

MINUTES OF THE COUNCIL MEETING MONDAY 15TH DECEMBER 2014 AT 09.40AM

Agenda Item	Present	Apologies
<p>1. Introduction & Welcome, Apologies, Public Attendance noted</p>	<p>Dr Jim Livingstone (President) Mrs Sinead Burns (Vice President) Mr Ciaran Hunter Mrs Helena Buchanan Mr James Perry Dr Lisa Byers Professor Martin Bradley Miss Sandra Cooke Mr Gareth Peeples</p> <p>In Attendance Mr Trevor Patterson (Chief Executive) Mr Brendan Kerr (Registrar) Mrs Joan Duffy (Business Manager) Miss Michelle McCorry (Post Registration Lead) Mrs Claire Williamson (Executive Assistant)</p>	<p>Professor David Jones Mrs Brenda Maitland Mrs Marie Smith Mr Garry McKenna Mr Mark Nelson</p> <p>Public Attending No public attendance to note</p>

	Discussion	Action/Supporting Information
<p>1. Introduction & Welcome, Apologies, Public Attendance Noted</p> <p>1.1 Conflict of Interest</p>	<p>Sandra Cooke declared a potential conflict of interest as a pharmacy owner regarding the discussions on the Rebalancing Medicines work.</p> <p>Sinead Burns also declared a potential conflict on the same matter as the co-owner of a pharmacy.</p> <p>Martin Bradley declared a potential conflict of interest regarding discussions on the NMC contract as he is a current member of the NMC.</p>	
<p>2.1 Minutes of Council</p> <p>2.2 Approval of the minutes</p> <p>2.3 Matters Arising</p>	<p>The President asked Council to review the minutes from the meeting on 4th November, and they were duly accepted as a true record.</p> <p>The CEO confirmed all matters arising were addressed on the agenda or had been actioned, a brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The President informed Council the key decisions and action points from previous meetings would henceforth be reformulated as an Action Log and any outstanding points should remain detailed and updated on the Log until they were completed. • The CEO gave Council a brief update on the planned building remodelling. Quotes have been obtained from 3 companies specialising in partitions, any electrical or mechanical work required will be carried out by existing contractors. An original quote from an architect to carry out all design and tender aspects of the work including building control would use more than half of the budget given the complexity of specifying building, electrical and mechanical work in a single 	<p>Proposer: Gareth Peebles Seconder: Martin Bradley</p>

	<p>project and the likely cost of dealing with enquiries. Therefore it had been decided to separate the work out is into three separate pieces. The CEO confirmed that he would project manage the components and that the savings arising would be significant. The CEO confirmed the final quote will be presented via the Resources committee in the early part of the New Year for approval.</p> <ul style="list-style-type: none"> • The President asked Council if they were content to set aside an hour at the next meeting to discuss and scope out the strategic approach with the Chief Pharmaceutical Officer at planned meetings on various legislative requirements and developments.. Council confirmed this was an important issue and should dedicate sufficient time to discuss these matters at their meeting in February with the possibility of a workshop at a later date. • The following action points are outstanding and will be carried forward to the next meeting; the Chair of Corporate Communications will discuss the strategic map at the next committee meeting and the Chair of Resources and BM will draw up a list of KPI's for finances. <p>Action Point: Council agreed to spend an hour at least of the meeting on 3rd February in discussion on a strategic approach to the relationship with the Chief Pharmaceutical Officer and an options appraisal</p> <p>Action Point: The EA will follow up the membership request with the Chairpersons Forum</p> <p>Action Point: Council agreed the actions outstanding from the Actions Log will be carried forward</p>	<p>CEO/EA</p> <p>EA</p> <p>CEO/EA</p>
<p>3. Tabling of Any Other Business</p>	<p>No other business was tabled.</p>	
<p>4. Presidents Update</p>	<p>The President informed Council he had recently attended both the DUP and SDLP party conferences, he confirmed that he had found them both interesting and useful. The Chair of Corporate Communications informed Council when this round of conferences has come to a close in March 2015 the Head of Public Affairs will produce a report for</p>	

