

## Statutory Committee Annual Report - 2005

The Statutory Committee is the Committee of the Royal Pharmaceutical Society of Great Britain ("the Society"), which deals with allegations of misconduct, and convictions received by the Society's members. Uniquely amongst healthcare regulators, the governing legislation requires the Chairman of the Statutory Committee to be legally qualified.

Allegations of misconduct are referred to the Chairman of the Statutory Committee by the Infringements Committee. An anonymised Secretary's report is put before the Chairman who then decides whether or not the allegations should proceed to an Inquiry.

The Society does not have a Health Committee and currently has no jurisdiction to deal with pharmacists whose fitness to practise is impaired by reason of ill health. The Society has repeatedly emphasised concerns to the Department about its inability to protect the public from ill pharmacists, and continues to be concerned at delays to the anticipated S60 Order.

In 2005, the Statutory Committee sat on 41 days and for a total of approximately 177 hours (an average of 16.09 hours per monthly sitting). During this period, the Committee considered a total of 49 new Inquiries, 8 Inquiries resumed from 2004, and 2 Restoration applications. The Statutory Committee took an average of 3 hours to hear and consider evidence in an individual inquiry.

Of the Inquiries heard in 2005, 45 related to allegations of misconduct, 8 to convictions, and 4 were Inquiries into both convictions and separate allegations of misconduct.

Of the Inquiries into allegations of misconduct, 7 related primarily to dispensing/labelling errors; 7 to the erroneous endorsement of prescriptions sent to the PPA; 4 to theft of pharmacy stock; and 9 were supply related (e.g. supply of out of date medicines; supply of POMs without a valid prescription). Other allegations of misconduct included: the failure to dispose of pharmaceutical waste; failure to discharge duties as a superintendent pharmacist; failure to co-operate with a Society Inspector; failure to act in the best interests of patients; failure to have professional indemnity insurance; the sale of wholesale products without a licence; lack of SOPs, audit trails and generally inadequate procedures.

Of the Inquiries into convictions, 3 related to the theft and possession of controlled drugs; 3 to fraud/ false accounting; and 4 to driving whilst unfit through drink/drugs (health related). Other convictions included affray; religiously aggravated common assault; and breaches of restrictions on the importation of Class A drugs.

One conviction inquiry concerned the possession of child pornography.

16 of the Inquiries into allegations of misconduct heard in 2005 incorporated concerns relating to the pharmacists' health.

In making its decision on sanction, the Statutory Committee has regard to its published "Indicative Sanctions Guidance" (available on the Society's website); and the available case law (including Section 29 Referrals to the High Court by the Council for HealthCare Regulatory Excellence). The Statutory Committee has an established programme of training and caselaw updates which includes tailored feedback and learning points provided by the Council for Healthcare Regulatory Excellence.

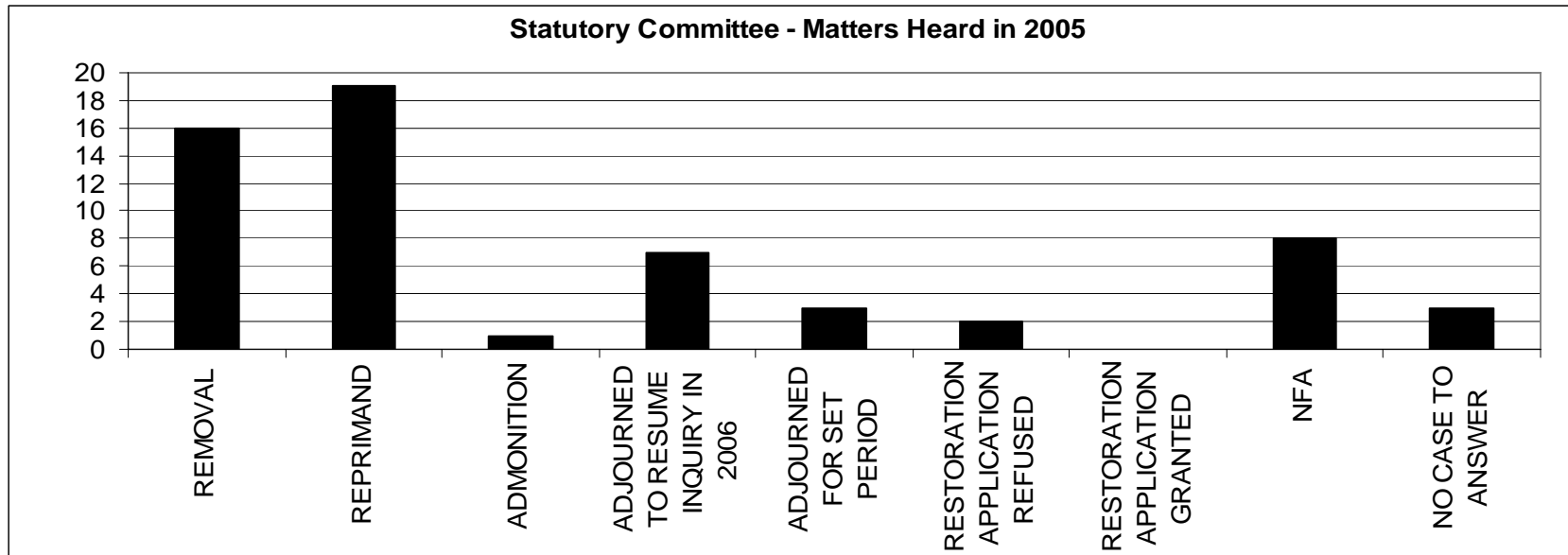
In 2005, the Society issued a total of 16 directions for the removal of a pharmacist's name from the Register; 19 reprimands; and 1 admonishment. The Committee further directed "no further action" in 8 Inquiries, and found "no case to answer" in 3 Inquiries.

