

Minutes of the Public Council Meeting

Tuesday 06 February 2018 @ 10:00 hrs

	Agenda Item	Present	Apologies
		<p>Dr Jim Livingstone (President) Mr Ciaran Hunter (VP) Prof Martin Bradley Mr Mark Campbell Miss Sandra Cooke Mr James Perry Miss Laura Murphy Prof Patrick Murphy Miss Colleen Duffy Miss Eleanor Magennis</p> <p>In Attendance</p> <p>Mr Trevor Patterson (Chief Executive) Mr Brendan Kerr (Registrar) Mrs Joan Duffy (Business Manager) Mr Mark Neale (Head of Public Affairs) Mrs Katie Quinn (Legal Case Officer) Mrs June Alexander (Executive Assistant)</p>	<p>Mr Gareth Peeples</p> <p>Public Attending</p> <p>None</p>

1.0	Introduction & Welcome, Apologies, Public Attendance Noted.	<p>The President welcomed everyone to the meeting and apologised for the late start due to traffic disruption. Apologies were noted from Gareth Peeples.</p> <p>The President expressed his thanks to Council and staff members for their good wishes during his recent ill health.</p>	
2.0	Deputations	The President was present throughout the Meeting. There was no requirement for deputation.	
3.0	Conflict of Interests	No conflicts of interest were noted.	
4.0	Tabling of Any Other Business	None.	
5.0	Council Minutes and Key Action Points	<p>The Minutes from the last Meeting held on 07 November 2017 were approved.</p> <p>Reflecting on the meeting, which was the first in over 70 years to be held outside Belfast, Council agreed that it was successful and worthwhile - particularly in terms of attendance by sixth formers from a local grammar school and local politicians. The students had valuable discussions with registrant members of Council. In addition, the event appeared on Twitter, having been tweeted by some politicians present and then retweeted. Coverage was very good.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> • The Minutes of the Meeting of 07 November 2018 were approved. </div>	<p>Proposed: Jim Perry Seconded: Mark Campbell</p>

		<p>Action Points from the last meeting:</p> <ul style="list-style-type: none"> 4.0 Ongoing 4.0 MOU with PSI - on Agenda. 4.0 Nominations – on Agenda. 5.0 Zero Tolerance – paper attached to Agenda. 8.0 Governance Workshop. CIPFA were successful. PSI has also engaged CIPFA for a similar exercise. 8.0 Date of Governance Workshop – 01 March 2018. 9.0 Fees – not increasing – no action required. 10.0 On Agenda. 10.0 Email sent to all registrants re the cessation of credit card payments. The cost would be around 20k if all registrants paid by credit card. 10.0 TOR complete. 21.0 Appraisals. The President expressed his thanks to all who have submitted appraisal documents. The review of appraisals has now been completed and will be sent out shortly. The President reported that, without exception, all Council members have been rated as effective. He also noted that the 360⁰ appraisal of the 	
--	--	---	--

		<p>President also rated him as effective. He noted an error in this round of appraisals in terms of anonymity and assured members that, in future, they will be able to review the President's appraisal anonymously.</p> <p>Any outstanding appraisals must be submitted as soon as possible. This is all the more important at present as we have vacancies and are about to commence a recruitment exercise. Those members who are eligible and willing to be reappointed will be considered only when their appraisal has been completed.</p> <p>The President invited Council members to forward any comments on the usefulness or effectiveness of the appraisal mechanism.</p> <ul style="list-style-type: none"> • Future reviews of President's appraisal to be anonymous (JA). 	
6.	President's Update	The President gave an annual lecture to undergraduates at Queen's University in January. He expressed his thanks to Ciaran Hunter who stepped in to attend various other meetings on the President's behalf during his period of ill health.	
6.1	Council Vacancies	At this time, there are 5 vacancies - 3 existing vacancies and 2 additional vacancies – 1 member who does not wish to be reappointed and 1 whose term is coming to an end and is not eligible for reappointment. . The Department has advised that it will not make a decision until later in the year. However, they have advised the CEO and VP that, on the basis that there have been effective appraisals, any Council member eligible for reappointment can assume that they will be reappointed. If a Minister is appointed in the interim, they may take a different view.	

