

The Scrutiny Committee Rules 2009

PART I

THE SCRUTINY COMMITTEE

1. Constitution of Committee

The Council has established the Scrutiny Committee.

2. Function of Scrutiny Committee

2.1 It shall be the duty of the Scrutiny Committee to consider any complaint(s) against a Registrant referred to it and decide:

- (a) Whether the complaint(s) should be referred to the Statutory Committee, pursuant to Article 19 of the Order.
- (b) Whether the complaint should be referred to the Head of the Department pursuant to Article 18 of the Order.
- (c) Whether an adjournment to allow time to secure a voluntary agreement is appropriate – if no such agreement is made then consider options (a), (b) or (d) no further action should be taken in respect of the complaint.

2.2 Subject to (2.3) below, where the Scrutiny Committee determines to refer a complaint to the Statutory Committee, it shall refer the complaint.

2.3 Where the Scrutiny Committee considers that the alleged misconduct may have been caused, or substantially contributed to, by the Registrant's physical or mental ill health, it shall refer the complaint to the Head of the Department pursuant to Article 18 of the Order.

3. Procedure of Committee

The Scrutiny Committee shall follow the procedure set out in Part III.

4. Membership and quorum of Committee

4.1 The Council may maintain a pool of members from which members of the Scrutiny Committee shall be appointed. Members of the committee may be removed from the committee by Council by the serving of written notice at any time.

4.2 The Committee shall consist of up to [five] members, appointed by the Council.

4.3 The quorum of the Committee shall be two.

4.4 The Committee shall include at least one Lay Person.

4.5 The Council shall appoint the Chair of the Committee and such deputies to act in their absence as the Council thinks fit.

4.6 No member of the Scrutiny Committee shall at the same time serve on the Statutory Committee or the Council itself

4.7 Members of each Committee shall be appointed for a period not exceeding 5 years but shall be eligible for a re-appointment at the expiration of that period.

4.8 No member of any Committee shall sit as such on the hearing of a Registrant's case, if that member has previously been concerned with the case.

4.9 Notwithstanding 4.8 above, members of the Scrutiny Committee may sit as such at both the initial and subsequent considerations of a Registrant's case by the Committee.

5. Voting

Decisions of the Scrutiny Committee shall be taken by simple majority. In the case of equality of votes, the Chairperson of the Committee shall have the casting vote. Any abstention shall be deemed to be a vote in favour of the Registrant.

6. Clerk to the Committee

6.1 The Committee shall be assisted by the Clerk who shall be responsible for the administrative arrangements for the hearing.

6.2 The Clerk shall not participate in the decision making of the Committee.

PART II

Complaints

7. Procedure upon receipt of information about a Registrant

7.1 On receipt of information about a Registrant, the Registrar shall first consider whether such information is capable of amounting to a complaint.

7.2 Information shall only be considered to be capable of amounting to a complaint where such information:

7.2.1 Relates to an identifiable registrant; and

7.2.2 Makes a specific allegation or allegations of misconduct against the Registrant

7.3 Where the information is capable of amounting to a complaint, the Registrar shall make preliminary inquiries with the Complainant. The Registrar shall also inform the Complainant of alternative methods of resolving a complaint as may be appropriate.

7.4 For the purpose of establishing whether any information received is capable of amounting to a complaint, the Registrar may make such preliminary inquiries as he considers necessary in the circumstances, including seeking further information or clarification from the Registrant, the Registrant's Employer, the Complainant and any other source deemed appropriate.

7.5 Where the information received is not capable of amounting to a complaint within the meaning of paragraph 7.2 above, the Registrar shall inform the provider of the information that no further action will be taken and that the matter will be closed.

7.6 Upon confirmation that the information received is capable of amounting to a complaint; and that the Complainant wishes to proceed with the complaint, the Registrar shall refer the complaint to the Scrutiny Committee for consideration after such investigation as is deemed necessary.

7.7 Where the Registrar has received information about a Registrant, and that Registrant is already the subject of an inquiry or an investigation into the circumstances of the complaint, the Council may defer further investigation or referral of the complaint to the Scrutiny Committee until that inquiry or investigation has been concluded.

7.8 Where the Council receives information that a Registrant has committed a minor road traffic offence (an offence which is discharged via a fixed penalty notice), the Registrar shall not normally refer the matter to the Scrutiny Committee, unless the

circumstances leading to the offence appear to the Council to raise a question as to whether the registrant has committed Misconduct.

7.9 The Registrar reserves the right to refer any matter to the Scrutiny Committee having regard to all the relevant circumstances.

PART III

Procedure of the Scrutiny Committee

1. Private meetings

The proceedings of the Committee shall be held in private.

