

MINUTES OF THE COUNCIL MEETING MONDAY 14th SEPTEMBER 2015

<p>Agenda Item</p>	<p>Present Dr Jim Livingstone (President) Mrs Sinead Burns Mr Ciaran Hunter Mr James Perry Items 1-9 Only Mrs Helena Buchanan Mr Garry McKenna Mr Mark Nelson Professor Martin Bradley Dr Lisa Byers Mrs Marie Smith Miss Sandra Cooke Items 5-17 only</p>	<p>Apologies</p>
<p>Introduction & Welcome, Apologies, Public Attendance noted</p>	<p>In Attendance Mr Trevor Patterson (Chief Executive) Mr Brendan Kerr (Registrar) Mr Mark Neale (Head of Public Affairs) Mrs Joan Duffy (Business Manager) Mrs Claire Williamson (Executive Assistant) Mr Patrick Fleming (Cleaver Fulton Rankin) Items 9 and 10 only</p>	<p>Professor David Jones Mr Gareth Peeples</p> <p>Public Attending</p>

	Discussion	Action/Supporting Information
1. Introduction & Welcome, Apologies, Public Attendance Noted	Apologies were noted for Professor David Jones and Mr Gareth Peeples.	
2. Deputations	The President was present throughout the meeting there were no requirements for deputations.	
3. Declaration of Conflict of interest	Registrant members of Council declared a perceived conflict of interest with regard to any discussion regarding Statutory fees. Sandra Cooke declared she is a nonvoting member of the NAP as a CPNI member with regard to the matter discussed under item 7. Mark Nelson also declared a conflict as he processes applications to join the pharmaceutical list on behalf of his employer (Health and Social Care Board) on the same matter.	
4. Tabling of Any Other Business	No other business was tabled.	
5. Minutes from the previous meeting on 29th June	Council reviewed the minutes from the meeting on Monday 29 th June and agreed they were a true and accurate record.	Proposer: Martin Bradley Seconder: Garry McKenna
6. Matters Arising	Council reviewed the actions and key decisions from the meeting on 29 th June and agreed they were complete or addressed on the agenda.	

<p>7. Presidents Update</p>	<p>The President asked Council to note that he had recently been approached by CIPFA to form part of a tender bid team that would review the Governance structures of the PSI. The President felt that this would not be appropriate and therefore declined the request.</p>	
<p>8. Staff Reports</p>	<p>The CEO presented a written report to Council on recent activity and areas of interest, he highlighted key points as follows;</p> <ul style="list-style-type: none"> • The CEO asked Council to note that two Section 60 Orders should be in place by the end of 2015 with regard to the Rebalancing Medicines project. These Orders relate to registered pharmacy standards and dispensing errors. The CEO asked Council to note that further work may be required before the Orders are complete in relation to reporting arrangements and pre-consultation on the registered pharmacy standards. • Council enquired if an agreed date was set for the CPD portal to go live after redevelopment by Legato. The CEO confirmed that all developmental work should be complete by the end of September and subject to further testing the target date for the system to be live for registrant use is going to be early to mid-October. Council requested that this is communicated to registrants as many will begin to prepare for their 2016 submission. The CEO explained that significant additional work to the database and support for the current CPD system had caused delays and uncertainty around programme, he confirmed that registrants would be advised as soon as a firm date is available • The CEO asked Council to note that he has contacted the CPO with regard to the outstanding Council vacancy and the tenure of two Council members that 	