		<p>The CEO and VP had a positive meeting with the Department re Council recruitment. An additional reserve list, which they can hold for 12 months, was raised with the Department. However, last year, the Minister chose not to have a reserve list. The Department discussed 4 main competencies and 1 for leadership. Timescales are subject to approval by the Permanent Secretary. At present, the closing date for applications is 29 March 2018; shortlisting will take place week commencing 30 April 2018; interviews week commencing 28 May 2018; and appointments in July 2018.</p> <p>The crucial issue for Council is that, if the Department does not recruit and appoint, then Council will comprise 7 member and will not be quorate. This concern was raised with the Department.</p>	
6.1.1	Pharmacy Forum Event	<p>The President advised that Pharmacy Forum had been asked to ensure that there was a mechanism in place to prompt applications from the registrant population. To this end, Pharmacy Forum are holding the first of possibly 2 events in March 2018 at which the President will be the presenter. He asked Registrant Council Members to consider attending the event to lend some weight to the process and to answer questions from prospective applicants. Confirmation of the date will be circulated when available.</p> <p>The interview panel will comprise Mark Timoney, Jim Livingstone and an independent assessor. In terms of the criteria, the Department provided several documents and we have drawn to their attention a number of errors. Additional errors were noted from Council Members including the presence of nursing representatives on the interview panel and reference to PC rather PSNI. Mark Neale and the CEO will review the document</p>	

		<p>again and the President will send further letter in this regard to the Department. It was noted that, in GB, appointments are overseen by the Privy Council. In NI, the Department and Minister are oversee the process.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> Confirmation of date of Pharmacy Forum event to be circulated to Council Members (JA). Department's documentation re appointment to be reviewed again (TP/MN) followed by further correspondence to the Department re errors (JL) </div>	
7.0	CEO report	<p>The CEO advised that many items are on the Agenda.</p> <ol style="list-style-type: none"> 1. <u>PSA Performance Review</u> – this appears on the In Committee Agenda as it is embargoed until 07/02/18. 2. <u>Internal Audits</u> - now under way. The Terms of Reference for the internal audit on Business Continuity and Disaster Recovery is on the Agenda for approval. 3. <u>Law Commission Bill/DH London Consultation on Healthcare Regulatory Reform</u> - on Agenda. 4. <u>Rebalancing Medicines Legislation and Pharmacy Regulation Board</u> - a meeting is scheduled on 22 February followed a Partners' Forum – the CEO and VP will attend both and Laura Murphy will also attend the Partners' forum. The meeting will address the issue of supervision which is very contentious. Our stance will be neutral – our responsibility is to ensure that safe and effective checks are in place. We will, however, respond to how they want to run the services. 	

		<p>5. <u>Chief Executives' Legislation Group</u> - on Agenda. Papers include our consultation response and analysis of responses which show that we are, to a great extent, in line with most other regulators.</p> <p>6. <u>Chief Executives' Steering Group</u> - we had set up routine CPO meetings. However, nothing can move forward in the absence of a Minister. The Department thinks it can look at separation as former Ministers have spoken about it. However, we advised that the parties involved must be identified before discussion can commence on assets. We reminded the Department that, when GPhC was formed, the Government provided a substantial sum of money. The Department did not comment.</p> <p>7. <u>CPO</u> – already covered.</p> <p>8. <u>Appointments to Council</u> - already covered .</p> <p>9. <u>Director of Resources of Healthcare Regulators</u> - at a meeting in January 2018, better co-ordination of IT resources was discussed. The CEO noted that there are clear differences in registration processes as set out in legislation and this, together with limited specialist support, makes a common approach very difficult.</p> <p>It was noted that NMC using our facilities for Fitness to Practise hearings. GCC is using HCPC facilities.</p> <p>GDPR was also discussed. It was agreed that the issue of consents is the main consideration for regulators.</p>	
--	--	--	--

		<p>Investment strategies were also discussed and many regulators are using professional investment managers as we are.</p> <p>Mark Neale advised that NMC are moving out of London to Birmingham as part of their investment strategy.</p> <p>Council was also advised that there is an attempt to raise awareness in relation to the misuse of antibiotics. The report, which reveals high numbers of patients harmed, is embargoed. Council was advised that PSNI will likely be asked in the future to help with the campaign.</p>	
8.0	PSI/PSNI Memorandum of Understanding	<p>The CEO directed Council to the paper re the PSI/PSNI meeting of 29 January 2018. He advised that, in the past, Council had accorded observer status to a PSI member at Public Council meetings and asked Council if it was minded to agree to reciprocal observer status at this time. It was noted that, in the past, Council's attendance at PSI Council meetings gave a useful insight into various ROI matters. The question of the future of regulation, particularly in NI, has a particular issue on the structure of regulation and the impact of Brexit and this renders the relationship with PSI all the more important in terms of communication between CEOs, good interchange with ROI and in symbolism. Council approval granted.</p> <p>The CEO advised that a meeting is being organised to start exploring how things might look post-Brexit and how we might be able to help the movement of people across the islands.</p> <p>In addition, Council was advised of a UK Regulators meeting being held in London on 09 February 2018 which the Registrar is attending remotely via Skype.</p>	Proposed: Martin Bradley Seconded: Ciaran Hunter