	<p>Council to review our attendance at these events and consider the benefits arising.</p> <p>The President confirmed all newly appointed Council members had completed their induction training with David Nicholl at On Board Training and it had been extremely useful.</p> <p>Action Point: The Head of Public Affairs will produce a complete report on party conferences for the Council meeting on 24th March</p>	HPA
4.1 CEO Update	<p>The CEO presented a written report on recent activity and matters on interest to Council, he provided a brief update on some matters, Council were asked to note the following:</p> <ul style="list-style-type: none"> • The CEO met with representatives of the NMC the previous week and they have agreed a contract for the next 12 months, with an agreement to block booking 10 days per month for the first 6 months. The CEO confirmed this would guarantee an income of £4k per month and a likely income of £48k per year. • Council were asked to note the NMC staff had indicated they were keen to progress with the remodelling project to maximise their use of the facilities and agreed to share the cost of shredding if they were supplied with a separate bin for their material in the hearing room. • Council enquired if there was any risk in doing this in terms of having another organisation's confidential material on site for a period of time before the contractor removes it. The CEO confirmed staff would not have access to bins as is the case with our own and the NMC are satisfied with the agreement we have in place with the contractor. The SOP will be amended to reflect the new arrangement with the NMC. • The CEO informed Council further discussion had taken place at the Chief Executive Steering Group meeting around the PSA levy and confirmed our response to the consultation had been submitted. The CEO confirmed that we have forecast this cost into the budget for next year and have anticipated a total cost of £6k would be paid however it will be unclear if this is necessary until after the consultation period ends. • Council briefly discussed how the levy is expected to be paid and agreed that the cost will be deferred to the registrants subject to the consideration of the fees consultation responses. The CEO confirmed the NMC and HCPC have strongly opposed the proposal largely on the basis of cost to their organisations and 	

	<p>therefore it is unclear what the final result will be.</p> <div data-bbox="562 264 1715 336" style="border: 1px solid black; padding: 5px;"> <p>Action Point: The SOP detailing shredding arrangements will be updated to reflect the new arrangement with the NMC if it is progressed</p> </div> <p>The CEO addressed Council to provide an update on the Rebalancing Medicines project, a brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • The CEO provided a brief overview on the work undertaken by the Rebalancing Medicines Board, he confirmed that a Section 60 Order (dispensing errors) is being progressed and a consultation exercise would be required in Jan/March 15 if DH London are able to launch their S60 consultation in Jan 15. DH and DHSSPS will support our activity at any event. The Impact Assessment on this area has been performed and if it is passed by the Regulatory Policy Committee by 30th December it will go to consultation in this Parliament. • The CEO asked Council to consider 4 issues identified by the Rebalancing Board and provide their view. The first issue Council were asked to consider was regarding the term 'supervision' and if this term was not preferred which other term was more appropriate. The CEO informed Council the supervision S60 Orders are now about transactions whereas the current suite are about organisational governance arrangements, these latter proposals will ensure that transactions are taking place lawfully. • Council discussed the term 'supervision' and alternatives if it was replaced; this is specifically in relation to the role a pharmacist performs in the sale or supply of POM and medicines. The CEO gave a brief overview of an alternative term 'clinical oversight' and asked Council if they felt this was a more appropriate term. • Council expressed concern that if the term was changed a lot of work would be required to explain and communicate the changes and this would be the main challenge for regulators. It was agreed that the current term is widely used and there was a risk to patient safety if more tasks are delegated out and away from the pharmacist. Council recognised that in order to benefit from the full value of the objectives technician registration in Northern Ireland was essential. • On balance Council felt that supervision could be retained if there was a detailed explanation of what it meant but that under the authority of a pharmacist would be a satisfactory alternative 	<p>BM</p>
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- Council considered the second issue, what must happen when a pharmacist supervises/oversees a transaction? The CEO highlighted that the legislation does not state a clinical check is required in these situations and all that would be required is a decision the transaction go ahead however the group had agreed that responsibility for such a check would be exclusively that of a pharmacist and could be covered in regulations.
- Council confirmed the vagueness around this issue was concerning and a lot of transactions do require clinical checks. Members of Council stressed if this was remote supervision there would be a risk to patient safety. The current value in a community pharmacist is that they are so accessible for patients and their role is so much more than dispensing. Mrs Buchanan highlighted the Australian model of pharmacy where they have delegated much of dispensing to focus more on patients and clinical checking; they have driven innovation in this field.
- Council agreed that the term 'transaction' implied something more akin to a business sale and queried if this was an appropriate term to be widely used in healthcare. Council stated that by simply using the term transaction it implies that the role of the pharmacist is merely to dispense when it is much more. It was further highlighted that the focus should be on patient safety and using the expertise of a pharmacist. This value can be demonstrated by regional projects that have proven A&E visits have been reduced by pharmacists.
- Council concluded that the term 'transaction' was too narrow a word and did not capture the our own Code of Conduct which requires a pharmacist to do more than dispense medication, they are required to counsel, advise and liaise with GP's especially in situations where interaction of medicines are required.
- Council further discussed the role of the pharmacist how the term 'transaction' reflects their role. Council agreed to ask the CEO to feedback to the Board as a regulator we would want to emphasize that the term 'transaction' dealt only with a narrow range of pharmacist health interventions and reinforce the wider role of the pharmacist.
- The CEO advised that as the supervision was around only the sale or supply of medicines that transaction was appropriate for that portion of the role, the CEO confirmed that he would ensure that this was clarified with the board
- The CEO confirmed that this was very early days in terms of this question and that council would have a major role to play in defining this if the legislation, as expected, passed responsibility to the regulators for defining this activity

