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04 September 2008

Dear Cathy,

Proposals for Widening the Jury Pool

The Pharmaceutical Society of Northern Ireland welcomes the opportunity to respond to this consultation, which will impact on both pharmacists and patients.

The Society has considered the proposals contained in the consultation document and makes the following principal comments:

- The Society recognises the case made in the consultation document for widening the jury pool in Northern Ireland, and accepts the findings of the Auld Report that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. The Society also recognises that jury service is an important part of citizenship.
- The Society therefore supports the principle proposed in the consultation document that “no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”
- However, the Society strongly urges the court service to recognise the challenges posed for pharmacists in finding and securing locum coverage whilst absent from their place of work, and the disturbance jury service can pose to patient care, particularly for vulnerable members of the community who may be accessing clinical service from their local pharmacist on a regular basis.

- The Society also emphasizes to the Courts Service the many regulatory considerations to be borne in mind in terms of a pharmacist taking a prolonged period of absence from their place of work, including the need to find replacement “Responsible Pharmacists” in community pharmacy and “Accountable Officers” in hospital pharmacy.
- For these reasons the Society urges the Courts Service to ensure the new Jury Service arrangements:
 - grant pharmacists an automatic deferral of jury service in order to put in place appropriate arrangements for patient care and regulatory compliance during their absence;
 - Properly reimburse pharmacists for the financial costs of their absence including the pharmacist’s full salary for the period of jury service and the full cost of locum cover
 - Address previously expressed frustrations from members of the public about the long periods of “stand-by” for jury service. The Society suggest a maximum period of stand-by of 6 weeks.
- Pharmacists, and other health professionals, should also be excused jury service in the event of a national emergency, such as a flu pandemic. This should be clearly reflected in guidelines to jury officers.
- In light of the potential financial and regulatory compliance burdens placed upon pharmacists in conducting jury service, the Society suggests the Chief Electoral Officer not select the names of those electors who have been selected for jury service within 10 years.

The Society is content for the contents of this consultation response to be made public.

Yours sincerely,



Mark Nelson

Chair of the Practice Committee

Pharmaceutical Society of Northern Ireland

The Pharmaceutical Society of Northern Ireland is the regulatory and professional body for pharmacists in Northern Ireland. It exists to register, regulate and develop pharmacists and to promote the pharmacy profession within Northern Ireland, ensuring public safety and addressing public concerns. The Society currently maintains a register of over 1800 pharmacists and over 500 premises registered within Northern Ireland.

Courts Service Proposals on Widening the Jury Pool:

September 2008

1. Do you agree that the time is now right to widen the jury pool in Northern Ireland?

Yes.

The Society recognises the case made in the consultation document for widening the jury pool in Northern Ireland, and accepts the findings of the Auld Report that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. The Society also recognises that jury service is an important part of citizenship.

However, the Society strongly urges the court service to recognise the challenges posed for pharmacists in finding and securing locum coverage whilst absent from their place of work, and the disturbance jury service can make to patient care, particularly for vulnerable members of the community who may access clinical service from a pharmacist on a regular basis.

The challenge for pharmacists in meeting jury service requirements will increase in forthcoming years as the Responsible Pharmacist regulations are introduced. These will require all pharmacies to have a “responsible pharmacist” present in the premises. Hospital pharmacists who conduct the role of “accountable officer” for the purposes of medicines regulation will also need to arrange for a suitable replacement to ensure regulatory compliance. We urge the Courts Service to be mindful of the many requirements and considerations that need to be addressed in order to ensure that arrangements to cover a pharmacist’s absence from a pharmacy premises for jury service are compliant with regulation.

For these reasons the Society urges the Courts Service to ensure the new jury service arrangements:

- grant pharmacists an automatic *deferral* of jury service in order to put in place appropriate arrangements for patient care and regulatory compliance during their absence;
- Properly reimburse pharmacists for the financial costs of their absence including the pharmacist's full salary for the period of jury service and the full cost of locum cover; and,
- Address previously expressed frustrations from members of the public about the long periods of "stand-by" for jury service. The Society suggest a maximum period of stand-by of 6 weeks.

