

MINUTES
COUNCIL PUBLIC MEETING

30 July 2019 @ 09:30

1.0	Welcome & Apologies	<p>Council members in attendance:</p> <p>Dr Jim Livingstone (President) Mr Jonathan Patton (Vice-President) Mr Jim Perry Ms Carol Moore Prof Patrick Murphy Ms Chanel Jones Mr Mark Campbell Ms Alison Ragg Mr Ciaran Hunter Mr Barry Mimmagh Mr Mark McCrudden Ms Laura Murphy</p> <p>PSNI staff members in attendance:</p> <p>Trevor Patterson – (CEO) Mr Brendan Kerr - (Registrar) Mr Mark Neale - Head of Public Affairs (HPA) Mr Peter Hutchinson – Policy & Standards Lead (PSL) Ms June Alexander (EA)</p> <p>The President welcomed all those present and noted apologies from Colleen Duffy & Sandra Cooke.</p>	Apologies Coleen Duffy Sandra Cooke
------------	--------------------------------	---	--

2.0	Deputations	The President was present throughout – no deputation was required.	
3.0	Conflicts of Interest	None was declared.	
4.0	Tabling of Any Other Business	No other business was tabled.	
5.0	Minutes & Key Actions arising from last meeting <i>For Approval</i>	<p>The Minutes of the Council meeting dated 21 May 2019 were approved as a true and accurate record of the meeting.</p> <p>There were no actions to note.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>The Minutes of Council meeting dated 21 May 2019 were approved and adopted as a true and accurate record of the meeting.</p> </div>	<p>Proposed by: Jim Perry Seconded by: Mark Campbell</p>
6.0	Standards & Guidance <i>For Approval</i>		
6.1	Standards & Guidance Review <i>For Approval</i>	<p>This paper brought to Council two recommendations from the ESR Committee on 18 July 2019</p> <p>The Chair of the ESR Committee confirmed that the committee had reviewed the papers and recommended that Council:</p> <ol style="list-style-type: none"> 1. Approve the recommendations within the Initial Review of Standards and Guidance for Responsible Pharmacist Regulations. 	

		<p>Recommendation: Subject to a stakeholder engagement exercise, discontinue the Standards and Guidance on The Responsible Pharmacist Regulations and direct Pharmacists to the law and Governments' Guidance on the website.</p> <p>2. Approve the recommendations within the Initial Review of Hospital Pharmacy Practice in the UK and the Responsible Pharmacist Requirements.</p> <p>Recommendation 1: Discontinue the existing Guidance with immediate effect and inform all relevant parties subject to a stakeholder engagement exercise.</p> <p>Recommendation 2: Create a page on our website directing pharmacists to the existing legislation, DH Government Guidance and sources of further information.</p> <p>Council approved all the recommendations above.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> • Council approved all recommendations as set out in 6.1 • Stakeholder engagement exercise to be carried out prior to discontinuation of Guidance </div>	<p>Proposed by: Chanel Jones Seconded by: Alison Ragg</p>
<p>6.2</p>	<p>Equality Screening For Approval</p>	<p>This paper brought to Council a recommendation from the ESR Committee to adopt the Updated Draft Policy and Procedure on Equality Screening and Equality Impact Assessments and related template, as presented.</p> <p>The HPA advised that, in line with good governance, this policy and template would be used to assess existing and new policies to ensure that all are compliant with current equality regulations.</p>	

		<p>Council adopted the Draft Policy and Procedure on Equality Screening and Equality Impact Assessments and the related template.</p> <div data-bbox="817 338 1554 469" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Council adopted the Draft Policy and Procedure on Equality Screening and Equality Impact Assessments and the related template.</p> </div>	<p>Proposed by: Barry Mimmagh Seconded by: Chanel Jones</p>
<p>6.3</p>	<p>Expert Witness For Approval</p>	<p>This paper brought to Council a recommendation from the ESR Committee that Council issues a supporting statement for the May 2019, Academy of Medical Royal Colleges (AMRC) Guidance, 'Acting as an expert or professional witness - Guidance for healthcare professionals.'</p> <p>The HPA advised Council that the AMRC guidance (Appendix 1) was produced following the Williams' Review of Gross Negligence Manslaughter in Healthcare for the Department of Health and Social Care in England (Appendix 2). The Williams' review recommended that the AMRC working with professional regulators, healthcare professional bodies and other relevant parties, should lead work to promote and deliver high standards and training for healthcare professionals providing an expert opinion or appearing as expert witnesses in tribunals and courts.</p> <p>The following professional regulatory bodies have confirmed that the advice set out in the Guidance is consistent with their standards and guidance which is contained in Guidance on the AMRC's website:</p> <ul style="list-style-type: none"> — General Dental Council; — General Chiropractic Council; — General Medical Council; — General Pharmaceutical Council; 	

