

Minutes of the Public Council Meeting
Tuesday 13 November 2018 @ 18:00 hrs

	Agenda Item	Present	Apologies
		<p> Present Dr Jim Livingstone (President) Mr Ciaran Hunter (VP) Mr Mark Campbell Miss Colleen Duffy Ms Laura Murphy Prof Patrick Murphy Mr Jim Perry In Attendance Mr Trevor Patterson (CEO) Mrs Joan Duffy (Business Manager) Mr Mark Neale (Head of Public Affairs) Mr Peter Hutchinson (Policy Standards Engagement Lead) Mrs June Alexander (Executive Assistant) </p>	<p> Apologies None Public Attending None </p>
1.0	Introduction & Welcome, Apologies, Public Attendance Noted.	The President welcomed everyone to the meeting and advised that the meeting would end at approximately 7.30 pm. There were no apologies. Quorum was confirmed. No members of the public were in attendance.	
2.0	Deputations	The President was present throughout the Meeting. There was no requirement for deputation.	

3.0	Tabling of Any Other Business	In relation to Item 18.0 – Correspondence Log – CPD Assessor letter – request that this matter be discussed.	
4.0	Conflicts of Interest	In relation to Item 18.0 – Correspondence Log – CPD Assessor letter – Pharmacist members Sandra Cooke, Laura Murphy and Colleen Duffy declared a conflict of interest.	
5.0	Council Minutes and Key Action Points <i>For Approval</i>	<p>The Minutes of the Public Council Meeting of 18 September 2018 were adopted as a true representation of events.</p> <p><u>Actions:</u></p> <p>The CEO advised that both the Corporate Governance Handbook and Threshold Criteria are on the Agenda. Furthermore, the CPD Framework has not progressed as yet due to staff absence.</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 18 September 2018 were adopted. </div>	<p><i>Decision:</i> <i>Proposer: Mark Campbell</i> <i>Seconder: Jim Perry</i></p>
6.0	Approval of Budget 2019/20 <i>For Approval</i>	<p>The Chair of the Resources Committee, Ciaran Hunter, advised Council that any substantial increase in projected deficit may necessitate an increase in fees and the process would need to start now to accommodate a consultation. He advised that, given the figures in the Draft Budget, the Resources Committee would recommend that there be no increase in fees for the year 2019/20. Council agreed and approved the recommendation.</p> <p>The Business Manager explained the detail of the Draft Budget – particularly the headline figures and project costs.</p>	<p><i>Decision:</i> <i>Proposer: Sandra Cooke</i> <i>Seconder: Patrick Murphy</i></p>

		<p>It was noted that there may well be a downward trend in terms of student registrant numbers over the next few years due to several factors:</p> <ul style="list-style-type: none"> • There has been a reduction in QUB's intake of pharmacy students; • BREXIT – a significant number of students from ROI are enrolling in UU Coleraine. Dependant upon the BREXIT result, many people may be deterred from enrolling in NI universities. • Overseas students, training in NI universities and then returning to their country of origin. <p>In response to a query, the CEO confirmed that the BREXIT project figure is notional. The BREXIT outcome will affect the project figure as, in the event of a No Deal, a mechanism will need to be evolved as to how the Society will in future process European qualifications. There have been discussions with GPhC and there should be a mechanism whereby if a European applicant is deemed acceptable onto the GPhC Register, they would also be accepted onto the PSNI Register via assessment, given the reciprocal acceptance of registration status. If there is a BREXIT deal which maintains MRPQ, there will be no need for the project. If there is a hybrid arrangement, with some level of acceptance there may need to be a different approach</p> <p>The President advised that the BREXIT outcome may affect patient safety. As part of the European-wide Alert System, PSNI is advised if a pharmacist elsewhere in Europe is removed from his/her jurisdiction's Register or subject to sanction. Speculation was that in the event of no deal this would no longer be the case, complicating future registration of European nationals.</p>	
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7.0	<p>Threshold Criteria <i>For Approval</i></p>	<p>The CEO drew Council's attention to Appendices 1 & 2 which relate to the Society's Powers and the approach taken by other regulators, respectively.</p> <p>The Registrar is required by Council to utilise the threshold criteria in deciding whether a case should be referred to an FtP Committee, or not. In so doing, it provides a basis for consistency and reducing the use of discretion in decision-making. Finally the threshold criteria ensure that decisions can be justified in writing, using them as a benchmark.</p> <p>The CEO advised that GPhC recently consulted on an update to their threshold criteria. PSA were in places critical that they may be too broad, meaning that the scope for early closure was less limited than they would prefer to see. Our proposals, therefore, reflect those comments and seek to narrow the criteria as PSA have helpfully suggested. It was also noted that the grounds for finding impairment are normally set out in threshold criteria.</p>	