Pharmacists, and other health professionals, should also be excused jury service in the event of a national emergency. For example, in a flu pandemic the uninterrupted supply of medicines will take on an even greater criticality. This should be emphasised clearly in guidelines to jury officers.

2. Should the disqualification periods under the Juries (Northern Ireland) Order 1996 be aligned with the Rehabilitation of Offenders (Northern Ireland) Order 1978?

Yes.

The Society considers the current disparities between the application of the Juries (Northern Ireland) Order 1996 and the Rehabilitation of Offenders (Northern Ireland) Order 1978 as confusing and difficult to follow for both the public and the individual upon whom a sentence has been imposed.

3. Do you agree that the disqualification criteria currently set out in the Juries (Northern Ireland) Order 1996 are adequate or should additional provision be taken to allow for further vetting of potential jurors in certain classes of case?

The Society generally considers Jury Officers to be well qualified to determine appropriate disqualification criteria but in overall terms would favour a system of criteria which is clear and simple for the public to understand. Additional provisions to further vet potential jurors in certain classes of case may hinder this goal and should therefore be avoided if possible.

4. Do you consider that all of the occupations currently ineligible for jury service should be included within the jury pool?

Yes.

The Society supports the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

However some professions, such as health professions, should be considered ineligible for jury service in the event of a national emergency such as a flu pandemic.

5. Do you consider that an employee of a prosecuting authority should be eligible to sit as a juror on trials in which their employing department is not the prosecutor?

Yes.

The Society supports the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply*

because of their job, except where there is a demonstrable and sound reason for such an exclusion.”

Therefore, employees of a prosecuting authority should be eligible to sit as a juror so long as *direct* conflicts of interest can be mitigated.

6. Do you consider that PSNI police officers should be eligible for jury service, subject to robust application of the guidelines on deferral and excusal?

Yes.

The Society support the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

Therefore, employees of the PSNI should be eligible to sit as a juror so long as *direct* conflicts of interest can be mitigated.

Guidelines on deferral and excusal should be robustly applied to *all* professions, not simply PSNI police officers.

7. If the answer to Q6 is “yes”, do you consider that a police officer should be precluded from attending for jury service at a court which is in the same area as the District Command Unit in which they work?

Yes.

The Society can foresee this as a source of significant conflict of interest.

8. Do you agree that civilian employees of PSNI and other persons exercising the powers of a constable should be eligible for jury service subject to the option of discretionary excusal where this would be in the interests of justice?

Yes.

The Society support the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

9. Do you consider that members of the judiciary should be eligible for jury service?

Yes.

The Society support the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

10. If the answer to Q9 is “yes”, do you consider that the excusals and deferrals policy is sufficiently robust to deal with the concerns that may arise (from members of the judiciary serving on a jury before a judge whom they may know, from counsel presenting the case who may have appeared before the judge and where judges may be likely to know some of the professional witnesses)?

Yes.

The Society is confident that the Courts Service and jury officers will be able to develop a sufficiently robust excusals and deferrals policy to meet the challenges that would be posed by make members of the judiciary eligible to conduct jury service.

This may, for example, involve conducting jury service in an area outside that in which the member of the judiciary regularly serves, as per the consultation document's proposals for members of the police service.

11. Are there any additional groups which you consider should be ineligible for jury service and why?

No.

The Society support the principle proposed in the consultation document that *"no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion."*

However, the Society emphasise that pharmacists, and other health professionals, should be excused jury service in the event of a national emergency, such as a flu pandemic. This should be clearly reflected in guidelines to jury officers.

12. Do you think it would be helpful to have a consultation exercise on the specific issue of jury service by those with a mental health disorder or who are unable to understand English?

Yes.

There are many considerations to be made in respect of jury service by both those with a mental health disorder and those who unable to understand English which merit fuller consideration in a distinct consultation exercise.

13. Do you consider that all of the occupations currently excusable from jury service as of right should included within the jury pool?

Yes.

The Society recognises the case made in the consultation document for widening the jury pool in Northern Ireland, and accepts the findings of the Auld Report that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. The Society also recognises that jury service is an important part of citizenship.

The Society therefore supports the principle proposed in the consultation document that “no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”

However, the Society strongly urges the court service to recognise the challenges posed for pharmacists in finding and securing locum coverage whilst absent from their place of work, and the disturbance jury service can pose to patient care, particularly for vulnerable members of the community who may be accessing clinical service from their local pharmacist on a regular basis.

