

MINUTES OF THE COUNCIL MEETING TUESDAY 27TH MAY 2014

Agenda Item	Present	Apologies
<p>1. Introduction & Welcome, Apologies, Public Attendance noted</p>	<p>Mr Garry McKenna (Acting President) Mr Ciaran Hunter (Honorary Treasurer) Mrs Helena Buchanan Items 1-9 and 15 Dr Anne Marie Telford Professor Martin Bradley Items 1-9 and 15 Mr James Perry Items 1-12 and 15 Mr Paul Douglas Mr Mark Nelson Mrs Brenda Maitland Mrs Marie Smith Mr John Corr (PSI) Items 1-1</p> <p>In Attendance Mr Trevor Patterson (Chief Executive) Mr Brendan Kerr (Registrar) Mrs Joan Duffy (Business Manager) Mr Mark Neale (Head of Public Affairs) Miss Michelle McCorry (Post Registration Lead) Miss Gráinne Magee (Policy Advisor) Mr Peter McKee (Pre-Registration Lead) Mrs Claire Williamson (Executive Assistant)</p>	<p>Dr Lisa Byers Professor David Jones</p> <p>Public Attending</p>

	Discussion	Action/Supporting Information
1. Introduction & Welcome, Apologies, Public Attendance Noted	<p>Apologies were noted for Dr Lisa Byers and Professor David Jones.</p> <p>The Acting President informed Council of Dr Byers had welcomed a new daughter to her family at the weekend; Council joined him to congratulate Dr Byers and her family.</p>	
2.1 Minutes of Council 2.2 Approval of the minutes 2.3 Matters Arising	<p>The minutes of the Council meeting on 10th April 2014 were accepted as a true record.</p> <p>Council agreed the agenda addressed any outstanding actions.</p>	<p>Proposer: James Perry Seconder: Paul Douglas</p>
3. Tabling of Any Other Business	No other business was tabled.	
3.1 Conflict of Interest	No member declared a conflict of interest.	
4. CEO Update	<p>The CEO informed that he had received feedback from several committees asking for a summary at Council to ensure that there is better communication throughout Council and ensure that all Council members are aware of key activity as they may not be privy to some information if they are not members of all committees, especially the Chairs Committee.</p> <p>The CEO asked Council to note that some of the items contained in his report would be discussed in greater detail during the Council meeting under separate agenda items including PSA, Rebalancing Medicines work and the Law Commission Bill.</p> <p>The CEO highlighted a request for information from the PSI is required as two NI registrants have declared Fitness to Practise investigations have been completed in Ireland; the CEO asked Council if they were content to formally ask the Council of the PSI to release this information. Council agreed.</p>	

	<p>The CEO asked Council to note that the NMC have booked meetings rooms for Fitness to Practise hearings over the next 3 months as a pilot. Council were asked to note that in terms of practicalities the NMC do things very differently to us and they may require additional meeting space. If they are content to continue using the building after the initial 3 months then we may need to do some partition work to create more space. The CEO confirmed this would be minimal in terms of cost and would be made back over time by leasing the rooms out. The NMC seem to be broadly content with the arrangement and the CEO informed Council they were very complimentary about the staff and he is hopeful this arrangement will continue. Council enquired if we will be able to accommodate the NMC along with internal meetings and events. The CEO confirmed this had been anticipated for the next 3 months and all internal events have been accommodated. Some smaller committees can also be accommodated in staff offices.</p> <p>The CEO informed Council that he would be happy to take feedback on how this summary of work is delivered at Council and enquired if they found it helpful. Several members of Council indicated the report had been extremely useful to inform members of work across the organisation that they not be involved in and provide them with a handle on key developments.</p> <p>Action Point: Council agreed to formally request information from the PSI regarding FTP investigations concerning two NI registrants</p>	
<p>5. PSA</p>	<p>The CEO asked Council to note the PSA report contained within their meeting packs and the associated correspondence. This year 23 out of 24 standards were met and the CEO informed Council that he was extremely pleased with the report. However he was disappointed with the actions of the PSA concerning the data breach: the failed standard related to this incident.</p> <p>The Acting President echoed the CEO's views and informed Council the report reflects the good level of work carried out over the past year. He supported the CEO's views that it was disappointing the action taken from the PSA to pursue the matter with the Information Commissioners Office (ICO) as other regulators have also suffered data breaches and had met the standard in this year's report. The Acting President asked Council to note that the results of the recent PSA Fitness to Practise audit report was expected in June and some difficulties may arise from this as they had reviewed historic cases which would not have been included in the recent action plan.</p>	