		<p>— Health and Care Professions Council and — Nursing and Midwifery Council.</p> <p>At our request, AMRC has confirmed that we can be added to the list of regulators on their website following receipt of a supporting statement in the terms agreed by the AMRC with the other regulators – ie “<i>The following professional regulatory bodies have also confirmed that the advice set out in this guidance is consistent with their standards and guidance</i>” being issued by Council.</p> <p>The Chair of the ESR Committee confirmed the committee’s recommendation to Council to issue a statement that the Pharmaceutical Society NI confirms that the advice set out in this Academy of Medical Royal Colleges (AMRC) Guidance, ‘Acting as an expert or professional witness - Guidance for healthcare professionals,’ is consistent with our standards and guidance.</p> <p>Council approved the issuing of the statement as set out above.</p> <div data-bbox="844 896 1583 1209" style="border: 1px solid black; padding: 5px;"> <ul style="list-style-type: none"> • Council approved the issuing of a statement that the Pharmaceutical Society NI confirms that the advice set out in this Academy of Medical Royal Colleges (AMRC) Guidance, ‘Acting as an expert or professional witness - Guidance for healthcare professionals,’ is consistent with our standards and guidance. • AMRC to be advised in the terms set out of Council’s agreement. </div>	<p>Proposed by: Carol Moore Seconded by: Mark Campbell</p>

<p>6.4</p>	<p>Patient Consent For Approval</p>	<p>This paper brought to Council a recommendation from the ESR Committee for the downgrading of the review into our Guidance on Patient Consent from a Major to a Minor. The outworking of which would be that we engage in a 4-week targeted stakeholder engagement exercise and not a full public consultation.</p> <p>The HPA advised Council that, following an initial review of the Standards and Guidance on Patient Consent, Council had previously agreed that the current Guidance be a Major review and would go out to public consultation.</p> <p>This decision was based on the fact that aspects of our current guidance would have had to be significantly revised to reflect changes to the law, brought about by the proposed introduction of the Mental Capacity (Northern Ireland) Act 2016. However, the Department of Health has now confirmed that they envisage that aspects relating to patient consent will not be implemented until the middle of 2020 at the earliest which means that the law will remain unchanged as reflected in the existing guidance.</p> <p>However, the current Guidance still needs to be modestly improved and the changes now being proposed require a Minor revision rather than a Major revision.</p> <p>Council was, therefore, asked and agreed to downgrade the review into the Guidance on Patient Consent from a Major to a Minor.</p> <div data-bbox="831 1198 1565 1321" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Council agreed to downgrade the review into the Guidance on Patient Consent from a Major to a Minor.</p> </div>	<p>Proposed by: Mark Campbell Seconded by: Barry Mimmagh</p>

<p>7.0</p>	<p>Annual Report Timetable For Approval</p>	<p>This paper brought to Council a recommendation from the Corporate Communications Committee that the draft structure and timetable of the Annual Report 2018/19 be accepted.</p> <p>The CEO advised Council that the Annual Report will come to Council on 19 September 2019 via the Audit & Risk Committee which will sit on 09 September 2019. Following approval of the Annual Report and Accounts by Council, the Annual Report will be passed the Department as a Word document; it is then taken as a hard copy to the Bills Office where it is stamped as received, signifying that it has been laid in the Assembly. Thereafter, we publish the Annual Report before the Annual General Meeting. I must be printed and 9 copies provided to the Repository Libraries in the UK and Ireland. All pharmacists are advised.</p> <p>If, at that time, we have a working Assembly, the Annual Report goes to the Health Committee and they could and should call us to answer questions. However, we have never been called to sit before the Committee.</p> <p>The President advised that, in the current climate of reform, Council should be in contact with the Clerk of the Health Committee to request a session with the Committee, when sitting. Council agreed to this course of action.</p> <p>Council reviewed the proposed timetable, structure and content of the Annual Report 2018/19 and approved same.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Council approved the timetable, structure and content of the Annual Report 2018/19.</p> </div>	<p>Proposed by: Patrick Murphy Seconded by: Mark McCrudden</p>
-------------------	--	--	--