	<p>were extended for a year only in October 2014. The CPO has advised that the Department are progressing this matter and noted the urgency of it.</p> <ul style="list-style-type: none">• The CEO informed Council Dr Byers had approached him with regards to the NAP (National Appeals Panel) nominations. He asked Council to take a view on how to proceed with the nominations, he confirmed the legislation with regard to this process sets out that a pool of candidates should be nominated by the Pharmaceutical Society however it is not explicit about who the candidates should be beyond the requirements set out in the TOR for the NAP. The CEO therefore asked Council to consider if this should be a function performed by this Council or would it be more appropriate for the Pharmacy Forum to consider given the potential representative nature of the role. The CEO advised that perhaps this is best passed to the Pharmacy Forum as covered by the scheme of delegation. In the past and currently Council members have served and this could give rise to the need to manage conflicts if appointed.• Sandra Cooke and Mark Nelson both declared a conflict with regard to this matter (noted under agenda item 3). Council briefly debated this matter and whether this was a public protection issue which is essential for the regulator to address. Some Council members advised they were unsure where our role as a regulator sits and others felt that it was important to provide a regulatory opinion.• The President advised that it would be a viable option to ask the Pharmacy Forum to nominate on behalf of Council and therefore we would fulfil our obligation in terms of the legislation. Council were asked to take a view on this	
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	<p>proposal, Mark Nelson asked that it was noted he abstained from the vote. Council agreed to approach the Pharmacy Forum via the CEO to nominate candidates.</p> <div data-bbox="584 400 1718 571" style="border: 1px solid black; padding: 5px;"> <p>Action Point: Council requested an email is sent to all registrants communicating the target date for the launch of the CPD portal in October</p> <p>Action Point: Council agreed to approach the Pharmacy Forum to present Council with a list of potential candidates to nominate candidates for the NAP</p> </div> <p>Council were asked to note the enclosed report and updates from the Pharmacy Forum manager for information.</p>	<p>HPA</p> <p>CEO</p>
<p>9. Confidential session</p>	<p>Council held a confidential session for members only.</p>	
<p>10. Annual Accounts</p>	<p>The Chair of the Resources committee Mr Ciaran Hunter presented the Annual Accounts 2014/15 to Council for adoption, he briefly highlighted the process of the audit to Council and key features of the accounts, the following points were noted:</p> <ul style="list-style-type: none"> • Mr Hunter provided Council with an overview of the audit process and asked them to note that KPMG were appointed as the new external auditors after a detailed tender process in July. 	

	<ul style="list-style-type: none"> • Mr Hunter presented the highlights of the audit and asked Council to note that it was agreed at recent meeting with the Audit and Risk committee and KPMG that £340k should be set out for contingent liability with regard to the fees matter. Council enquired if the amount of fees collected between now and March 2016 will have an impact on the organisations income. • Mr Hunter confirmed that the biggest factor in this is the fees collected for the Pre-Registration fees. Council requested that they are presented with a detailed paper to take account of any delay in legislation being passed with regard to the financial position of the organisation. • Mr James Perry, Chair of the Audit and Risk committee asked that a formal record was made that his committee are also content to recommend the accounts for adoption to Council. He informed Council that he had been very content with the approach taken by KPMG and commended them along with the Business Manager for their work in preparing the accounts this year in difficult circumstances. • Mr Hunter advised Council that substantial work is required ahead of next year's audit to review and develop the accounting policies and to investigate if we can devolve the charity accounts from the regulator. <div data-bbox="584 1171 1718 1241" style="border: 1px solid black; padding: 5px;"> <p>Action Point: Council requested that a detailed paper on costs is presented to them with regard to the fees matter</p> </div> <div data-bbox="584 1310 1718 1380" style="border: 1px solid black; padding: 5px;"> <p>Action Point: Council requested that all Council members are listed in the financial statement for completeness in the Annual Accounts 2014/15</p> </div>	<p>BM</p> <p>BM</p>
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	<p>MOTION: Council agreed to approve and adopt the Annual Report and Annual Accounts 2014/15 subject to any minor amendments</p>	<p>Proposer: Ciaran Hunter Seconder: Helena Buchanan</p>
11. Confidential session	Council held a confidential session for members only.	
12. PSA	<p>The CEO asked Council to note the email from PSA dated 27.08.15 for information with regard to the recent PSA consultations.</p> <p>The CEO directed Council to the PSA report 'Rethinking Regulation', they were advised the Chairs committee had taken a view that the best approach to the report is a joint approach with other regulators to review the content and produce a report at a later date, Council agreed they were content with this approach.</p> <p>Action Point: Council noted the enclosed PSA report 'Rethinking Regulation' and approved an approach to a joint collaboration with other regulators to provide a response</p>	CEO/SMT
<p>13. Committees of Council</p> <p>13.1 Motions/Specific items</p>	<p>The Chair of the Education, Standards and Regulation committee Mr Mark Nelson addressed Council to see approval on a policy for implied consent, the following points were noted:</p> <ul style="list-style-type: none"> • Mr Nelson advised Council that this is a project which all regulators are carrying 	

