

Supplementary Guidance 1:

- a. Applying for extenuating circumstances and
- b. exemptions for pharmacists on the EEA Visiting Practitioners Register

What is an extenuating circumstance?

The CPD regulations¹ state that pharmacists must comply with CPD requirements unless the Registrar has determined that they have a 'reasonable excuse' not to do so.

The Pharmaceutical Society (NI) has determined that an Extenuating Circumstance (EC) would need to exist, be applied for and be granted, for a 'reasonable excuse' to be established.

An EC is a circumstance beyond the individual's control which has had a significant and/or detrimental impact on the individual's ability to fully comply with their CPD requirements.

Who is entitled to EC?

It is only in cases where a registrant's ability to undertake CPD activity throughout the CPD year has been significantly affected that an application for EC should be made.

There is no automatic entitlement to EC. Pharmacists must not assume an application will be granted and stop undertaking their CPD. Each EC application must be applied for on the form provided.

It is not possible to list every circumstance. Each application will be considered on the basis of the evidence provided.

Any exemption relates only to the CPD year in which it is granted. It does not carry over to any subsequent years. A new application must be made each year an exemption is sought.

Circumstances that will not normally be acceptable grounds for EC include:

- General demands on time or pressure of work
- A short-term illness that has occurred during the year
- Personal disruptions/events such as holidays, staying or living abroad, weddings, moving home/job
- Financial problems
- Short or long-term unemployment

Maternity Leave

If a registrant is on maternity leave, the normal CPD requirements do not apply. In this special circumstance, the registrant may be eligible to apply for either:

- a CPD exemption - if the period of maternity leave runs over the submission deadline, or
- a partial submission - if the registrant has worked less than six

¹ Pharmaceutical Society of Northern Ireland Continuing Professional Development (Northern Ireland Regulations) 2012

consecutive months in the CPD year.

Therefore, the nature of the request on the application form will depend on the period of maternity leave and the precise dates which this falls on during the registration year. It is essential that the registrant can produce two pieces of independent documentary evidence to verify the application such as a maternity exemption certificate (MatB1Form) with details of the Expected Week of Confinement (EWC) and a letter from their employer with details of when they left work and when they expect to return to work.

Please do not supply birth certificates of children.

Paternity leave

If a registrant is on paternity leave, the normal CPD requirements do not apply.

This is considered a special circumstance and can apply to a registrant following the birth or adoption of a child.

The registrant will be eligible to take paternity leave to care for the child or support a partner or adopter. In these circumstances, a registrant can apply for:

- a CPD exemption - if the period of paternity leave runs over the submission deadline, or
- a partial submission - if the registrant has worked less than six consecutive months in the CPD year due to the registrant taking the maximum period of parental leave.

The registrant must provide the Pharmaceutical Society NI with a completed application form for

extenuating circumstances along with two pieces of independent evidence to substantiate the information on the application form.

For example, a letter from their employer with details of when they left work and when they expect to return to work and a Statutory Paternity Pay/paternity leave [-\(SC3\) Form](#)

Note: Under employment law, an employee is entitled to undertake 10 days (keeping in touch (KIT) days) during maternity, adoption or additional paternity leave. This means that a registrant can undertake 10 statutory KIT days and be exempt from their CPD requirements. Any work undertaken by the registrant over and above these statutory KIT days will be considered 'locum work' and the registrant will be eligible to make a CPD submission

How to apply?

Applications should be made as soon as possible and normally within 21 days of becoming aware of the grounds for applying for EC.

The application form should be downloaded from the [CPD section](#) of Pharmaceutical Society (NI) website. Once complete this should be sent, with supporting evidence, to the Registrar marked 'Private and Confidential'.

In making an application a pharmacist must clearly indicate the reason and whether they are seeking a full exemption or partial submission.

Applications must be supported by two types of independent, verifiable documentary evidence. The Registrar will consider on the basis of the evidence supplied.