2. Initial consideration by the Committee

2.1 Not less than 7 days before the initial consideration of the case, provided that in exceptional circumstances this period may be shortened, the Registrar shall provide the Clerk with:

- (a) a summary of the facts alleged in the complaint;
- (b) any relevant documents or witness statements;

and the Clerk shall, as soon as may be, serve copies of the items referred to at (a) to (b) above on the members of the Scrutiny Committee for the initial consideration of the case.

The registrar or his appointed deputy shall be entitled to attend all sittings of the committee

The chair may invite any member of staff, expert witness or interested party to attend a sitting – voting shall be limited to members of the committee

2.2 At the initial consideration of a Registrant's case, the Committee shall first consider whether any complaint referred to it calls into question the suitability of the Registrant to remain on the Register.

2.3 Where the Registrant has been subject to investigation by the Registrant's Employer or any other body, and that information is made available to the Committee, the Committee shall pay high regard to the information received, in its consideration as to whether the complaint calls into question the suitability of the Registrant to remain on the Register, provided it is satisfied that the information is reliable.

2.4 Where the complaint does not call into question the suitability of the Registrant to remain on the Register, the Committee shall normally take no further action and the Clerk shall inform the Complainant and the registrant accordingly, in writing. In

circumstances where the Committee believe the issue can be resolved by the use of a voluntary arrangement, and would not result in removal from the register if proven, they may direct the registrar to attempt to secure an arrangement. If agreement is reached the complaint may be closed, if it is not the Committee may re-consider the case.

2.5 The Parties shall not be present during the consideration of complaints by the Committee.

2.6 The Committee may adjourn its proceedings at any stage for the purposes of seeking further information or for any other purpose.

2.7 At the consideration of the Registrant's case, the Committee shall consider the complaint against the Registrant and any information obtained.

2.8 Any documentary evidence to be considered by the Committee, shall normally be lodged with the Clerk, no later than 7 days before the meeting.

3. Disposal

3.1 The Scrutiny Committee may:

- (a) refer the case to the Clerk/Chairman of the Statutory Committee;
- (b) direct that further investigations should be undertaken or that a voluntary arrangement, on such terms as it directs should be secured and adjourn the matter;
- (c) take no further action and conclude the case.

3.2 The Committee shall not refer a complaint to the Statutory Committee unless after consideration of the evidence provided, it is satisfied that there is reliable evidence to provide a real prospect of a finding of Misconduct in relation to the complaint. The Committee may establish and follow guidelines for decisions on cases of minor misconduct or may use guidelines produced by Council or other agencies.

3.3 Where the Committee determines that a complaint shall not be referred to the Statutory Committee, the Clerk shall send written notification, with the reasons for the Committee's decision, to the Registrant, the Registrar, the Clerk and/or to the Chairperson to the Statutory Committee and shall indicate on such notice the nature of any voluntary arrangement.

4. Notice of Referral

4.1 Where the Committee has determined that the case should be referred to the Statutory Committee, the Clerk shall send a Notice of referral to:

- (a) The Registrar;
- (b) The Chairperson and/or Clerk to Statutory Committee.

4.2 The Notice of Referral shall:

- (a) Confirm that there is a case to answer;
- (b) State whether the case has been transferred to the Statutory Committee pursuant to Article 19 or to the Head of the Department pursuant to Article 18.

4.3 Where the Committee has referred the matter to the Head of the Department it may adjourn the Scrutiny Committee until a later date to allow the matter to be further considered and if the Committee deems it appropriate on that occasion refer the matter to the Statutory Committee.

5. Summary to Chairperson of Statutory Committee

The Clerk to the Scrutiny Committee shall forward a summary of the Committee's decision on whether or not the case should be transferred to the Statutory Committee, and the reasons for that decision to the Chairperson of the Statutory Committee for his/her consideration.

6. Further investigation by the Council

Upon receipt of the Notice of Referral the Registrar shall take such steps as necessary, to arrange for any further investigation or preparation of the case against the Registrant for hearing at Statutory Committee and shall serve such notices upon the parties as required by the written procedures at that time.

DEFINITIONS

Council	means The Council of the Pharmaceutical Society of Northern Ireland
Head of Department	means the Head of [the Department of Health and Social Services]
Lay Persons	means a person who is not, and has not within 5 years of an appointment to the Scrutiny Committee ever been: (a) a Pharmacist (b) involved in the training, education, appointment, employment, supply, supervision or monitoring of Pharmacists
Misconduct	means conduct which calls into question the suitability of the registrant to remain on the Register (behaviour, competence or health related impairment)
Order	means the Pharmacy (Northern Ireland) Order 1976 (No. 1213 (N.I. 22))as amended
Pharmacist	means a person so registered pursuant to Article 9 of the Order
Register	means the register maintained pursuant to Article 9 of the Order
Registrant	means a person registered on the Register
Registrar	means the Person appointed pursuant to Article 9 of the Order
Statutory Committee	means the Committee constituted pursuant to Article 19 of the Order