- The third issue Council were asked to consider a system where a pharmacist permits a type of transaction to go ahead and then a registered technician permits a particular transaction to go ahead. This issue raises fundamental questions around skill mix and the complementary role of pharmacists and technicians.
- The CEO asked Council to consider this issue if an MDS prescription remained the same can it go ahead for example? Council agreed that there needs to be a clear definition in roles for this issue to go ahead, it was highlighted that our current Code of Conduct have principles that apply to all pharmacists and doesn't specify who that is as no matter what level or role you have you must satisfy these responsibilities around safe practice in order to protect the public.
- The CEO highlighted that when deciding who takes the decision the interaction between system governance and transactional governance needs to be considered. He noted that Council have identified that issue 2 and 3 do not sit comfortably together and that they would require further review in order to work in parallel with each other.
- The CEO confirmed that he had raised this at the boards, expressing a preference that the organisational and transactional pieces of work were concluded together
- The final issue Council considered was should the capacity of pharmacy professionals to authorise transactions be qualified by a requirement that they are acting in the course of their profession. The CEO confirmed Council have identified their view on this matter as the discussion moved through the first three issues and he would note that they have indicated this should be a requirement.
- The CEO asked Council to review the report on the Hospital Pharmacy Project which sets out the content and conclusions of a UK wide review of governance in the hospital pharmacy sector. Council were asked to consider the recommendations from the Expert Advisory Group.
- Council briefly discussed the requirement for hospital pharmacy registration and the role of technicians in this environment, it was noted hospitals are leading the way in the role of technicians and are have a more advanced role than those working in the community sector. Council expressed their satisfaction with the proposals to date

	Action Point: Council indicated their view on the current status of the Rebalancing Medicines project and requested the CEO to feed this back at the next meeting of the Rebalancing Board	CEO
5. PSA	Council noted the PSA submission was submitted on time in November, further updates will be provided in the New Year.	
6. Strategy	The CEO presented the Balanced Scorecard and asked Council to note the executive summary which detailed any measures outstanding or facing delays. The President commended the Senior Management Team on the executive summary (traffic light system) as no reds were displayed, he asked the CEO when reporting the executive summary to Council if it could be highlighted to Council any Amber labelled measures that may be showing signs of deterioration and could potentially turn to red. Council agreed that this was a sensible approach and would enable the CEO to report via the Audit and Risk committee too and would also trigger a review of the risk register.	
	Action Point: The CEO will include a report of any issues he is anticipating in the Balanced Scorecard with a potential to go red in the future	CEO
7. IT Project	The CEO presented a brief update from Legato on the current IT project, the following points were noted: <ul style="list-style-type: none"> • Council were informed the project is in on schedule with the overall timetable and online retention is expected to be in place for June, the CEO noted that some elements have shifted in sequence but the project is broadly on target. • The President noted Legato had referred to some targets in their report as 'probable' and asked for more reassurance that schedules will be adhered to and that Legato are flexible in terms of the project. The CEO confirmed that a more robust report will be requested for the next Council meeting. 	
	Action Point: The President requested a more robust report including a timetable and action plan from Legato on the current status of the IT project and the future plans to complete the project with a clear focus on delivery.	CEO
8. Committees of Council 8.1 Motions/Specific Actions to Council	The Chair of the Corporate Communications committee presented a motion from the Chairs committee to recommend the content of a draft version of the Code of Conduct which will be provided to the pre-consultation groups for discussion, the following points were noted: <ul style="list-style-type: none"> • The Chair highlighted to Council the original agreed timetable for this project 	