Council reiterated the comments made by the Acting President and the CEO and welcomed the overall positive report. After reviewing the correspondence between the PSA and the ICO Council expressed concern that the PSA have gone past their remit on this issue and that PSA have no role in matters that the ICO has competence in. The Acting President assured Council that detailed discussion on this matter had taken place within the Officers team and the Chairs committee on how to proceed with this matter. It had been agreed that this issue was a concern professionally for this organisation and its reputation. The agreed action was not to become involved in the correspondence. The CEO informed Council that he would be meeting with the Chief Executive of the PSA (Harry Cayton) in June to have a one on one discussion and this may be the appropriate forum to raise Council's concerns on this issue. The Acting President advised that he was attending a meeting of the Health Regulators Chairs in London on 19th June and that matters concerning the PSA may be discussed where he could also raise this matter.

Council enquired if the correspondence received from ICO on 22nd May indicated that the ICO now looking at the case again based on new information received. The Acting President provided an overview of the action taken by the organisation to the data breach and assured Council that the ICO were given the same information as the PSA and additional information has not been provided by this organisation. The CEO confirmed the information was sent in a clear and transparent manner and both the ICO and PSA were working from the same information. The CEO highlighted that the PSA have not carried out any formal investigations into the data breach and he will be able to raise the further concerns raised at the one on one meeting with Harry Cayton in June, the HPA asked Council to note that the ICO have not stated where the further allegations have come from .

The Acting President concluded this discussion by informing Council that we had appropriately informed all relevant organisations of the data breach at the times and had provided all available information in a clear and transparent manner. An enquiry was made if a formal statement should be prepared for the website once the final report is published. The Acting President confirmed this is a stage too far and the issues between the ICO and PSA remain theirs and we can work on the issues highlighted within the report for next year. Some Council members asked if we should have a reactive message to ensure the data breach is brought to a wider audience. The Acting President and CEO confirmed a statement would be made if any enquiries into the matter are

	<p>made: however a statement was produced at the time and published on the website which was open and transparent to the public and registrants. The CEO highlighted once more to Council that this was an extremely positive report and that only one standard was not met. Mr John Corr from the PSI enquired if the CEO had sight of the other regulators reports, the CEO confirmed he had seen the overview that indicates that some had not met between 4 and 7 standards (3 other regulators in total).</p> <p>Action Point: The CEO will raise Council concerns regarding the data breach with Harry Cayton, CEO of the PSA at the one to one meeting he will have at the ned of June</p>	
<p>6. Internal Audit</p>	<p>The Acting President invited the Chair of the Audit and Risk committee to provide Council with an overview of the recent internal audit performed by ASM. A brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • Mr Jim Perry, Chair of the Audit and Risk committee informed Council that ASM had produced 4 reports and at the time the A&R committee met last they were able to preliminary review two, payroll and governance. The other two reports were draft reports for the areas of Fitness to Practise and Data Protection which were not ready for management response. The Chair confirmed that all reports were offering satisfactory levels of assurances. Council was informed that all reports required input from the SMT in terms of a response and action plan (Governance report requires some input from the Chairs committee, A&R Committee and the Acting President) and when this has been done the reports will be considered finally by the Audit and Risk committee. • The Chair gave Council an overview of the work ahead for the Audit and Risk committee over the next few months, including meeting privately with both the external and internal auditors in August and ensuring that there is not a duplication of work by reviewing the external audit plan at their meeting in June. • The Chair informed Council the Audit and Risk committee were content with the approach from ASM and had noted that a number of recommendations made by ASM have already been implemented by the SMT. • The Acting President echoed these comments and informed Council that the reports were well structured: however he did not agree with all the recommendations, for example he did not agree with the recommendation to combine the Resources and Audit and Risk committees. He informed Council that 	

