

Supplementary Guidance 4: Procedure to be followed by the Registrar in the event of failure to meet the CPD standard, and associated appeal procedures

Where a registrant fails, without 'reasonable excuse' to comply with the CPD requirements or fails to comply with any remedial measures imposed this may be viewed as non-compliance.

In such circumstances, the Registrar has the power under the CPD regulations¹ to proceed to remove a pharmacist's name, or an annotation they hold, from the Register.

Consideration of Fitness to Practise

Where the Registrar initiates steps to remove a pharmacist from the Register, or to remove an annotation to registration, they will firstly consider if there is an issue with the fitness to practise of the individual.

Where reasonable grounds exist that the fitness to practise of the registrant is called into question the Registrar will consider whether to refer the matter to either the Scrutiny Committee or the Statutory Committee.

Notice of intention to remove

If no fitness to practise issue is identified, then the Registrar will send out a 'notice of intention to remove'.

The notice will set out the grounds for alleging that the registrant:

- i. has failed to comply with the requirements of the CPD framework, or
- ii. has made a false declaration about their compliance with the requirements of the framework.

The notice will:

- include a copy of evidence on which the Registrar would seek to rely in any proceedings
- invite written representations along with any relevant evidence to the Registrar, within 28 days setting out the reasons why their name or annotation should not be removed from the Register.
- state that in the absence of any submission within 28 days of the notice the pharmacist's name or their annotation will be removed from the Register.

Consideration of submissions

If written submissions are received, the Registrar will consider the submissions and evidence.

The Registrar will either then:

- determine that no failure to comply has taken place and close the matter;

¹ The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2012 and The Council of the Pharmaceutical Society of Northern Ireland

(Continuing Professional Development) Regulations (Northern Ireland) 2013

- determine that the registrant has failed to meet their CPD requirements;
- make further inquiries, including obtaining legal advice, as considered necessary or expedient.

Where the Registrar is relying on new evidence in making a determination, the Registrar will send copies of any new evidence to the registrant and issue a 'supplementary notice'.

The 'supplementary notice' will invite the pharmacist to submit written representations, and any relevant additional evidence within 28 days as to why their name or their annotation should not be removed from the Register.

The Registrar may serve more than one supplementary notice on the registrant

Where more than one supplementary notice has been served, the Registrar will consider the most recent supplementary notice in making a determination on any submission received.

Decision

Following non-receipt of any submission or upon consideration of any submission received the Registrar may decide that the pharmacist has failed to comply with their CPD requirements and issue the decision to remove the pharmacist's name, or their annotation, from the register.

Appealing a decision

The process for lodging an Appeal against removal of a name or annotation is detailed in regulations 12-29 of the CPD regulations². An appeal is normally held on the review of the papers however a registrant can request to have a hearing.

The pharmacist has 28 days from the decision to serve a notice of Appeal to the Secretary of the Statutory Committee. In making the appeal the pharmacist must:

- state that it is a notice of appeal and include their contact details and Registration details.
- Include details of any representation on their behalf
- Include the date of the decision being appealed and the grounds for the appeal
- Include copies of any material already provide to the Registrar in written submissions and additional information they wish to relay on in the appeal proceedings
- include a skeleton argument for appeal
- state if they wish for a hearing to be held and whether they wish to have a case management meeting, including what issues they wish to be discussed at the latter

The appellant has the burden to establish that the Registrar's decision should be overturned. Where facts are

² The Council of the Pharmaceutical Society of Northern Ireland (Continuing Professional Development) Regulations (Northern Ireland) 2013

disputed, the Statutory Committee will consider if they have been established using the civil standard of proof i.e. the balance of probabilities.

The Registrar has the power to suspend a pharmacist's registration pending the outcome of any appeal lodged.

The Statutory Committee will consider the appeal based on the papers submitted in the evidence bundle, unless an Appeals hearing is requested by the pharmacist.

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The appeal will be considered in line with any practice directions given by the Chair of the Statutory Committee³.

Where an appeal hearing has been requested a notice of hearing will be served on the appellant. Hearings will normally be held in public subject to considerations of health issues as outlined in Regulation 25.

Having considered the appeal, the Statutory Committee may:

- dismiss the appeal
- allow the appeal and quash the decision appealed against
- Substitute for the decision appealed against any other decision the Registrar could have taken
- Refer the case to the Registrar for disposal of the matter in line with their directions

The Statutory Committee will inform the appellant in writing of its decision as soon as reasonably practical.

Suspension pending outcome of appeal

³ Regulation 24, The Council of the Pharmaceutical Society of Northern Ireland (Fitness to Practise and Disqualification) Regulations (Northern Ireland) 2012