		<div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> Reciprocal observer status with PSI at Council meetings approved. To be progressed with PSI (TP) </div>	
9.0	Terms of Reference – Business Continuity & Disaster Recovery	<p>As Chair of the Audit & Risk Committee, Jim Perry advised that the TOR had been reviewed and approved by his Committee and he, therefore, recommended it for approval to Council.</p> <p>Martin Bradley advised that there is presently much discussion in the Department and the Trusts around cyber security which is an ongoing issue. The CEO advised that this will be mentioned to the auditors. TP explains that our database is held by an external provider.</p> <p>The CEO and Business Manager further advised Council on the details of PNSI’s backup server arrangements which include an on-site backup server and a backup, at least once a week to our IT providers in Dublin. Council was further advised of a simulated loss of facility which was recently completed. Staff members were sent to the offices of NISCC, with whom we have an arrangement, to undertake tasks and prove that they could access information in the event of total loss of facility. The audit will assure Council that all is in order.</p> <p>In addition, there is an IT project which is in next year’s budget which involves migrating to the Cloud - which we are assured is a safer option.</p> <p>Joan Duffy will provide further information to Council through the Resources Committee.</p>	Proposed – Jim Perry Seconded – Sandra Cooke

		<ul style="list-style-type: none"> • TOR re BCDR approved. • Cyber security to be raised with auditor (TP) • Information re IT (Cloud) Project to be provided to Council through the Resources Committee (JD). 	
10.	External Nominations	<p>The CEO advised that, in order to develop an appropriate process for nominations' requests, he has drafted proposals to underscore how we make nominations to any body requesting a nomination.</p> <p>Discussion ensued regarding the basis on which Council will make nominations and regarding which nomination requests will be passed to Pharmacy Forum.</p> <p>If the subject of the nomination is around the professional viewpoint – this should be passed to Pharmacy Forum.</p> <p>It was agreed that if the subject of the nomination is around regulation – this should be passed to Council. However, with what degree of confidence can Council nominate if the nomination is not a Council member?</p> <p>Council reviewed the principles laid out in the CEO's report and decided as follows:</p> <p><u>Principle No:</u></p> <ol style="list-style-type: none"> 1. Agreed 2. Agreed 3. Not agreed - remove 	

		<p>4. Agreed 5. Agreed 6. Agreed</p> <p><u>Poisons Board</u></p> <p>Council members were asked to indicate if they were interested in sitting on the Poisons Board. As there was no interest within Council, the nomination request will be passed to Pharmacy Forum – they were alerted 3 weeks ago that they may need to nominate on short notice.</p> <p><u>The Court of the University of Ulster</u></p> <p>Council confirmed its nomination of Mark Campbell to the Court of the UU.</p> <div data-bbox="768 826 1444 1369" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px;"><ul style="list-style-type: none">• The nomination request in relation to the Poisons Board to be passed formally to Pharmacy Forum (TP).• University of Ulster to be advised of Mark Campbell's nomination to the Court of the UU (TP).• Principles for nominations agreed as follows: Principle No: 1 Agreed 2 Agreed 3 Not agreed - remove 4 Agreed 5 Agreed 6 Agreed</div>	
--	--	--	--

11.0	Language Regulations	<p>The Registrar, Brendan Kerr, firstly thanked Katie Quinn for her work on this extensive document. Council’s attention was drawn to the draft Consultation Paper and its Cover Paper.</p> <p>BK advised that the Society has been working to produce regulations and guidance on requesting evidence of English language competence and the use of selective language testing for registrants and applicants to the register of pharmaceutical chemists in NI. The Department of Health NI must review and approve the regulations we have drafted, relying on powers set out in the Pharmacy (Northern Ireland) Order 1976 (‘1976 Order’). The regulations and guidance will ensure that we are on an equal footing with other UK healthcare regulators in relation to knowledge of English requirements.</p> <p>Katie Quinn, our Legal Officer, has worked with the registrar and colleagues at the DoH to produce the draft regulations and associated language guidance, which is required under the 1976 Order. A consultation paper has also been drafted to seek public views on this issue.</p> <p>The DoH must approve these language documents as being suitable to be consulted on and the Council of the PSNI will then review the language documents and agree the initiation of a public consultation. The <i>working draft</i> documents are being presented to the Council and the final DH approved documents will be circulated when available.</p> <p>This programme of regulatory reform is in keeping with UK government strategy in that:</p> <ul style="list-style-type: none"> • The Health Care and Associated Professions (Knowledge of English) 	
------	----------------------	---	--