	<p>close co-operation was required between these committees and he had undertaken a review to reflect this in the Terms of Reference. The Chair of Audit and Risk confirmed that he had flagged this with ASM and they had agreed that the committees' roles should be more clearly defined rather than combined: these changes would be reflected in the final report.</p> <ul style="list-style-type: none"> • The Acting President asked Council to note the draft governance report and the recommendations from the Chairs Committee and Audit and Risk committee to assign responsibility for action and response. The Acting President reviewed the recommendations individually and informed Council of the proposed action required and who the responsibility had been assigned to. • Members of the Audit and Risk committee highlighted an issue had risen from ASM's recommendations regarding Council appraisals. Members had felt this process was not yet completed as they had not received feedback from the discussion that had taken place in December 2013 with the Acting President and the former President. The Acting President informed Council that it had not been the intention to produce any written feedback at the time and it was given during the course of the discussions. The Chair of the Audit and Risk committee suggested that perhaps members felt, to complete the process, an anonymised outcome was required. The Acting President confirmed he has spoken to ASM to provide further assurances regarding this process and would produce a written outcome for members who require one. • Council agreed they could look at the recommendations regarding the Risk Register, Balanced Scorecard and Strategy in much more detail at the workshop on 3rd June. Council agreed in principle with the recommendation that Council should review a Corporate Risk Register with key, top line risks only to ensure they remain strategic. <p>Action Point: The Acting President agreed to meet with the Committee Chairs to review the terms of reference for their committees, the relationships between committees and the workload the committees should be able to carry out on behalf of Council</p> <p>Action Point: The Acting President confirmed he could issue a written appraisal to</p>	
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	<p>those members who wished to have it reflecting the discussions that took place in December 2013</p> <p>Action Point: The self-assessment used by the Audit and Risk committee will be issued to all Committee Chairs as it may be adaptable for all</p> <p>Action Point: A meeting between the officers and the Pharmacy Officers will be arranged for June, after the Queens Speech on 4th June.</p> <p>Action Point: The final audit reports will be presented at the Council meeting on 22nd July by Audit and Risk committee.</p>	
7. Strategy	<p>The CEO gave a brief overview of the current Balanced Scorecard and highlighted the elements that were coloured amber or red to reflect a delay or another issue that would hinder the progress of the work. Council agreed to review the Balanced Scorecard in detail at their workshop on 3rd June for the year ahead.</p>	
8. Risk Register	<p>Council reviewed the Risk Register and were asked to note that ASM have recommended moving to an automated system with 6-10 key strategic risks for Council to review regularly. Each committee will have a larger register followed by a corporate register that will be monitored and reviewed by the SMT. Council were asked to note this interim report ahead of the workshop on 3rd June.</p>	
9. Rebalancing	<p>The Acting President and the CEO gave Council an update on the recent meeting with the Chief Pharmaceutical Officer, in which the Law Commission and Rebalancing work was discussed. The discussion centred on the potential challenges to the current regime and suggestions around leadership and regulation.</p> <p>Council were informed the CPO has agreed to produce an options paper detailing how the regime may work including economically and an option for the professional leadership and regulator to remain under one roof. The CPO will share the draft paper with the Society and both will try to agree on options. The final draft will be accompanied with a note to the Health Minister on the Law Commission outcome.</p> <p>The Acting President and the CEO asked Council to note that this was a very positive meeting. However events will be driven by outcomes after the 4th June 2014 if the Law Commission Bill is included in the Queens Speech. The CEO confirmed that clear definition of the roles of the regulatory and the leadership body is essential as the key</p>	

