

The President: Would anybody like to – Eileen, do you want to make a comment?

Ms Eileen Neilson, Head of Policy: I want to mention that we do pick up these issues in our weekly horizon scanning. We are now making arrangements for lists of those topics identified to go onto the Council microsite. So if anybody picks up an issue there that they want to discuss at a strategy day or Council meeting we can respond to that.

The President: Thank you. Do we need that formality to make that happen or do we just make it happen?

Professor Bob Michell: I think we need that formality because the audit trail for the last six months is appalling.

The President: Is Council happy with that suggestion? (Agreed) Thank you very much. We will adopt that, thank you.

Can we now move on, please?

We have an extra item here, which is the response to the top-up conversation we had

yesterday. Have you got a paper, David, to circulate or has it already been circulated?

[Council agreed (i) the establishment of a "New professional leadership body working group" to oversee the process of transition to the PLB until the establishment of the shadow Assembly; (ii) the composition of the working group as follows: the Council's nominees to the Transitional Committee (Mr Churton, Mr Astbury, Mr Gush and Mr Carter); 1 nominee from each of the National Pharmacy Boards; Mrs Lorna Jacobs; Nominees from the other organisations which commit to being part of the PLB; and Mr Nigel Clarke as an external adviser – as required; (iii) that Council would review the working group as progress was made with the transition; **noted** (iv) that a report from the working group would be a standing item on formal Council agendas and updates would be provided between meetings if required.]

5. Top-up's

Mr David Pruce: The paper has been circulated as 111a. It should be on your tables. If anyone has not got a copy, then we have got some spares.

The President: Bob, have you got a comment to make on this?

Professor Bob Michell: Yes. I think it is fine and will be the basis of communication to the profession obviously. What I think must be there though which still is not there is something along the lines of Council has not had time to consider in detail the Richards report and the government response and will do so in due course. Meanwhile, the following principles are important.

The President: Do we need discussion on this or are we happy with Bob's suggestion of this amendment.

Dr Catherine Duggan: Can I just say thank you to David and his team for turning it around quickly. I have just scanned it. I have not had a lot of time but really it has captured an awful lot of the varied and wide debate that we had yesterday.

Mr David Pruce: Can I say the credit goes to Eileen.

Mrs Lorna Jacobs: I am not 100 per cent sure that I understand what Bob is recommending should be changed. Is it this point 1 that the Council have not had time to consider, followed by a key point? I feel that would be a very sad message to give out given that we already have Dodd's monitoring, the BMA have responded, the NHS Confederation have responded. Everyone else has managed to make an instant response without hedging their bets to say we have not really had an opportunity to look at it in detail. Do we want to put in the public domain that we have not had a chance to look at it yet? We want a response and clearly we will look at it in more detail later.

The President: Can we just let David respond?

Mrs Lorna Jacobs: That almost goes without saying.

Mr David Pruce: Can I respond? I think it is important that we note that we will be responding to the Richards review in full, particularly as there are a number of consultations associated with it, but we will respond in full. If I was drafting a press release from this, which we will as soon as this is over, that would be in notes to editors. So we would note to the editors that we will be responding in full and Council will look at the review in depth. I do not intend to draft a press release here but that is the sort of thing that one would highlight to editors that we intend to respond to the review in depth. The same with the BMA and the other organisations will be giving their headline messages in press release which is what you have in Dodd's monitoring. They again will do the responses on the basis of a full review.

Professor Bob Michell: In answer to Lorna, I think the point is this: I think I am right in saying that this stuff came out on Monday.

Dr Catherine Duggan: Tuesday.

Mr David Pruce: Tuesday. I am losing touch with reality.

Professor Bob Michell: My Monday was dealing with Remuneration Committee, my Tuesday was dealing with non-RPS matters. I fully intend to read the Richards report, every single word, and I fully intend to read the government response and the response of the political parties. I would like to know, hands up anybody who has already done any of that, because if not I stick to my comment we have not had time to -- I am sure, and I am sure Eileen has, but among Council members we need that opportunity before we just enthusiastically nod it through.

Mr David Thomson: I seek clarification as to the process. Is this statement going out on behalf of Council or on behalf of the English Board?

Mr David Pruce: This would form the basis of a statement that would go out on behalf of the Society because it is looking at the principles around top-ups.

Mr David Thomson: So, for consistency then, the response should be expanded to embrace the Welsh and Scottish equivalent response as well otherwise as it stands it only represents the views from the English Board.

Mr David Pruce: Can I just help on this? My feeling is that this should be a Society position on top-ups but it is stimulated by the Richards review which was England only, hence it refers to NICE, it does not refer to SMC, for example, and I think that is entirely legitimate. We are responding to the Richards review but it provides a Society position which then actually is a good platform for any responses of Scotland or Wales when they come to make their announcements.

Mr David Thomson: Taking that to its conclusion, the similar exercise did not necessarily allow the Scottish or Welsh Board to be considered by Council. If you take the same principle, it should have done as well, to be consistent in the approach. This is a matter for Practice. It really should have been dealt with by the respective boards, I would have thought.

Mr David Pruce: This response did not come through the English Board, this was done in the last 24 hours.

Mr David Thomson: My argument is that it should.

The President: I have got Alison and Bob wanting to talk and I am sure both to that point. Alison to go first, please?

Mrs Alison Moore: I think we need to distinguish between responding to the Richards review and making some general principles on the principle of top-ups. I would be much happier if we could either remove references to NICE altogether and talk about the general principles of accepting drugs for use on the NHS and then you do not have to mention NICE, you do not have to mention the SMC or any other equivalent body that does that. If we are talking broadly about general principles, then the less tight we are in our phrasing perhaps, the better it is. If we are saying we are talking about speeding up NICE appraisals, we cannot put speeding up NICE/SMC because SMC actually are fast. We could say we believe that appraisals for drugs should be done as quickly and as safely as possible. That is a general principle rather than a response to the Richards review and I think we need to be careful in our phrasing. So I think there are a few examples of that the whole way through where it starts to refer to NICE and specific English matters but they should not be part of our general Society policies but they should be things that we deal with in response to the Richards review and really separate the two out.

