



Report on the responses to the
Consultation on the disclosure and publication of
fitness to practise information

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Disclosure and publication of fitness to practise information

Consultation summary report

Who we are

The Pharmaceutical Society of Northern Ireland is the regulatory body for pharmacists in Northern Ireland.

Our primary purpose is to ensure that practising pharmacists in Northern Ireland are fit to practise, keep their skills and knowledge up to date and deliver high quality safe care to patients.

It is the organisation's responsibility to protect and maintain public safety in pharmacy by:

- setting and promoting standards for pharmacists' admission to the register and for remaining on the register;
- maintaining a publicly accessible register of pharmacists, and pharmacy premises;
- handling concerns about the Fitness to Practise of registrants, acting as a complaints portal and taking action to protect the public; and
- ensuring high standards of education and training for pharmacists in Northern Ireland.

About the consultation

From 1 October 2012, the enactment of the Pharmacy (1976 Order) (Amendment) Order (Northern Ireland) 2012 and its associated regulations, enables the Pharmaceutical Society of Northern Ireland to utilise a full range of fitness to practise sanctions.

With additional sanctions, the Pharmaceutical Society NI consulted on its approach to the publication and disclosure of fitness to practise information.

In the consultation we sought views on how sanctions are to be displayed on the online register; how we will make fitness to practise hearing decisions available on the website and if expired fitness to practise warnings and sanctions on registrant's individual records are to be displayed on the public registers and if so, for how long.

As a result of the feedback from consultees, we have made some changes to our original proposals. These have been set out in the 'our response' sections throughout this report. The disclosure and publication of fitness to practise information policy is available on the website.

Purpose of report

This report provides a summary of the responses to the consultation on the disclosure and publication of fitness to practise information held from 6 February to 14 May 2013.

The report provides a summary of the key themes to emerge from the consultation and highlights areas of agreement as well as diversity of opinion. The report also includes a commentary on the responses to each of our proposals.

A breakdown of responses by individuals/organisations is presented in appendix A.

Consultation process

We used a range of tools to engage with stakeholders. These tools included:

- **Correspondence with key stakeholders:** All registrants and key stakeholders were emailed details of the consultation with instructions on how to respond. Reminder emails were also sent throughout the consultation process.
- **Targeted emails were also sent to key representative stakeholder organisations:** These emails highlighted the consultation and provided details of how they could respond.
- A letter from the Registrar and the President informing registrants of the proposals and information about the consultation process was also sent to all registrants.
- **Website:** The consultation document was available to download from the website along with a response form.

Consultees - who we heard from

There were 11 responses to the consultation (8 full responses and 3 letters of general support.)

2 responses came from individual pharmacists and 9 responding on behalf of an organisation. This figure includes all those who answered any of the consultation questions, as well as respondents which didn't directly respond to the consultation questions but provided more general comments.

Who did we hear from?	
Pharmacy representative body	4
Healthcare regulator	2
Individual pharmacist	2
Healthcare organisation	2
Non departmental public body	1

Meetings with organisations

There were some specific engagements with organisations. Two roundtable discussion events were held with a patient group and a group of pharmacists. The aim of these meetings was to hear firsthand feedback on our approach to the disclosure and publication of fitness to practise information.

Summary of consultation responses and outcome

Accessibility of past hearings

What we proposed

We proposed that fitness to practise committee hearing outcomes are available on Pharmaceutical Society NI website indefinitely.

What we heard

There was unanimous support for limiting the amount of time fitness to practise hearing determinations are available on the 'hearings and determinations' section of the Pharmaceutical Society NI website.

It was considered disproportionate to make available fitness to practise determinations on the website and have a time bound approach to the display of sanctions on the online register.

Our response

Fitness to Practise Committee determinations will remain accessible on the website for a limited period of time, rather than indefinitely as proposed in the consultation.

The length of time this information will be available will be aligned to our policy on the display of sanctions on the online register.

Online register content, usability and accessibility

What we proposed

We asked consultees for feedback on the content of the online register.