		<p>Order (SI 2015/806) was made in March 2015. It amended the 1976 Order to strengthen the PSNIs powers to introduce fair and proportionate language controls and to require EU applicants to provide evidence of their knowledge of the English language, following recognition of their professional qualification but before registration.</p> <ul style="list-style-type: none"> • The other healthcare professions regulated in the UK (doctors, nurses, dentists, opticians, chiropractors, osteopaths and the allied health professions at HCPC) have also introduced similar kinds of language testing protocols through regulation and guidance to assure safe and effective practise and to protect patients and service users. We have modelled our proposed processes on these regulators. • To facilitate this, relevant changes have been made by the government to <ol style="list-style-type: none"> 1. the Pharmacy Order 1976 2. Fitness to Practise Regulations • The Society has produced associated guidance on the form and processes of language testing which it will operate and approve. <p>The Council was asked to approve the initiation of a public consultation on language evidence and testing, subject to DH approval being provided on the language testing regulations and associated guidance as currently drafted.</p> <p>Council approval granted.</p> <p>Time period for consultation of 8 weeks agreed.</p>	<p>Proposed – Patrick Murphy Seconded – Sandra Cooke</p>
--	--	--	--

		<ul style="list-style-type: none"> Initiation of a public consultation on language evidence & testing approved. To be progressed. (BK) 	
12.0	Date of Annual General Meeting 2018	<p>Council was asked to agree to the date of the 93rd Annual General Meeting as 11 October 2018. Council agreement granted.</p> <ul style="list-style-type: none"> Date of 11 October 2018 agreed for 93rd AGM. 	Proposed – Ciaran Hunter Seconded – Jim Perry
13.0	DoH Consultation Workshop	The CEO thanked Council colleagues for attending the workshop. It was deemed to be good exercise and worked well. He drew Council's attention to the responses comparison drawn up by Peter Hutchinson. The general consensus would appear to be greater autonomy and greater responsibility. He thanked everyone involved for their work in completing a comprehensive response.	
14.0	Report against strategy	<p>The CEO drew Council's attention to the Executive Summary at the beginning of the document – the points therein being the only topics for discussion at this time:</p> <p>b) The absence of a Minister renders it impossible to progress. c) The absence of a Minister renders it impossible to progress.</p>	
15.0	Consultation on PSA fee proposal 2018/19	The CEO advised that the fee is down slightly and that PSNI has made no comment.	
16.0	Risk Register	The Chairman of the Audit & Risk Committee, Jim Perry, advised Council	

		that his Committee had reviewed the Risk Register and were satisfied with the content therein. The Register is also being reviewed by the auditors.	
17.0	Appointment of an External Examiner	The CEO confirmed to Council that Professor Derek Stewart has been appointed on Council's behalf to oversee the examination process.	
18.0	Governance Workshop	The Governance Workshop will take place on 01 March 2018 from 13:00 – 17:00, with lunch being served at 12:30. The President and CEO will meet the CIPFA external facilitator prior to the workshop to ensure that there is an effective mechanism and process on the day. It is hoped that as many as possible can attend. Council members who find it impossible to attend for the entire afternoon were asked to attend for part of the workshop. Relevant papers will be circulated prior to the event – and written comments are welcomed.	
19.0	Trends in Registration Payments	The Business Manager gave a brief analysis on registration payment trends. More people staying on register and more are joining from other registers and rejoining the register. Few people are coming off the register after the first year. Only 54 registrants came off the register last year as opposed to the estimated 100. It was noted that there have been no removals by the Statutory Committee in the last 2 years. The President thanks JD for her report. Martin Bradley absents himself from the meeting at 11:50.	
20.0	Resource Committee	Nothing to report	
21.0	Corporate Communications Committee	Nothing to report	

22.0	Audit & Risk Committee	Nothing to report	
23.0	Fitness to Practise KPIs	Nothing under our contract.	
24.0	Pharmacy Forum	Newsletter attached.	
25.0	Correspondence Log	Confirmation to KPMG of extension of their contract for external audit services for a further 3 years.	
26.0	Any Other Business	None.	
27.0	Next meeting	The next Public Council Meeting will be held on 10 April 2018 at 09:30 – 13:30 in Society House.	
	MEETING ENDS	11:55	