Two appeals against decisions of the Statutory Committee (Chanins; Black) were heard in the High Court in 2005. The Court upheld the Committee's decision in both cases.

To date, the Council for Healthcare Regulatory Excellence has not referred any decisions of the Statutory Committee to the High Court under the powers conferred by S29 of the National Health Service Reform and Healthcare Professions Act 2002.

Included below are statistics relating to matters heard in 2005-including length of hearings and available ethnicity data. In examining the statistics, please bear in mind that a single Inquiry may relate to both an individual pharmacist, and the company that s/he works with. The Society does not possess a dedicated case management system, and this information has had to be compiled manually to a significant extent.





Removal	16
Reprimand	19
Admonishment	1
Adjourned for a set period	3
Adjourned to resume in 2006	7
NFA	8
No case to answer	3
Restoration refused	2
Total	59

**Statutory Committee: Matters heard in 2005**

<b>Matters Heard 2005</b>	<b>JAN</b>	<b>FEB</b>	<b>MAR</b>	<b>APR</b>	<b>MAY</b>	<b>JUN</b>	<b>JUL</b>	<b>AUG</b>	<b>SEP</b>	<b>OCT</b>	<b>NOV</b>	<b>DEC</b>
<b>Removal</b>	1	2	2		1		5		2	1	1	1
<b>Reprimand</b>	2	3	1	3	1	2	1		4		1	1
<b>Admonition</b>							1					
<b>Adjourned to resume inquiry</b>	3	1	2	3	2	2				4	6	1
<b>Adjourned for a set period</b>	1			1		3						1
<b>Restoration Application refused</b>	1						1					
<b>Restoration Application Granted</b>												
<b>NFA</b>		1		1		2	1		1	1	1	
<b>No case to answer</b>			1								2	
<b>TOTAL NUMBER OF NEW INQUIRIES HEARD</b>	<b>5</b>	<b>1</b>	<b>5</b>	<b>6</b>	<b>1</b>	<b>7</b>	<b>4</b>		<b>3</b>	<b>6</b>	<b>7</b>	<b>3</b>
<b>RESUMED</b>	<b>2</b>	<b>6</b>	<b>1</b>	<b>2</b>	<b>3</b>	<b>2</b>	<b>4</b>		<b>4</b>	<b>0</b>	<b>4</b>	<b>1</b>
<b>RESTORATION APPLICATIONS</b>	<b>1</b>						<b>1</b>					
<b>DETERMINATIONS DELIVERED</b>	<b>5</b>	<b>6</b>	<b>4</b>	<b>5</b>	<b>2</b>	<b>4</b>	<b>9</b>		<b>7</b>	<b>2</b>	<b>2</b>	<b>2</b>
<b>INQUIRIES HEARD WITHIN (HRS)</b>	<b>18</b>	<b>23</b>	<b>19</b>	<b>13</b>	<b>4</b>	<b>19</b>	<b>24</b>		<b>19</b>	<b>10</b>	<b>17</b>	<b>11</b>

In 2005 the Statutory Committee sat for a total of 41 days over 11 months (an average of 3.7 per month). The Committee sat for an average of 17 hours per month, with Inquiries being heard within an average of 3 hours (this data excludes the Inquiry into Ghislaine Brant, an Inquiry that was heard over three days).

### Matters Heard: with ethnicity data

The data below relates to 47 individuals into whom Inquiries were held in 2005. This data is based on the information currently held on the Concept database of registrants. From January 2006 a comprehensive Audit and Monitoring form will be used to collect data on the ethnicity, age, disability, and practice details of respondents.

		WHITE BRITISH	WHITE OTHER	INDIAN	CHINESE	DID NOT RETURN CENUS	TOTAL
<b>OUTCOME OF STATUTORY COMMITTEE INQUIRY</b>	<b>REMOVAL</b>	8	1	2	-	5	16
	<b>REPRIMAND</b>	2	4	4	1	7	18
	<b>ADMONISHMENT</b>	1	-	-	-	-	1
	<b>NO FURTHER ACTION</b>	-	-	1	-	1	2
	<b>NO CASE TO ANSWER</b>	1	-	-	-	1	2
	<b>ADJOURNED UNTIL 2006</b>	2	-	-	-	2	4
	<b>RESTORATION TO REGISTER</b>	-	-	-	-	-	0
	<b>DIRECTION NOT TO RESTORE TO REGISTER</b>	-	-	-	-	2	2
	<b>TOTAL</b>	<b>14</b>	<b>5</b>	<b>7</b>	<b>1</b>	<b>18</b>	<b>45</b>

In 2005 the Chairman of the Statutory Committee issued two practice directions and approved a protocol for the service of evidence and bundles of evidence. Previous guidance issued by the Statutory Committee includes guidance on the consideration of applications for restoration to the Register and the Indicative Sanctions guidance.

All of the above can be found on the Society's website at:  
[www.rpsgb.org/members/statutorycommittee/index.html](http://www.rpsgb.org/members/statutorycommittee/index.html).