My other comment is a little one on 3.3, which talks about off-label drugs, and I think that is too tight phrasing. I think that needs to be expanded because we are not talking about tight off-label drugs.

The President: Bob, did you want to respond to that?

Professor Bob Michell: I fully understand that the way it operates in the three different countries is an issue that should concern Practice but, again, we are indicating that this is a preliminary response, we are identifying principles, and the trigger for identifying these principles is inescapably the Richards report and the government's response to that and the response of the political parties to that. The reason why we have to start with principles and revisit this with inputs from practice is that it is not just a practice issue, it is an ethical issue, of monumental importance. It is an ethical issue because the decision that was reached with regard to renal cancer drugs in July was actually the reintroduction of the death sentence for certain patients and the misinterpretation of the existing rules and, as we already said in our debate yesterday, what this is really beginning to consider, which is going to be extremely important to your members, let alone the public interest, is how do you apportion resources? How do you rationalise care? These are not just practical issues, these are fundamental ethical issues.

Mr Ray Jobling: I have some unease about reference to that. It would be extraordinary surely, given the fact that all of the responses in this recent time have picked up the point about the need to update, upgrade, change, improve, enhance, whatever word you use, the NICE procedures. Even NICE actually think that. So I think if we just stay quiet on this point, given that it is not the Pharmaceutical Society, that would be to my mind a rather --(inaudible).

On the general question, I am critical about the way in which some of this is coming forward, if I may put it that way. I have to say the way in which it has proceeded over the last two days -- I think we had a very good discussion yesterday. It was very notable that virtually everybody if not everybody in the room contributed to the debate and that was very encouraging and we got some staff to turn it around. So we are always beating ourselves around and saying it takes us ages to do everything. This has been done now and it has got here and --(inaudible)--

The third point, not to be quite so -- wasn't it notable really that the quality of the debate was, I think, because we were all in it together, pharmacists, educators, technicians, lay members. It will be more difficult when some of those people are not here to get that kind of debate unless the new leadership body takes extreme efforts to get it.

The President: Thank you, Ray. Can I just make the point that the BMA, the NHS Confederation, the King's Fund, the Royal College of General Practitioners, the Alzheimer's Society have all issued releases. They all make reference to Richards and they all make reference to NICE. We cannot seem -- it would seem extraordinary to me, Ray's point, that we should depart from that. Just from the point of view of reasoned judgment, can I just ask that we allow the people who are going to put this together to make an informed, sensible judgment in terms of the information that we are providing to the press release? Can I just ask Council to trust people to do that? (Agreed) Thank you very much. Can we move on, please?

[Council agreed the following key points to form the basis of communications and further engagement with key stakeholders regarding the issue of top-ups.

1. The need for top-ups should be minimised as far as possible: the focus should be on improving access to effective medicines for NHS patients. Top-ups should therefore be the exception, not the rule.
2. A number of measures could help to improve access to medicines for NHS patients, including:
 - Speeding up NICE appraisals; however, there were risks associated with rapid assessments, especially where there was insufficient published data to base the assessment on
 - Reforms to NICE procedures to improve the availability of drugs used near the end of life that do not meet current cost-effectiveness criteria
 - Risk and cost-sharing schemes with the pharmaceutical industry
 - Value or performance-based pricing agreements with industry
(The above two measures could be included in the new PPRS. RPSGB is collecting examples of such schemes.)
 - Phase IV clinical trials of new drugs in use, which would generate the data NICE needed to make quicker, but still robust, decisions on cost-effectiveness

- Improving the prediction of who would benefit from expensive new medicines through patient stratification and the development of biomarkers – the RPSGB was commissioning work in this area.
3. Local decision-making processes on funding off-label drugs needed to be improved to provide prompt, consistent, robust and transparent decisions.
 4. There would still be circumstances in which medicines were not available under the NHS so there would be a need to provide unbiased, accessible information on these medicines for any patients who might be considering whether to access them privately. Measures to protect the public from misleading claims were also needed.
 5. Pharmacists would play a key role in advising patients and helping them access trustworthy sources of information in those situations.

In addition, Council **agreed** that there should be a standing item on the public agenda of the Council meetings to provide an opportunity for Council to discuss any topical matters relating to public interest or health.]

Regulatory matters

6. RPSGB (Fees in connection with 2009 registration cycle) Rules – affixing of the Common Seal of the Society

The President: Item number 5, Fees in connection with 2009 registration cycle, fixing of the common seal. Jeremy, could I just ask you to briefly introduce this for us?

Chief Executive & Registrar: This is an administrative matter. Council agreed at the meeting on 7 October to these Rules and we just need to complete the process by making a formal resolution that the seal is affixed to those rules. I think it was an administrative oversight, to be frank.

The President: Could I ask that Council resolve that the common seal be affixed to the rules as agreed by Council on 7 October? (Agreed)

[Council resolved that the Common Seal of the Society be affixed to the RPSGB (Fees in connection with 2009 registration cycle) Rules as agreed by the Council on 7 October 2008.]

7. Any other business

The President: There are no AOBs.

FOR NOTING

7. Announcement of CHRE's position on the harmonisation of sanctions across the healthcare regulators

The President: I ask Council to note one paper, that is item 7, the announcement of CHRE's position on the harmonisation of sanctions across the healthcare regulators, just for noting, please.

[Council noted paper 08.11/C/113.]

We now go into confidential business.