

Minutes
Council Meeting - Public
Tuesday 07 November 2017 @ 11:00 hrs – 12:45 hrs

	Commencement of Meeting	The meeting commenced at 11:00 hrs.	
	Agenda Item	<p>Present</p> <p>Dr Jim Livingstone (President) Mr Ciaran Hunter (VP) Mr Mark Campbell Miss Sandra Cooke Mr James Perry Prof Patrick Murphy Miss Eleanor Magennis Mr Gareth Peeples Miss Colleen Duffy</p> <p>In Attendance</p> <p>Mr Trevor Patterson (Chief Executive) Mrs Joan Duffy (Business Manager) Mr Mark Neale (Head of Public Affairs) Mr Brendan Kerr (Registrar) Mrs June Alexander (Executive Assistant)</p>	<p>Apologies Prof Martin Bradley Miss Laura Murphy</p> <p>Public Attending Rosemary Barton MLA Colm Gildernew MLA Cllr Mark Glasgow <i>From St Joseph's Grammar:</i> Mrs Mairead Donnelly & Students: Shannon McKeown Rachel McKenna Cassie Hamil Isabela Jeronowska Ronan McElvogie Paul Elliott</p>

		<p>5.0 Prof Zubin Austin's presentation to be circulated to Council.</p> <p>5.0 Dates and times for Council meetings on agenda.</p> <p>13.0 Memorandum of Understanding between PSNI and PSI on agenda.</p> <p>22.0 Council nominations to external bodies and a request from UU to nominate a staff member to REF – the CEO advised that this has proven to be a larger task than anticipated involving reference to internal policies and a thorough knowledge of the nominee's professional activity, contrary to the original indication of a broad supporting letter. On that basis, the request for nomination has been declined on behalf of Council. This request has highlighted the need for a nominations policy which will be presented to Council at a future meeting. It was also noted that PSNI does not have a Nominations Committee.</p> <p>At the suggestion of the Chair of the Audit & Risk Committee, Mark Neale reminded Council and explained to the public present the process that is undertaken in relation to the laying of the Annual Report and Accounts in the Assembly, etc.</p> <div data-bbox="763 1067 1503 1206" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Key Decisions & Actions Minutes of the Public Meeting in September 2017 adopted.</p> </div>	
--	--	---	--

<p>5.0</p>	<p>President's Report <i>For Information</i></p>	<p>The President advised Council of his recent meetings activity, including:</p> <ul style="list-style-type: none"> a) AGM on 12 September 2017; b) UK Rebalancing Board on 23 October 2017. The meeting addressed the issue of the de-criminalisation of pharmacists for dispensing errors. The President advised that pharmacists are the only healthcare professionals who, if they make a mistake in dispensing, are automatically guilty of a criminal offence. It is recognised that pharmacists can make a mistake without any dire consequences to the patient, however, due to fear of criminal proceedings, they may be incentivised not report such mistakes, thereby reducing the possibility of learning from them. All four government health departments now wish to change legislation. The Department of Health in London is bringing forth legislation, to create a defence in specified circumstances, before Christmas 2017 for community pharmacists; legislation in relation to hospital pharmacists will be in early 2018. In addition, Superintendents and Responsible Pharmacists, by the use of Section 60 Orders, are being taken out of ministerial regulation and brought into the responsibility of regulators. It is recognised that this will be a significant piece of work and will create the need for further regulations. c) Meeting with the Chief Pharmaceutical Officer in the Department of Health NI, Mark Timoney, on 25 October 2017. Several issues were discussed: 	
------------	---	---	--