<p>to Council</p>	<p>out and he was seeking Council approval on a joint working policy and to pick up shared costs of the project which should not be any more than £2k.</p> <ul style="list-style-type: none"> • Council agreed this was a sensible approach but noted that as this is a minimal cost and ESR have delegated authority for this Council do not need to fully approve this policy. The President agreed that all proposals of this nature should only come back to Council if they are over budget. <p>MOTION: Council agreed to the joint working policy with other regulators on Implied Consent and to pay the fair share of any costs that are incurred for this project</p> <p>The CEO asked Council to review and approve the amended terms of reference for he Resources committee to reflect the Council’s decision made in September to approve a delegated authority limit of £10,000.</p> <p>MOTION: Council approved the amended terms of reference for the resources committee</p>	<p>Proposer: Mark Nelson Seconder: Sandra Cooke</p> <p>Proposer: Garry McKenna Seconder: Sinead Burns</p>
<p>13.1.2 For Council Consideration</p>	<p>In the absence of the Chair of the Audit and Risk committee the CEO provided Council with a brief verbal update on the recent internal audits carried out by ASM in the areas of Fitness to Practise and a follow up all audits carried out previously. Council were asked to note the written reports for information, the CEO highlighted that there are no priority 1 recommendations and both audits received a level of satisfactory controls.</p>	

Audit and Risk would monitor the progress against resulting action plans to ensure all recommendations were addressed.

The Chair of the ESR committee presented the initial draft standards with regard to registered pharmacy businesses for Council consideration to use in a pre-consultation exercise, a brief discussion took place and the following points were noted:

- Council were informed the draft standards are in response to the planned Section 60 Order that will be implemented later this year as part of the Rebalancing Medicines programme. The standards are based entirely on draft regulations developed by the Department therefore it is the view it is best to start communications with the Department as this will directly affect the work the Inspectorate carries out.
- Council enquired if the draft standards have been developed using the GPHC's standards, the Chair confirmed that we have adapted theirs, at least partly because the enabling legislation (Section 60 Order) for both bodies sets out the same range of issues to be covered, whilst being mindful that the Northern Ireland situation is entirely different. Council noted the table contained within the document needs to be revised to reflect this and make reference to the S60 Order instead of the GPHC standards. The Chair confirmed the final column will be removed from the table and a paragraph will instead be inserted detailing the background of this work.

	<p>MOTION: Council approved the draft registered pharmacy standards for use in pre-consultation subject to any changes discussed</p> <p>Council were asked to note the final draft of the review of the Code of Ethics and provide feedback to the Post Registration Lead by 6th October with a view that final Council approval will be sought at their meeting on 10th November. Council were advised that this will provide the ESR committee with time to review all feedback and amend all the relevant and associated standard documents. The Registrar advised Council that this document has not been legally tested yet and as it will be used in FTP cases he asked that time is provided to perform this test. The President agreed that there should be a least some legal counsel or assurance given before final Council approval is granted at their next meeting in November.</p> <p>Action Point: Council were asked to review the content of the final draft of the Code of Ethics and give some thought to the title of the document, all feedback should be provided to the Post Registration Lead no later than 6th October 2015</p> <p>Action Point: Council requested that legal assurance on the draft Code of Ethics is sought prior to final Council approval being given on 10th November to ensure the document has been legally tested especially with regard to FTP cases</p>	<p>Proposer: Sinead Burns Seconder: Helena Buchanan</p> <p>Council/Post Registration Lead</p> <p>Registrar/Post Registration Lead</p>
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13.2 Committee Action Points	The key decisions and action points from recent committee meetings were available for information.	
13.2.1 Full committee Minutes	The full minutes from recent committee meetings were provided for information.	
14. Correspondence Log	Council were asked to note the enclosed Terms of Reference for the IIOF Steering Group and the request for nominations. Mrs Helena Buchanan briefed Council on her role on the steering group for the last two years and explained its aim is to review Revalidation for pharmacy in the Republic of Ireland. Council were asked to note there may be a vacancy for the group depending on the outcome of Mrs Buchanan's Council tenure which is due to end in October 2015.	
15. Recent and coming events	AGM Thursday 15 th October at 7pm. The President advised that unfortunately due to a prior commitment he will be unable to attend the AGM and the Vice President will step in to the role of chairing the meeting.	
16. Any other business	Council were asked to note the papers on the 'Falsified Medicines Directive' provided by the Pharmacy Forum. The CEO asked Council to note that the Chair of the Statutory Committee has tendered their resignation from the 1 st October. The CEO advised the legislation in this area requires Council to hold a reserve list for three years and they have the option to renew this, the CEO confirmed the current appointments were made less than 3 years ago. Council were therefore asked to approve the appointment of the next most suitable candidate from the reserve list for the post of Deputy Statutory Committee Chair, with the most suitable existing deputy being appoints as chair	

	MOTION: Council approved the appointment of the next most suitable candidate from the reserve list for the post of Deputy Statutory Committee Chair with the most suitable existing deputy being appoints as chair	Proposer: Martin Bradley Seconder: Sandra Cooke
17. Date of next meeting	The next meeting date was agreed for Tuesday 10 th November at 09.30am	

The meeting concluded at 13.25pm