		<p>The other eight regulators were given 3 primary objectives which they have used as part of their threshold criteria – some have added a public interest test. The 3 primary objectives are:</p> <ul style="list-style-type: none"> a) To protect, promote and maintain the health, safety and wellbeing of the public; b) To promote and maintain public confidence in the profession; and c) To promote and maintain proper professional standards and conduct for members of the professions. <p>Whilst the three criteria were not advanced by our Department on our behalf, we have consistently used them to guide our work.</p> <p>Our current approach builds on our Code rather than these objectives. The following recommendations were made to Council:</p> <ul style="list-style-type: none"> 1. Having reviewed the papers, to comment upon the content; 2. To agree that the threshold criteria should be written to reflect the impairment criteria set out in Regulation 4 of the Council of the Pharmaceutical Society of NI (FtP) Regulations (NI) 2012; 3. To agree to the introduction of a public interest test. 4. To agree to specific weighting being given to issues around candour, raising concerns and dishonesty in order to narrow the criteria for closure; 5. To ask for the drafting of additional guidance in the case of direct referrals to the Statutory Committee or in the case of interim orders and the potential criteria is therefore: 	
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		<ul style="list-style-type: none"> • Sexual or violent misconduct; • Conduct resulting in severe patient harm; • Dishonesty linked to professional practice; • Failure to apply candour or raising concerns obligations. <p>Following discussion, Council agreed the next steps to produce draft criteria for consultation.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> • Council agreed the next steps to produce draft criteria for consultation, accepting recommendations 2,3,4 and 5. </div>	<p><i>Decision:</i> <i>Proposer: Sandra Cooke</i> <i>Seconder: Colleen Duffy</i></p>
8.0	Standards & Guidance <i>For Approval</i>	<p>Council was asked to review the Professional Standards and Guidance for advertising medicines and professional services.</p> <p>Council was advised that, following analysis it is considered that Standard 2.1.12 of the Code adequately covers the risks associated with the advertising of medicines. In addition, in light of the extensive Guidance contained in the Blue Guide, additional guidance is not considered necessary in relation to Advertising Medicines.</p> <p>The following recommendations were placed before Council:</p> <p>Recommendation 1: Discontinue the Additional Standards and Guidance Document for Advertising Medicines and Professional Services.</p>	

		<p>Recommendation 2: Recommendation 15 of the Initial Review into the Sale and Supply of Medicines should include a review into the need for general guidance for advertising pharmacy services.</p> <p>Recommendation 3: Information related to the appropriate use of the Crest of the Pharmaceutical Society NI should be placed on the organisation's website.</p> <p>Following discussion, Council approved the above noted recommendations.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> • Council approved the recommendations, as presented, in relation to Advertising and Professional Services. </div>	<p><i>Decision:</i> <i>Proposer: Mark Campbell</i> <i>Seconder: Jim Perry</i></p>
9.0	<p>Indicative Sanctions Guidance <i>For Approval</i></p>	<p>Council was provided with a report on the consultation responses to the public consultation on draft Indicative Sanctions Guidance which was held from August 2018 – October 2018.</p> <p>Indicative Sanctions Guidance is used by the Statutory Committee as a reference point when it is deciding an appropriate sanction to impose in a situation where a pharmacist's Fitness to Practise has been found to be impaired, designed to ensure FtP committees are consistent in decision making. The Guidance is also of use to those Presenting cases in seeking a sanction, to Registrants and to their Representatives in agreeing or disagreeing with a proposed sanction.</p>	