What we heard

Consultees provided recommendations regarding the general role, content and usability of the online registers and priorities for improvements. These included:

- Improvements to the search function e.g. 'sounds like' option
- A glossary to aid understanding of the fitness to practise terminology used in registers
- Declaration of interests
- Indicate if a pharmacist has retired or voluntarily resigned from the register
- 'Fitness to practise issues' field confusing and may be misinterpreted as 'fit to practise'

Our response

Improvements to the online register to include:

- An explanation of the online register fields will be provided
- We will explore a ‘sounds like’ function to address issues surrounding misspelling when searching the register
- A FAQ guide will be available on the website in relation to how the online register functions, to aid people navigating the register and searching for a pharmacist/pharmacy
- The field ‘Fitness to Practise issues’ which currently displays ‘Yes’ or ‘No’ will be changed to display the actual status, i.e. Suspended, warning etc. and a separate ‘fitness to practise history’ tab will be included with a link to past determinations and will be displayed in accordance with the policy for the online register timeframe.

Display of expired fitness to practise sanctions on the online register

What we proposed

The Pharmaceutical Society NI online register displays information regarding sanctions such as conditions and undertakings, that are no longer in force and have expired.

As the GPhC has responsibility for regulating pharmacists England, Scotland and Wales we believe that consistency is important and we should harmonise our approach to the display of sanctions, where appropriate.

What we heard

There was support for including information about expired fitness to practise sanctions that are no longer in force on the online register. Consultees considered the proposed timeframe outlined in the consultation document, appropriate and proportionate.

Our response

The online register will display information regarding sanctions such as suspensions, conditions and undertakings that are no longer in force and have expired.

With regards to the length of time a determination will remain on the online register, the Pharmaceutical Society NI will have the following in place:

- **Interim Order** Accessible for the duration of the order
- **Warning** Accessible on the online register for 2 years
- **Suspension** Accessible for the duration of the suspension plus 5 years
- **Conditions** Accessible for the duration of the conditions plus 5 years
- **Undertaking** Accessible for the duration of the undertaking plus 5 years

Display of suspensions

What we proposed

The Pharmaceutical Society NI online register includes the records of all those registrants currently suspended and this will be displayed for the duration of the suspension and will remain there for an additional five years.

What we heard

There was strong support for retaining the records of suspended registrants on the online public register with the requirement that this is clearly marked.

Some consultees considered that this would provide clarity in relation to the suspended status and protect the public by minimising the possibility that a registrant could continue working while suspended.

Our response

The online register will include the records of all those registrants currently suspended and this will be displayed for the duration of the suspension and remain there for an additional five years.

Struck off the Register

What we proposed

Public registers, are in principle intended to be a definitive record of all those who are registered and fit to practise therefore the Pharmaceutical Society NI online register does not display records of those registrants who have been struck off.

What we heard

Support was expressed for the inclusion on the online register, information about those pharmacists who have been struck off or at least for this information to be available. Ensuring there is clarity and in the interest of public protection were reasons cited by consultees.

Our response

There was broad support in the consultation for this information to be made available.

A list of those registrants who have been struck off the register will be available on the website but will not be included on the online register. It will be made clear that these registrants will no longer appear on the online register. This will be available for five years.

CONSULTATION OUTCOME

Accessibility of past hearings

What we proposed

In the consultation we proposed that details of past public hearings and decisions are made available on the Pharmaceutical Society NI website indefinitely.

Historically the only sanction available to the Pharmaceutical Society NI was removal of a pharmacist from the register. Consequently our disclosure policy reflected this and information about registrants struck off the register was made available permanently on the website.

In the consultation we sought feedback on whether alternative approaches should be considered such as making hearing decision notices visible on the website and/or available for a set period of time.

What we heard

All consultees considered that the Pharmaceutical Society NI should make hearing decisions available on the website for a limited time only and not indefinitely as proposed in the consultation.