<p>8.0</p>	<p>Motion to Council For Approval</p>	<p>The CEO advised Council that legislation states that, 2 months after Statutory Notification is issued, Council may instruct the Registrar to remove names from the Register for non-payment of fees. An invoice for retention fees is issued to each registrant in April/May of each year. If the fee is not paid by 14 June, a Statutory Notice is issued to the registrant's registered address. If payment is still not received, the relevant registrants' names are removed from the Register 2 months later, on 14 August at Councils request. Once their name is removed from the Register, a pharmacist is unable to practice.</p> <p>The Registrar advised that there are usually around 10 – 20 pharmacists removed from the Register each year for non-payment of fees – some of whom may have left the country.</p> <p>The Chief Executive reminded Council that there were exemptions, for example, if a registrant is subject to FtP proceedings.</p> <p>Council was, therefore, asked to instruct the Registrar to remove the names of those registrants that have not paid their retention fee by two months after Statutory Notification was issued (on 14 June 2019) ie on 14 August 2019, subject to any exemptions. Council so instructed.</p> <div data-bbox="824 1050 1563 1249" style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Council instructed the Registrar to remove the names of those registrants that have not paid their retention fee by two months after Statutory Notification was issued (on 14 June 2019) ie on 14 August 2019.</p> </div>	<p>Proposed by: Barry Mimmagh Seconded by: Laura Murphy</p>
<p>9.0</p>	<p>President's Report For Information</p>	<p>The President advised that, on 11 June, he attended the Chairs' Forum which is a meeting of all Chairs of Public Bodies which allows the sharing</p>	

		<p>of intelligence about current matters and ways in which we can learn from each other. The meeting included a presentation by Caroline Gillian – Programme for Government – regarding the need for more integrated working across government departments which was very interesting.</p> <p>On 19 June, the President and Vice-President conducted the CEO's annual appraisal.</p> <p>On 25 June, the President and CEO attended the quarterly update on the Hyponatraemia Enquiry. The significant issue under discussion is the duty of candour. The Inquiry has recommended that there is established a legal duty of candour for both organisations and individuals. In terms of professional regulation, registrants have a duty of candour from a professional rather than legal standpoint. The government has committed to implement the Inquiry's recommendations and is discussing how this may be done.</p> <p>The CEO advised that, in England and Scotland, they introduced a statutory duty of candour for organisations only. Article 20 of the regulations sets out how CQC operate this in England – they recognise that individual registrants have a professional duty of candour and hold organisations to account if they frustrate this. We raised the issue of dispensing errors as a criminal offence in pharmacy and identified that evidence suggested that the threat of criminal prosecution was a disincentive to reporting and learning from errors. GMC and GDC were supportive of our approach in this regard. Should there be an incident in the future, we would be unable to proceed with Fitness to Practise because we would have to wait for the decision to prosecute, or not to complete before holding final proceedings. We will continue to lobby the IHRD group to consider any individual duty be restricted to non-</p>	
--	--	---	--

		<p>registered persons, looking to the Statutory Regulators to deal with registrants.</p> <p>On 26 June, the President attended the QUB Pharmacy Awards where several Fellowships were awarded to some very exceptional individuals.</p> <p>On 03 July, the President and CEO met with Leigh Brown re the Governance Review where planning for the workshop was finalised.</p> <p>On 23 July, the President and CEO had a very positive and supportive meeting with GPhC after we hosted the CESG meeting. We are working in partnership in terms of the educational strategy including the development of the examination process. It was helpful from a Council members perspective to see that GPhC Council is fully behind the partnership and the joint work being undertaken.</p> <p>In terms of a Premises Standards update, the President advised that the inspectorate is under-staffed and awaiting the arrival of new staff following a recruitment process. The DoH have determined that nothing will happen in relation to introduction of the previously agreed premises standards (a DoH responsibility) until the inspectorate is ready to inspect against them. Very helpfully, GPhC have offered to send over some of their inspectors to show the Department how they manage inspections using similar standards as the baseline. This offer will be put to ACPO Cathy Harrison at tomorrow's meeting. The risk which arises due to the absence of full powers to sanction owners and premises caused by the delay has been raised with the Department. The Chair of A&R asked that our risk register be updated to reflect this</p> <p>Finally, the President advised that historically the Chairs of healthcare regulators had been meeting 2-3 times a year either with or without CEOs but none of these meetings had taken place over the past couple</p>	
--	--	--	--