		<ul style="list-style-type: none"> i. Pharmacy Technicians who are not currently regulated by PSNI. The Department is developing a case for legislation. ii. Deputy Registrar. The Department recognises the weakness of PSNI not having a Deputy Registrar and is taking this issue forward. It is hoped to have legislation enacted in 2018. iii. Concerns regarding Brexit and the major impact it will have on PSNI. <p>d) Teleconference between the President, CEO and the Department of Health on 06 November 2017. The Department published the results of its consultation regarding the constitution of PSNI and the possibility of complete separation of PSNI (Regulator) and Pharmacy Forum (Professional Body). The Department is proposing doing no more at present in the absence of a Minister in the Department. In the meantime, discussions will continue around pathways for separation. Worthy of note is that the publication commends PSNI for the diligent way it conducts its regulatory affairs. The President has issued a statement online in response to the Department's publication. He advised that it will be some years before there is any finality on this issue. Council Member, Sandra Cooke, advised that she had been at a meeting regarding the possibility of a change in regulation in relation to zero tolerance. She was asked to provide a note of the meeting to the President and CEO for possible future action.</p>	<p>Sandra Cooke</p>
--	--	---	---------------------

		<div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key Decisions & Actions</p> <ul style="list-style-type: none"> Note of meeting, regarding possible regulatory change in relation to zero tolerance, to be provided to President & CEO. </div>	
7.0	<p>CEO Report <i>For Information</i></p>	<p>The CEO advised that many items within his report are covered within the Agenda.</p> <p>He highlighted to Council the possible options in relation to Pharmacy Healthcare Reform in NI:</p> <ul style="list-style-type: none"> a) Maintaining the regulator in Northern Ireland; b) Transferring powers/register to GPhC. <p>Three former ministers had supported the concept of separation. PSNI will be consulted before a report is given to a future minister.</p> <p>In terms of rebalancing, there is now some momentum. However, the Department will have to bid for even secondary legislation in the legislative timetable and this may result in further delays.</p>	
8.0	<p>Governance Review <i>For Decision</i></p>	<p>2012 saw the introduction of a new structure in which members of Council were to be appointed by the Minister. However, many protocols and procedures that were in place in 2012 have been adapted to the new circumstances. We need to look at these protocols and procedures, including our Standing Orders and committee structures; so that we can</p>	

		<div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px;"> <p>Key Decisions & Actions</p> <ul style="list-style-type: none"> Tender documentation to be drawn up in relation to the appointment of an external facilitator. Members to be polled in relation to dates for workshops. </div>	
9.0	<p>Draft Budget <i>For Decision</i></p>	<p>The Chair of the Resource Committee, Ciaran Hunter, presented the draft budget 2018/19 to Council for approval. He advised that the draft budget shows a draft surplus of £6K excluding project costs. At this time of year if fees may need to be adjusted as a result of the budget projections, Council need to request that a fee consultation document be presented in the New Year. The last fee increase was the only o increase in the last ten years.</p> <p>The largest income is from registrant fees totalling £900K; then new registrant fees of £91K; premises fees of £85K; and pre-registration and examination fees of £66K. These represent 96% of the Society's total income. In terms of expenditure, staff salaries, IT and Governance costs of £895K represent 75% of the Society's total expenditure. It is estimated that £85K will be spent on projects – if approved they will be in relation to:</p> <ul style="list-style-type: none"> a) Pharmacy Technician registration; b) IT; c) Pre-registration course. <p>Some of the above projects may not be undertaken in the budget timeframe. If all were undertaken, there would be a deficit of £85K which would come from our reserves as planned. It was noted that a proposed</p>	

		<p>increase in fees would also incur costs in terms of consultation, etc. He proposed to Council that there be no fee increase in the coming year and that the matter be revisited in 2018. Council approved the proposal.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Key Decisions & Actions</p> <ul style="list-style-type: none"> • Agreed – no increase in fees for the coming year. • Approved – draft budget </div>	<p>Proposer: Ciaran Hunter Seconder: Colleen Duffy</p>
<p>10.0</p>	<p>Changes to Credit Card Fee <i>For Decision</i></p>	<p>Council was advised by the Chair of the Resource Committee, Ciaran Hunter, that new rules will come into effect on 13 January 2013 which will prohibit surcharges being made for payments made online or in store. This will have an effect on the Society in terms of payment of annual fees by credit card.</p> <p>In total, 277 registrants paid by credit card last year with a surcharge of £8 being made in each case. If all registrants were to pay by credit card next year, the cost to the Society would be £15-16K. The immediate concern is the premises renewal fees early in the New Year. Options are:</p> <ol style="list-style-type: none"> a) Continue to charge the current fee and surcharge until 12 January 2018 by which time most premises should have paid their renewal fee; b) Do not accept credit card payments from now, including the premises retention fees; c) Use Paypal for payment online although this will incur a minimum charge of £1.9%; or 	