	<p>could slip if the pre-consultees were given an opportunity to review the draft document again before it is issued for formal consultation however Council had agreed a policy on the way consultations are performed. The Chair reminded Council they had previously agreed to ensure that engagement with stakeholders was at the centre of all consultations and this project had started off strongly by engaging with key groups on this issue.</p> <ul style="list-style-type: none"> • The Chair informed Council the next steps would be to engage these groups before or just after the Christmas holidays to allow any suggestions and amendments to take place ahead of the Chairs meeting on 26th January. Council were asked to note if it is not possible to secure these meetings the project will move forward with the information available now. <div data-bbox="562 639 1715 879" style="border: 1px solid black; padding: 5px;"> <p>MOTION: Council agreed the content of the draft Code of Conduct would be provided to pre-consultees for further discussion and the final document would be presented to Council at the next meeting on 3rd February via the Chairs committee for final approval.</p> <p>Key Decision: Council agreed the Code of Conduct task group should be involved with the meetings of the focus groups</p> </div> <p>The Chair of the Audit & Risk Committee, Jim Perry, addressed the committee to present a motion to not recommend sharing internal audit action plans with the PSA, a brief discussion took place and the following points were noted:</p> <ul style="list-style-type: none"> • Council were informed the PSA have requested sight of the internal audit reports produced by ASM, the Audit and Risk committee Chair informed Council his committee was strongly of the view that this should not be shared as it would conflict with our contractual relationship with ASM. • The CEO informed Council a compromise was to recommend sight of aspects of the internal audit action plans, perhaps at subsequent submissions; he reminded Council the purpose of the internal audit should be to improve the business through an open and transparent process. The Chair reminded Council that aspects of the action plans are available to the public through this meeting as they are discussed, although paper copies are not provided. • Council agreed that by sharing aspects of the plans in the context of how we had 	<p>Proposer: Sinead Burns Seconder: Martin Bradley</p>
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	<p>made improvements it would be useful however they stressed it would also be useful to discuss this with other regulators to ensure we are not out of step with them before setting a precedent. The President agreed to raise this privately with colleagues at the meeting on 12th January as all regulators' chairs and CEO's will be in attendance.</p> <p>Key Decision: Council agreed no consent to sharing audit reports should be given at present quoting the restriction with ASM and the purpose of the internal audits Action Point: The CEO and President will raise the matter privately of sharing internal audit reports with the PSA at the Joint Chairs/CEO PSA board meeting on 12th January</p> <p>The CEO presented an amended version of the Committee Terms of Reference to Council for adoption and approval. Council were asked to note the amendments ensure there is a provision in place for a Chair to be appointed for the Chairs committee in the absence of the Chair or the appointed deputy. The amendment also allows for an appointed deputy to attend the Chairs meeting in place of another committee Chair if they are unavailable. Council agreed they were content with proposed amendments.</p> <p>MOTION: Council agreed to approve and adopt the recommended committee Terms of Reference</p>	<p>President/CEO</p> <p>Proposer: Ciaran Hunter Seconder: Helena Buchanan</p>
<p>8.1.2 For Council Consideration</p> <p>8.1.2.a: ASM Registration Report</p>	<p>The Chair of the Audit and Risk committee presented the ASM Registration internal audit report to Council. He confirmed a satisfactory level of assurance was given with no priority one recommendations. The Chair enquired if these reports should be presented to Council in a public format if the arrangement with ASM is not to share these reports. Council agreed that any discussions regarding internal audit should be held in a confidential session going forward.</p> <p>The CEO highlighted the report received on registration was extremely positive and the team had anticipated most of the responses and recommendations, as the two teams involved in registration are small departments the CEO highlighted that a dependency on</p>	