		<p>of years. He had received a dinner invitation from the Chair if GMC to be held in London and he had not attended given the expense associated with doing so. It transpires that an agenda had been drawn up and interesting discussion took place on possible future collaboration. The President has been invited again and, as he is unable to attend on this occasion, he suggested that the Vice-President attend with the CEO in his place. Council agreed.</p>	
		<div style="border: 1px solid black; padding: 5px; width: fit-content; margin: 0 auto;">Review Risk Register re Premises Standards introduction.</div>	
10.0	CEO's Report For Information	<p>Referring to his written report, the CEO advised Council of the following:</p> <p>The last meeting of the CESG was held in our offices and the focus was on areas where we can cooperate and the role of regulators in workforce planning. Brexit is bringing pressure on nursing and medicine in terms of routes to registration, etc. There was also discussion around learning from enquiries and how regulators can do things better.</p> <p>Three internal Audits were completed during 2018/2019, Fitness to Practice, Key Financial Controls and GDPR – all three received a satisfactory control rating, noting that the GDPR was in relation to documentation only at this stage, with an audit planned in the future.</p> <p>In relation to the Pharmacy Workforce Review Board, we are assisting with the development of a consultation on the policy around technician registration and the Department has confirmed that they are happy to work with us. This work will inform a future Health Minister of DoH recommendations.</p>	

11.0	Report on Progress Against Strategy For Information	Council members noted the content of the report which has been consistent for several months. The CEO advised that we have over 2 years left in the strategy period. Some items on the report, in particular, those around legislative reform in relation to separation of leadership and modernising of legislation are heading towards double amber as they will take around 3 years to complete and have not yet commenced due to absence of the Assembly and minister	
12.0	Consultations - Update For Information	Council reviewed the proposals around the joint GPhC/PSNI 4 country registration assessment and a proposed 2020 CPD Framework consultation. The HPA confirmed that the examinations consultation is ready to commence. The CEO advised that GPhC have agreed the Heads of Partnership Agreement which includes all of the areas sought by Council to meet their obligations in relation to the running of the examination. The intention is that we spend no more on delivery of the Partnership Agreement than we would have on our own examination negating the need for any change in fees arising from the agreement. GPhC have been extremely generous in terms of the resources they have deployed to assist us in delivery of this project.	
13.0	Registration Examination 2019 For Information	The Registrar advised Council that the examination was conducted in June 2019. % Passing were slightly down from last year and there is a second examination sitting in October 2019. Council's attention was drawn in particular to the external examiners report which was very positive.	
14.0	Standards & Guidance – Provision of Services To Note	Council noted the content of the papers.	
15.0	Finance To Note	Council noted the content of the papers.	

16.0	Risk Register To Note	Council noted the content of the papers.	
17.0	Threshold Criteria Consultation Update To Note	Council noted the content of the papers.	
		WORKSHOP – In Committee	
18.0	Reform of Regulation	Council members were provided with the relevant background papers and worked in 3 groups on separate subjects and questions, returning to Council to report back on their view and findings. See separate report.	
19.0	Future of Pharmacy Regulation in NI		
20.0	Resources Committee To Note	Minutes to follow.	
21.0	ESR Committee To Note	Minutes to follow.	
22.0	Corporate Communications Committee	Council noted the content of the Committee Minutes.	
23.0	Fitness to Practise Committee	Minutes to follow.	
24.0	Correspondence Log	None	

14.0	Any Other Business For Information	None	
19.0	Date of Next Council Meeting To Note	The next Public Council meeting is scheduled on 19 September 2019 @ 10:30 in the Back Hall followed by an afternoon workshop on Governance Review.	