		<p>d) Accept credit and debit cards (the latter has a 0.5% surcharge which is currently absorbed) and absorb all the related costs which could total between £5.5K and £16K dependent upon the number of credit card payments.</p> <p>Discussion ensued regarding notice to registrants and difficulties that may be encountered by those who spread the cost of their annual fee by using a credit card. It was acknowledged that legislation prevents acceptance of staggered direct debit payments and that the best approach may be to give registrants 6 months' notice that credit card payments will no longer be accepted. The Chair of the Resource Committee agreed that his committee would be happy to look at this issue with a view to finding a solution that assists registrants with fee payment.</p> <p>Business Manager, Joan Duffy, was asked to analyse any trend in payment method over past years and report back to Council in February 2018.</p> <p>It was agreed that:</p> <ul style="list-style-type: none"> a) Sufficient notice will be given to registrants in relation to change in payment methods; and b) While the new system settles in, PSNI will absorb any related costs. 	<p>Ciaran Hunter/Resource Committee</p> <p>Joan Duffy</p>
--	--	---	---

		<div style="border: 1px solid black; padding: 5px;"> <p>Key Decisions & Actions</p> <ul style="list-style-type: none"> • Business Manager to provide analysis to Council re trends in registration payments over past years. • Resource Committee to review future options for payment of registration fees. • Notice to be given to registrants regarding changes in fee payment methods. • In the interim, credit cards not to be accepted for payments after 12/1/18 </div>	
11.0	<p>Consideration of DoH consultation on future of Healthcare Regulation</p>	<p>Council was advised that the DoH in London have launched a consultation on the future of healthcare regulation. PSNI will be involved in the consultation. In 2014, the Law Commissions issued a report on reforms and making current structure better. The government did not bring forward legislation at that time. There are some good proposals immediately apparent and some that will require analysis .</p> <p>PSNI's response needs to be sent before the next Council meeting in February. The consultation document, which was made available last week, is very large. It was agreed that the Executive Team would draft a partial response on Council's behalf. A Council workshop will be held in December 2017 at which the draft response will be reviewed and Council will give direction to the Executive Team. Council members to be polled to agree a suitable date. In order to facilitate the granting of final approval of the response, it was proposed that Council members attending the workshop be given authorisation to accept on behalf of Council as a whole.</p>	<p>Executive Team</p> <p>June Alexander</p>

		<p>This proposal was agreed.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <p>Key Decisions & Actions</p> <ul style="list-style-type: none"> • Executive Team to draft a partial response to the DoH consultation document. • Council members to be polled re date for Council workshop. • Agreed – Council members in attendance at workshop have authorisation to approval final response on behalf of Council. </div>	
12.0	<p>Update on Registration Issues identified by PSA</p>	<p>The CEO reminded Council of the background to the registration issues ie during a PSA registration check, it was discovered that 6 non-payers still remained on the register. It transpired that this was an administrative and SOP oversight. A report has been sent to PSA and they are content.</p> <p>The Registrar advised that it was unfortunate that PSNI had not identified the issue prior to the PSA inspection and assured Council that it was highly unlikely that the error will recur, given the additional measures now in place.</p>	
13.0	<p>Update on ESR Standards</p>	<p>The CEO advised Council that, as per the Corporate Strategy, the work on ESR Standards is in hand. In response to a question from the Chair of ESR Committee, he confirmed that there is a process for scheduled reviews but that some standards have not been reviewed for 3-5 years. The aim is to review all within the 18 month timeframe and then schedule regular reviews. It was confirmed that the Health Board reviews standards</p>	