Most consultees considered that in the interest of transparency, fitness to practise information should be made available on the website but not permanently and for a limited period of time. A few consultees stressed the importance of proportionality and fairness particularly when a fitness to practise sanction is 'spent' and the registrant is judged fully fit to practise. One consultee highlighted that the range of fitness to practise issues are likely to be wide ranging, therefore it is likely that in many cases current impairment will not be able to be established. Therefore, in such cases it would be disproportionate and unfair to make fitness to practise determinations available on the website indefinitely.

Consultees described having a policy of publishing this information indefinitely on the website as disproportionate and emphasised that a balance between public protection and the rights of the individual must be achieved. A professional body felt that making this information available on the website indefinitely could potentially have a detrimental effect on a professional's career and the potential wider reputational damage to the profession as a whole.

The inconsistency in the approach applied to the display of sanctions on the online register and on the website was highlighted by one consultee; whilst two other consultees recommended that the determination is removed after a certain period of time, dependent on the sanction and available on the website for maximum 5 years after the sanction expires.

Some consultees suggested that the length of time this information will be available should be aligned to our policy on the display of sanctions on the online register.

Our response

Fitness to Practise Committee determinations will remain accessible in the 'Hearings' section of the website for a limited period of time rather than indefinitely as proposed in the consultation.

The period of time this information will be available will be aligned to our policy on the display of sanctions on the online register for example warnings will be accessible on the online register and will be removed from the past hearings section of the website at the end of 2 years.

In addition, many other healthcare regulators also adopt a time limited approach to both the online register and the availability of fitness to practise hearing outcomes on the register.

Online register: content, usability and accessibility issues

We asked a number of questions in the consultation about the accessibility, usability and content of the online register.

The online register is accessible via the Pharmaceutical Society NI website and currently contains the following information:

- Title
- Forename
- Surname
- Registration number
- Registered (date when first registered)
- Fitness to practise issues (link to determination)

What we heard

When asked if the online register should contain any additional information, 4 consultees said yes and 4 said no.

Suggestions for additional information included:

Removal from the register

- Indicate if a pharmacist has retired or voluntarily resigned from the register.
- Differentiate those who have been removed for failure to pay fees or failure to complete CPD.

Date registered

A few consultees considered that the 'Date registered' field was confusing and further clarity was required as to whether this refers to date first registered or last registered. It was recommended that this is reworded to 'date registration expires' or 'date first registered'. One consultee further suggested that if there is a break in the time that a pharmacist is registered e.g. career break, working abroad, the date of re-registration should be recorded and the reason for the break. E.g. career break, working abroad.

Sanctions from another regulatory body

One consultee considered it important to display against the individual record if a pharmacist is subject to sanctions with another regulatory body.

Specialisms/annotations

One consultee recommended that if a registrant has an annotation i.e. independent prescriber, then this should be visible on the online register next to the registrants name rather than initials 'IP' in the registration number, in order to make clear what this indicates and avoid possible misinterpretation.

'Fitness to Practise issues' tab

There was concern that the 'fitness to practise issues' tab/field may cause confusion particularly amongst the public and could be misinterpreted. Currently, if a registrant has a sanction it will display 'yes' against their name in the fitness to practise tab. It was felt that this could be interpreted that a registrant is fit to practise which is not the intention.

Terminology

Feedback from the consultees and roundtable discussions indicated that the fitness to practise terminology may not be easily understood by the public and pharmacists.

It was suggested that definition of sanctions should be provided to improve understanding, of the fitness to practise process and online register as well as enhance the user experience.

Our response

A Frequently Asked Questions (FAQ) guide will be available on the online register webpage to aid understanding, enhance the usability and improve accessibility of the online register and the fitness to practise process, in particular sanctions.

The field 'Fitness to Practise' which currently displays 'Yes' or 'No' will be changed to include the actual status, i.e. Suspended, None etc. and a fitness to practise history tab added.

The online register will be reviewed in one year to assess if improvements have been positive. This will include a review by patient groups to test accessibility and user friendliness and test if people can easily find what they were looking for on the register.

An explanation of the online register fields will be provided.

A 'sounds like' function will be explored to address issues surrounding misspelling when searching the register.