	<p>criticism in the Law Commission work is that there is a lack of clarity between the two. The CEO again expressed disappointment that Council concerns were not featured in the Law Commission report.</p> <p>The CEO asked Council to note the report included in their packs on the recent meetings to discuss the work of Rebalancing. A brief overview of the paper was provided including the Terms of Reference of the Rebalancing Pharmacy Legislation and Regulation Board that carries out this work and discussions. The CEO confirmed that phase one of the works has been completed by the Board and an overview of this was contained in the paper. The CEO informed Council that the role of the pharmacist may change and therefore the role of the regulator will be to remove barriers to allow this to take place if desired and safe. There is no draft Section 60 Order yet however the CEO confirmed that the intention was for the consultation to be issued in early June thus providing a very tight deadline.</p> <p>The CEO asked Council to note that work on the review of the Code of Ethics will flow naturally from this stream or work. Council were informed that practise standards will be required and, while work is being developed and reviewed, technicians should also be considered at all times. The CPO raised the issue of technician registration at the most recent Rebalancing Board meeting and confirmed that serious consideration needs to be given to it. The Acting President asked Council to note that part of the next phase of this work is how this is managed as it may have implications for us. If the legislation is drafted and provides the regulator with rule-making powers then it may fall to us to write the rules. The CEO will provide a further update at the Council meeting in July following a June meeting of the Rebalancing Board.</p>	
<p>10. Committees of Council</p> <p>10.1 Motions/Specific action to Council</p>	<p>The Chair of the Resources committee (Honorary Treasurer) and the Business Manager addressed Council and presented the latest version of the Budget for 2014/15 for approval. A brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The Honorary Treasurer gave Council an overview of the primary sources of income and informed them the largest element of income comes from registrant fees; this may decrease slightly this year as more registrants may not renew their registration due to statutory CPD. 	

- The Honorary Treasurer informed Council that all projects listed in the Budget are not always completed in the financial year they have been assigned to; the Resources committee have split the projects into essential and optional projects to try and ensure that only vital funds projects are budgeted for.
- Council were informed there is a significant proposed deficit in next year's budget and this would be handled in the short term by using reserve funds. The Acting President informed Council that we are fortunate to have reserves. However no organisation could continue to work with a large deficit and the main sources of income would need to be reviewed He noted that a discussion regarding fees would take place at the July Council meeting.
- The Honorary Treasurer highlighted the high costs of expenditure to the organisation including Fitness to Practise and Governance costs. Council was informed that many steps have been taken to reduce these costs however with FTP cases there is no control and we are ultimately blind to what will come in over the next year. The Acting President informed Council that the FTP training day on 29th May aimed to address some issues with the panel members which may improve cost control.
- The Honorary Treasury highlighted the associated costs for the Pharmacy Forum and informed Council their projects are one off in nature and with a modest budget they sometimes have more requirements to move within it. Council agreed it was a sensible approach to allow the Resources committee to reallocate money with the Pharmacy Forum budget freely and noted that it is in line with the recommendations from ASM and the Acting President in relation to the committee reviews.
- Some members of Council expressed concern regarding the deficit and the use of reserves and enquired how long it would take to replenish what is used from the reserve fund this year. The Acting President and the CEO confirmed that there is a view to replenish these funds over the next 5 years and asked Council to agree the budget with an understanding a review all income will be carried out within 12 months with the aim of reinstating a balanced budget.

MOTION: Council approved the Budget for 2014/15 with an understanding that all income sources will be reviewed in 12 months