		<p>on a 2-yearly basis.</p> <p>The Registrar advised that the report provided to Council is colour coded for ease of reference. If significant questions need to be asked regard a standard then they will go out to public consultation. The ESR team has given clear methodology for this work.</p>	
14.0	Report of FtP KPIs	<p>The CEO advised that the report shows a number of places where KPIs are not met together with an explanation. The key issue is that with small numbers of cases a single default may lead to a failure to meet 95%. Overall, targets are being met unless external events are causing delays. He confirmed that PSA has raised no concerns regarding the timeliness of FtP, given their understanding of the external influencers. PSNI is the victim of small numbers. Whilst GMC receives around 4,000 complaints per annum, PSNI receives around 20. Therefore, it only takes a couple of cases to affect the KPI. In terms of external events causing delays, stopping the clock would be useful and discussions were ongoing on how best to deal with external delays.</p> <p>The Registrar drew Council's attention to the exception report at the paragraph 1 which details the exceptions and gave reassurance to Council that no action was or could be taken.</p>	
15.0	Report on Progress Against Strategy	<p>The President explained to the public gallery that the Corporate Strategy had now been in place for almost 6 months and that, by and large, it was on target. The CEO explained the traffic light system.</p> <p>There are presently 3 amber items:</p> <p>Page 1, Item C – Develop FtP processes for Pharmacy Technicians. It had</p>	

		<p>been anticipated that we would now be starting a review of this process in the implementation plan. It can be completed within the 5 year timeframe and the CEO suggested that it should, arguably, be marked green.</p> <p>Page 4 – Registration of Pharmacy Technicians. This process can't be started. It will take approx. 4 years to complete and, if approval is not given within the next 6 months, we will be unable to meet the deadline.</p> <p>Page 6 – Policy Agreement with DoH on resolving current link between Pharmacy Forum & PSNI. This is unlikely to progress until such time as we have a working Assembly and Minister for Health.</p>	
16.0	Resource Committee	Council's attention was drawn to the Cash Projection for 2017/18 which shows broadly on budget.	
17.0	ESR Committee	Council's attention was drawn to the Committee Minutes attached.	
18.0	Corporate Communication Committee	Council's attention was drawn to the Committee Minutes attached.	
19.0	Audit & Risk Committee	<p>The Chair of the Audit & Risk Committee, Jim Perry, drew Council's attention to the Terms of Reference for Internal Audit on Risk, Strategy and KPIs, drawn up by Grant Thornton.</p> <p>On behalf of the Committee, he recommended to Council that the Terms of Reference be adopted which was agreed.</p>	

		Key Decisions & Actions <ul style="list-style-type: none"> Council agreed to adopt the Terms of Reference for Internal Audit on CPD, Risk, Strategy and KPIs, as drawn up by Grant Thornton. 	
20.0	Fitness to Practise	No papers.	
21.0	Correspondence Log	<p>The President advised that he has written on two occasions to the Department seeking the launch of a recruitment exercise for Council members. In October 2018, some Council members will be eligible for re-appointment. However, some members' tenure will cease and, at that point, Council will cease to be quorate if reappointments are not made. We also have 3 vacancies. To date, no responses have been received. The President has spoken to the Department's HR Service to try to accelerate a response.</p> <p>The President reminded Council members to return their Professional Appraisal documents and their review of the President's & Vice-President's appraisals, if they had not already done so. He advised members that he will be happy to meet individually with them if they wish to discuss their appraisal. There was a discussion on Council appraisal and the President advised that this could be taken forward within the governance review</p> <p>The CEO advised Council that this exercise is for Council members only. The staff appraisal process was last reviewed and updated in 2013.</p>	Council Members
22.0	Any Other Business	None.	

23.0	Date of Next Meeting <i>For Approval</i>	<p>The next Public & In Committee Council meetings will be on 06 February 2018 commencing at 09:30 in the Back Hall of Society House.</p> <p>The dates for Council meetings in 2018 were highlighted and Council members asked to diarise them now to ensure that the meetings are quorate. Apologies for any Council meetings should be given as early as possible and Council members will also be advised of any changes to scheduled Council meetings as early as possible.</p>	
	Close of Meeting	<p>The President asked for any questions from the public gallery. No questions.</p> <p>The meeting closed at 12:45 hrs.</p>	