Changes to the online register will require IT developments. We have been, and will continue to explore IT solutions required to deliver the agreed improvements/amendments to the online register.

Online register content: Display of expired fitness to practise sanctions

What we proposed

The Pharmaceutical Society NI online register displays information regarding sanctions such as suspensions, conditions and undertakings, that are no longer in force and have expired.

With regards to the length of time a determination will remain on the online register, the Pharmaceutical Society NI proposed the following:

Interim Order	Accessible for the duration of the order
Warning	Accessible on the online register for 2 years
Suspension	Accessible for the duration of the suspension plus 5 years
Conditions	Accessible for the duration of the conditions plus 5 years
Undertaking	Accessible for the duration of the undertaking plus 5 years

What we heard

The vast majority of consultees agreed that expired fitness to practise sanctions should be displayed on the online register. 5 out of 8 consultees agreed with our proposed approach.

One consultee agreed that adopting the GPhC approach is appropriate. It was stressed that it must be made clear on the register if a sanction has expired and the date of expiry.

Our response

The online register will continue to display information regarding sanctions such as suspensions, conditions and undertakings, that are no longer in force and have expired. The approach proposed in the consultation and outlined above will be adopted.

There will be a status column indicating a current sanction and a separate fitness to practise history tab on the online register with information about sanctions no longer in force and displayed in accordance with the timeframe outlined above.

Online register content: Display of suspended registrants

What we proposed

The Pharmaceutical Society NI online register includes the records of all those registrants currently suspended and in the consultation we proposed that this will be displayed for the duration of the suspension and will remain there for an additional five years.

What we heard

7 out of 8 consultees agreed that the online register retains information on pharmacists who have been suspended.

Comments on this question included, retaining the records of all those registrants currently suspended on the online register was important for transparency and verification purposes.

It was stressed however that this should be clearly indicated on the online register that the registrant is suspended and currently not entitled to practise.

Our response

The online register will continue to include the records of all those registrants currently suspended; this will be displayed for the duration of the suspension and will remain there for an additional five years.

The suspended status will be clearly marked on the online register.

The PSA^{1, 2} report also recommended that regulators retain the records on the online register of suspended registrants in order to avoid any possible confusion about the status of these individuals for those searching the register.

¹ CHRE Health professional regulators' Registers: Maximising their contribution to public protection and patient safety' (February 2010)

² On 1 December 2012 the Council for Healthcare Regulatory Excellence becomes the Professional Standards Authority for Health and Social Care.

Online register content: Display of struck off registrants

What we proposed

In the consultation we asked if the online register should include the records of former registrants who have been struck off.

At present, records of those registrants who have been struck off are entirely removed from the register. This is in order to avoid possible confusion which could lead to misinterpretation that a pharmacist is registered and can practise.

What we heard

6 out of 8 consultees were in favour of registrants who have been struck off appearing on the register. Comments from those in favour included that this would provide clarity for the public, other regulators and employers that a pharmacist is not allowed to practise, but that it must be clearly marked.

Feedback from participants in the roundtable meetings considered that knowing this information was important. However it was felt that making this information visible on the online register could potentially be confusing. It was suggested that a separate register containing information of those registrants that have been suspended struck off could be created and available on the website.

One consultee who agreed with the Pharmaceutical Society NI proposal not to include records of those that have been struck off on the online register argued that the purpose of the online register is to hold a definitive record of all those who are registered and fit to practise, for that reason, records of those registrants who have been struck off should not be displayed.

Our response

A list of those registrants who have been struck off the register will be available on the website. It will be made clear that these registrants will no longer appear on the online register. This will remain on the website for five years.

Text will be added to the online register webpage making it clear that pharmacists who have been struck off the register no longer appear on the online register.

APPENDIX ONE

Respondent
Guild of Healthcare Pharmacists
NPA
Pharmacy Forum
CPNI
Pharmaceutical Society of Ireland (PSI)
RQIA
SE Trust
HSC Board
Individual pharmacist
Individual pharmacist