The Society also emphasizes to the Courts Service the many regulatory considerations to be borne in mind in terms of a pharmacist taking a prolonged period of absence from their place of work, including the need to find

replacement “Responsible Pharmacists” in community pharmacy and “Accountable Officers” in hospital pharmacy.

For these reasons the Society urges the Court service to ensure the new Jury Service arrangements:

- Grant pharmacists an automatic *deferral* of jury service on in order to put in place appropriate arrangements for patient care and regulatory compliance during their absence;
- Properly reimburse pharmacists for the financial costs of their absence including the pharmacist’s full salary for the period of jury service and the full cost of locum cover; and,
- Address previously expressed frustrations from members of the public selected for jury service about the long periods of “stand-by”. The Society suggests a maximum period of stand-by of 6 weeks.

Pharmacists, and other health professionals, should also be excused jury service in the event of a national emergency, such as a flu pandemic. This should be clearly reflected in guidelines to jury officers.

14. If not, which occupations do you consider should remain excusable as of right and why?

None.

The Society supports the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

15. Are there any additional groups which you would consider should be excusable from jury service as of right and why?

No.

The Society supports the principle proposed in the consultation document that *“no-one should be automatically ineligible or excusable from jury service simply because of their job, except where there is a demonstrable and sound reason for such an exclusion.”*

16. Do you agree that persons aged between 65 and 70 should be eligible for jury service, subject to the discretionary arrangements for excusal/deferral? If not, please provide reasons.

Yes.

The Society recognises the case made in the consultation document for widening the jury pool in Northern Ireland, and accepts the findings of the Auld Report that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. The Society also recognises that jury service is an important part of citizenship.

In this respect, the case for persons aged between 65 and 70 being eligible for jury service is strong.

17. Do you consider that the upper age limit for serving as a juror of 70 years should be extended?

Yes.

The Society recognises the case made in the consultation document for widening the jury pool in Northern Ireland, and accepts the findings of the Auld Report that most juries do not reflect the broad range of skills and experience of the communities from which they are drawn. The Society also recognises that jury service is an important part of citizenship.

In this respect, the case for persons aged over 70 being eligible for jury service is strong.

18. If a person is selected for jury service, what period should elapse before they are liable to be selected again?

As stated elsewhere in this consultation response, conducting jury service can produce a considerable burden to pharmacists (both financially and in terms of ensuring regulatory compliance during their absence), and can detriment patient care. Jury service should therefore not be mandated upon pharmacists, or other health professionals as a regular occurrence.

The Society suggests the Chief Electoral Officer not select the names of those electors who have been selected for jury service within 10 years.

19. Do you have any views on the draft guidelines on discretionary deferral of or excusal from jury service?

Yes

The Society notes that the draft guidelines highlight how jury officers should consider applications for excusal or deferral from a number of particular professions or groups such as: religious orders; MPs and MLAs; the Speaker of the Northern Ireland Assembly; students; members of the army; shift workers; and, the self-employed.

The Society recommends the guidelines include specific guidance in relation to how jury officers consider application for excusal or deferral from health professionals. The Society suggests the following wording:

“Members of the registered health professions, because of the difficulties their absence causes in terms of continuing to provide care to patients and ensuring regulatory compliance in their absence, should in the first instance be deferred for a reasonable period within 12 months in which the professional believes appropriate arrangements can be made. In the event of national emergencies, such as flooding or a pandemic flu, health professionals should be automatically exempt from jury service.”

20. Do the draft guidelines adequately balance the needs of those summoned with the need to have sufficient numbers of jurors available?

No.

The draft guidelines do not balance the needs of health professionals (and their patients) summoned with the need to have sufficient numbers of jurors available.

The Society recommends the following piece of guidance be added to the guidelines:

“Members of the registered health professions, because of the difficulties their absence causes in terms of continuing to provide care to patients and ensuring regulatory compliance in their absence, should in the first instance be deferred for a reasonable period within 12 months in which the professional believes appropriate arrangements can be made. In the event of national emergencies, such as flooding or a pandemic flu, health professionals should be automatically exempt from jury service.”