Examples of evidence include:

- *Long term illness/Hospitalisation* - An original medical certificate/ letter from an appropriate medical professional confirming the nature and severity of the illness.
- *Acute personal/emotional circumstances* e.g. a bereavement - An original medical certificate/ letter from an appropriate medical professional confirming the nature of the circumstances.
- *Family illness* - A medical certificate/letter from an appropriate medical professional confirming the nature/severity of the family illness.
- *Victim of crime* - A written statement of events that is supported by written evidence from the Police (including a crime reference number). Where relevant, an original medical certificate/letter from an appropriate medical professional or counsellor.
- *Criminal investigation, proceedings, litigation or other legal matters* - A solicitor's letter.
- *Maternity leave* - Maternity exemption certificate (MatB1 form) Letter from employer.
- *Paternity leave* - Letter from employer.

If the pharmacist is unable to complete the application for justifiable reasons, a 'next of kin' or other suitable person may contact the Registrar on their behalf to explain the circumstances.

This individual may complete and submit the application on behalf of the pharmacist. In doing so, they must submit independent documentary evidence of inability to work or undertake CPD activities.

All supporting evidence will be treated confidentially and in accordance with General Data Protection Regulation (GDPR) 2018. The organisation's policy is available on our website.

Fitness to Practise and applications on grounds of health.

If an application discloses a health impairment which may affect a pharmacist's ability to practise safely or may call into question their fitness to practise, the matter will be referred to the Registrar for further consideration under Fitness to Practise procedures.

The Registrar must consider whether to refer the matter to:

- a. the Scrutiny Committee in accordance with paragraphs 5 (1) of schedule 3 to the Order¹⁴; or
- b. the Statutory Committee in accordance with whichever of regulations 5 (5) or (8) of the Fitness to Practise regulations the Registrar considers to be appropriate in all circumstances of the registrant's case.

Deadlines for applying

Completed applications and supporting evidence should normally be submitted to the Registrar within 21 days of becoming aware of the grounds for applying for EC.

The deadline for receipt of completed applications by the Registrar is 30 April.

Late applications received after the deadline (30 April), may only be considered at the discretion of the Registrar. All late applications must provide a reason for the delay. Where such an exception is made, the pharmacist's application will be considered without prejudice.

In the meantime, the registrant must ensure that they maintain their CPD

records, insofar as they are able, in readiness to make a CPD submission by the 31 May deadline.

How is this considered?

Upon receipt of an EC application an acknowledgement will be sent within 3 working days. The Registrar then consider whether or not there is a reasonable excuse for non-compliance with the CPD framework requirements.

All EC applications will be judged on the following principles:

1. Does the EC prevent the pharmacist from completing their statutory CPD requirement?
2. Has the pharmacist completed any CPD activity for that year? If so, the Registrar may accept a 'partial submission' under certain circumstances e.g. paternity leave?
3. Has the pharmacist previously provided details of an EC? If so, is it the same or a different issue?
4. Is there a health impairment affecting the registrant's ability to practise safely?
5. Is there relevant and verifiable documentation to support the registrant's case to continue to practise as a pharmacist whilst not undertaking statutory CPD?
6. Is the application timely and in the appropriate form?
7. Is the pharmacist currently practising?

Outcome of application

The Registrar will consider each application and formally notify the

outcome in writing, to the pharmacist, usually within 21 days. This could be:

- No exemption;
- Requirement to complete a partial CPD submission; or
- Full exemption from CPD submission.

The Registrar's decision is final.

A registrant must not assume that an application has been granted until they receive written confirmation from the Registrar that this is the case.

It is important to note that should an unsuccessful applicant subsequently fail to make a CPD submission, they will be deemed to be in non-compliance with their statutory CPD requirements.

It should be noted that it is an individual's responsibility to maintain their CPD records throughout the year. An event or occurrence close to the submission date may not therefore result in a partial, or any occurrence.

In such cases, a notice of removal will be served which will outline the right of appeal to the Statutory Committee within 28 days of service of that notice.

Exemptions for Visiting EEA Practitioners

A visiting pharmacist from a relevant European state may have their name recorded in the temporary service register of the Pharmaceutical Society NI and is referred to as 'a visiting practitioner'

Under Article 4A (7)(c) of the Order, if a visiting pharmacist is registered on the temporary register of the Pharmaceutical Society NI, the Registrar shall take account of any

continuing professional development
the visiting pharmacist is required to
undertake in their home state.

Inclusion on the temporary register is
for a maximum of one year. After this a
new application must be made for re-
inclusion.

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