Key Decision: Council agreed that the Resources committee can reallocate money

**Proposer: Ciaran
Hunter
Seconder: Anne Marie
Telford**

	<p>for the Pharmacy Forum when required</p> <p>The Chair of the ESR committee, Mr Mark Nelson presented Council with the Guidance and FAQ's produced on Professional Indemnity Insurance. A brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The Chair of the ESR committee gave Council a brief verbal overview of the new requirements for registrants to have professional indemnity arrangements appropriate to their practise and asked Council to note that it is now a statutory requirement that all registrants must declare that they do. • The Chair of ESR informed Council that it is up to the individual to ensure that they have appropriate cover. A suggestion was made that the regulator should carry out random checks on registrants to ensure this in place. The Chair of ESR informed Council that Government policy was light touch and the UK indemnity working group did not favour this. • <p>MOTION: Council approved the Professional Indemnity Insurance guidance and FAQ's</p> <p>A second motion was presented by the ESR committee in relation to Continuing Fitness to Practise. A brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The Chair of the ESR committee addressed Council and informed them that the strategic Balanced Scorecard had a deadline to approach DHSSPSNI regarding CFtP in June 2014; however Council were asked to gain a better understanding of the first year of CPD before advancing a policy on CFtP. • Council were asked to note that other regulators have no commitment to complete this work until 2018; the Chair suggested that no date is made to advance this issue with the DHSSPSNI and instead make a commitment after CPD can be properly assessed. • The Acting President confirmed that the enhancement of CPD was agreed by Council and this position would now follow on logically from this. • The CEO highlighted that commitment to CFtP had been made to the PSA in previous submissions and they would begin making their initial enquiries in October for the next submission therefore a substantial plan would be required to 	<p>Proposer: Mark Nelson Seconder: Paul Douglas</p>
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	<p>supply them.</p> <ul style="list-style-type: none"> • Council agreed that an update on CFtP would be provided at the September Council meeting and a plan will be ready for November. <p>MOTION: Council agreed to review the first year of CPD before advancing a policy on CFtP</p>	<p>Proposer: Mark Nelson Seconder: Brenda Maitland</p>
<p>10.1.2 For Council Consideration</p>	<p>The Chair of the Fitness to Practise committee Dr Anne Marie Telford provided Council with a brief overview on the enclosed papers, the FtP Committee had made recommendations to amend the protocols and rationale on closed by the Registrar or a Scrutiny Committee from 01 February 2014 and Risk Assessment and Guidance on the progression of investigations of FtP cases, where complainant has withdrawn support. A brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The Chair informed Council the overall aim of this exercise is to strengthen the consistency of decisions made and formalise arrangements in any long term absence of the Registrar. Council were asked to note that this arrangement had been in place since the Registrar was off on long term sick at the end of 2013 this process was to record it formally. • The Chair confirmed that in relation to closing cases the Registrar will assess the risk and the CEO will perform a further check on this. • Council briefly discussed if the date on the document was appropriate as it had been implemented prior to Council agreement. It was agreed the date should be amended to today's date and apply with immediate effect. <p>Key Decision: Council approved the amendments recommended by the Fitness to Practise committee regarding the Fitness to Practise protocols, the date on the document 'Protocols and Rationale for the review of cases closed by the Registrar or a Scrutiny Committee from 01 February 2014' will be amended to the date of implementation and will be applied with immediate effect to all cases.</p> <p>Key Decision: Council approved the recommendations from the FtP committee on the document ' Risk Assessment and Guidance on the progression of investigations of FtP cases, where complainant has withdrawn support'</p>	

10.2 Corporate Communications Committee		
10.2.1 Key action points from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.	
10.3 Resources Committee		
10.3.1 Key action points from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.	
10.4 Education, Standards and Registration Committee		
10.4.1 Key action points and decisions from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.	
10.4.2 Pre-Registration Update	Council were asked to note the papers for information.	
10.5 Fitness to Practise		
10.5.1 Key action points and decisions from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.	
10.6 Audit and Risk Committee		
10.6.1 Key action points and decisions from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.	
10.7 Chairs Committee		
10.7.1 Key action points and decisions from last meeting	The key decisions and action points were provided for Information only. Full committee minutes were provided on the website in advance of the Council meeting.TR	
11. Staff Reports		

11.1.1 Pharmacy Forum Report	<p>The Pharmacy Forum Manager attended the meeting to provide a verbal update on her report to Council on the recent work and activity within the Pharmacy Forum. The following points were noted:</p> <ul style="list-style-type: none"> • The Pharmacy Forum manager provided an update on their recent work at the Rebalancing Medicines Board and asked Council to note the information was as the CEO had reported in his report at item 4 of the agenda. The Pharmacy Forum Manager asked Council to note that she is now part of the Communications committee for Rebalancing. • The Pharmacy Forum manager requested that a meeting between Council and PF officers is scheduled for after the Law Commission outcome on 4th June as is currently overdue and this would be an opportune time to meet. • Council were provided with a detailed update on the recent CPD facilitation events hosted by the Pharmacy Forum. The PF Manager noted they were well attended and had shown positive feedback. • The recent election had an increase in voting with two nominees successfully elected out of 6, because there was much more interest in standing for election. The PF has engaged unsuccessful candidates as part of the Policy and Practice committee. • The Pharmacy Forum Manger asked Council to keep the Health Plus Pharmacy Scheme in mind as it may affect standards. Council were informed this is because due to a restriction on sales premises standards may need to be reviewed. The PF Manager informed Council other organisations such as CPNI do not believe new standards are required and this will be monitored and reported to Council as appropriate. 	
12. Correspondence Log	No correspondence to note.	
13. Recent and Coming Events	None.	
14. Any other business	No other business was discussed.	
15. Council Confidential Business	Council held a confidential session, no minutes were taken.	
16. Date of next meeting	The next meeting of Council is scheduled for Tuesday 22 nd July 2014 at 09.30am	