<p>8.1.2.b: Language Control Consultation Response</p>	<p>staff was highlighted and confirmed that the teams would move forward to ensure a more robust system is in place.</p> <p>The Chair of the Audit and Risk committee informed Council Mrs Pauline Poots; Director at ASM would be leaving her position and wanted to thank her for her contribution to both the audit process and the development of the strategy. The President echoed these comments and commended the team on a positive report.</p> <p>Key Decision: Council agreed all discussions regarding internal audit will be held during a confidential session going forward.</p> <p>The CEO asked Council to note the consultation response to the Department of Health Language Controls consultation. Council were asked to note this had been considered by both the ESR committee and Chairs committee however the deadline for submission was 15th December therefore there was no opportunity to bring the response to this Council meeting for consideration.</p> <p>The CEO informed Council the response submitted was broadly supportive of the legislation however an issue regarding appeals was highlighted. The CEO confirmed the legislation does state that Council will consider appeals however this could be delegated out to a committee for example, the SMT are currently developing an appropriate process for this to be actioned. Council were informed most appeals would most likely come as a result of a test being required, not the actual outcome of the test.</p>	
<p>8.2 Committee Action Points</p> <p>8.2.1 Full committee minutes</p>	<p>The key decisions and action points were available for information.</p> <p>Full minutes for all committee meetings were available to view on the online portal.</p>	
<p>9. Staff Reports</p> <p>9.1.1 Pharmacy Forum Manager Report</p>	<p>The CEO asked Council to note the latest update from the Pharmacy Forum Manager, Julie Greenfield.</p> <p>Council noted the report and requested that a congratulatory letter was sent to the</p>	

	<p>Pharmacy Forum on their recent Rewarding Excellence dinner at Belfast City Hall and to thank them for inviting and including Council in the event. Council enquired if Harry Harron (PDA) had been appointed as an advisor to the Board as stated in the report as an official role. The CEO confirmed he would highlight this to the PF manager as he understood it was as observer role rather than advisory.</p> <p>Action Point: Council requested a letter was sent to the Pharmacy Forum on their behalf to congratulate them on the success of the Rewarding Excellence event</p> <p>Action Point: The CEO agreed to ask the Pharmacy Forum manger to confirm the role of the PDA representative on the Board</p>	<p>EA</p> <p>CEO/PFM</p>
10. Correspondence Log	Nothing to note.	
11. Recent and Coming Events	<p>The CEO informed Council he would be attending a meeting ahead of the next PSA Board meeting on 12th January with the President. Council were asked to note this was a request from the last Regulator's Chairs meeting to have an open discussion regarding the concerns of all regulators around the way the review of the PSA Performance review is being carried out.</p> <p>A meeting with Queen's University and University of Ulster has been scheduled for 22nd January to discuss various educational matters including the potential 5 year pharmacy degree, candour and the level of patient engagement at an undergraduate level.</p> <p>Action Point: Council were asked to forward any agenda items they would like considered for the Universities meeting to the CEO ASAP</p>	<p>Council</p>
12. AOB	<p>The President highlighted to Council that he is keen to promote the regulator's role amongst pharmacist and the wider public. He indicated that he would be keen to work with the Corporate Communications committee with a view to identifying opportunities for him (and where appropriate the Vice-President) to attend and speak at planned events as much as possible. He informed Council he will be attending the All Ireland Pharmacy Conference in January 2015 with the Registrar and will ask if there will be an opportunity to address the delegates. Council endorsed this approach of reaching out to pharmacists and the public through the office of the President.</p> <p>Action Point: The EA will enquire with NICPLD if there is an opportunity for the</p>	<p>EA</p>

	<p>President to speak at the All Ireland Pharmacy Conference</p> <p>Jim Perry ask Council to consider if the policy which covers mobile working from home is appropriate and mirrors the way in which papers are accessed. Mr Perry noted that his PC at home is not password protected as it is a shared family device.</p> <p>The Chair of Resources, Ciaran Hunter confirmed that his committee are currently reviewing the way in which Council access papers and will present a solution to Council on this early in the New Year.</p>	
13. Confidential Session	Council held a private session.	
14. Date of next meeting	The next meeting date was agreed for Tuesday 3 rd February 2015 at 09.30am.	

The meeting concluded at 12.50pm.