		<p>Council was presented with 12 Recommendations for changes arising out of the consultation responses and seeking approval of the methodology to finally approve the amended document. The reason for the latter was that the ISG provided in the papers was the one in the consultation, without any recommendations. Final approval would consist of affirming that accepted recommendations were accurately reflected in the final ISG document</p> <p>The 12 recommendations are as follows:</p> <p><u>Recommendation 1:</u> The Procedures of fitness to practice committees document should be hyperlinked into the Indicative Sanctions Guidance document as suggested by the HSCB</p> <p><u>Recommendation 2:</u> As part of its development work in implementing new Premises Standards, Council should consider what additional Guidance is needed, if any to the Statutory Committee when considering allegations related to breaches of the Premises Standards and in relation to Pharmacy Owners.</p> <p><u>Recommendation 3:</u> The introductory paragraph under the heading - what is this document for? Should be amended to read as follows:</p> <p>This document provides Guidance from the Council of the Pharmaceutical Society NI to the Statutory Committee of the Pharmaceutical Society NI to use when deciding upon what sanction is appropriate in any given case. The document is designed to provide a</p>	
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		<p>decision-making framework to assist with the delivery of consistent, proportionate and reasonable decisions on sanction and should be considered by the Statutory Committee when coming to a decision on sanction.</p> <p><u>Recommendation 4:</u> Move paragraph 2.4 to end of section and move paragraph 2.7 to earlier in the section.</p> <p><u>Recommendation 5:</u> The Policy on the disclosure and publication of fitness to practise information should be clearly referenced within the final ISG document.</p> <p><u>Recommendation 6:</u> An additional paragraph should be included in the Mitigating and Aggravating Circumstances section to provide guidance to the Panels that they should provide reasons to allow the reader to understand what weight the panel has given a cited mitigating or aggravating factor.</p> <p><u>Recommendation 7:</u> A new paragraph should be added in the section on Insight and Remediation, which states the following:</p> <p>Panels should consider that in cases related to a serious public confidence issues compared to clinical errors and misconduct, insight and remediation may carry less weight.</p> <p><u>Recommendation 8:</u> A new sentence should be added to the end of Paragraph 2.19 which states:</p>	
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		<p>The Panel should seek to verify remedial activity as far as is possible and provide clear reasons as to why any activities undertaken amount to, or do not amount to, remediation of the issues at hand.</p> <p><u>Recommendation 9:</u> Introduce a new paragraph in the Guidance on Specific Issues, which clearly states that this section relates to the most serious types of misconduct.</p> <p><u>Recommendation 10:</u> Reword paragraphs 2.30 and 2.43 to ensure that Panels do not consider that erasure should be an automatic sanction.</p> <p><u>Recommendation 11:</u> A new paragraph should be added after Paragraph 2.28 which states:</p> <p>Dishonesty can, however, take various forms, some acts of dishonesty are criminal, some are not; some acts of dishonesty can destroy trust instantly whilst others will undermine trust to a greater or lesser extent. The Panel should take into consideration the type of dishonesty they are dealing with in a given case and assess its impact on the public's trust in the profession and any public safety implications.</p> <p><u>Recommendation 12:</u> Include an additional sentence in Figure 1, Conditions, Actions to be considered by the Panel as follows:</p>	
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		<p>The Panel should give consideration to what is a realistic timetable for completing any Conditions imposed and subsequently what is the most appropriate point at which to Review a Conditions Order.</p> <p>The following actions were taken by Council:</p> <ol style="list-style-type: none"> 1. Council noted the content of the report and comments made on the consultation responses. 2. Council approved the 12 Recommendations made in the report. 3. Council approved the President to give final approval of the revised Indicative Sanctions Guidance. 4. Depending on final approval of the Indicative Sanctions Guidance, Council approved an implementation date of March 2019. <div style="border: 1px solid black; padding: 10px; margin: 10px auto; width: 80%;"> <ul style="list-style-type: none"> • Council noted the content of the report and comments made on the consultation responses. • Council approved the 12 Recommendations made in the report. • Council approved the President and Chair of FtP committee to give final approval of the revised Indicative Sanctions Guidance. • Depending on final approval of the Indicative Sanctions Guidance, Council approved an implementation date of March 2019. </div>	<p><i>Decision:</i> <i>Proposer: Jim Perry</i> <i>Seconder: Patrick Murphy</i></p>
10.0	Council & Committee Meeting arrangements until March 2019	The President updated Council on the present situation regarding the appointment of new Council members. DoH has advised that legislation which would allow the appointment of our new Council Members and the	

	<p><i>For Approval</i></p>	<p>re-appointment of 2 others was expected to come into operation by the end of November 2018.</p> <p>Access NI checks will be required prior to appointment and it is, therefore, anticipated that appointments could be made, confirmed and accepted by 01 January 2019.</p> <p>New Council members will require induction prior to participating in Council business and it is proposed that the first Council meeting of 2019 is, therefore, scheduled for 29 January 2019 rather than early January which has been our custom.</p> <p>It is further proposed that Committee meetings, with the exception of Audit & Risk, be postponed until after the January meeting when Council and Committee meeting dates for 2019 will be presented for agreement.</p> <p>Following brief discussion, Council agreed to the next Council meeting being scheduled for 29 January 2019 and to the presentation of the 2019 meetings schedule at that meeting.</p> <div data-bbox="779 1002 1456 1278" style="border: 1px solid black; background-color: #e0e0e0; padding: 10px;"> <ul style="list-style-type: none"> • Council agreed to 29 January 2019 as the next Council meeting date. • Council agreed to the suspension of committee activity until after the next Council meeting, with the exception of Audit & Risk. • Council agreed to the presentation of the 2019 meetings schedule at that meeting. </div>	<p><i>Decision:</i> <i>Proposer: Mark Campbell</i> <i>Seconder: Sandra Cooke</i></p>
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<p>11.0</p>	<p>Corporate Governance Handbook <i>For Approval</i></p>	<p>Council's attention was drawn to the interim update of the Corporate Governance Handbook. The CEO advised that, in line with Council's instructions, and interim review of the Handbook has been completed and the document has been amended, wherever possible, to reflect current practice and/or policies. Some sections of the document have been annotated as Under Review as it is anticipated that the sections may change following the finalisation of the ongoing Governance Review.</p> <p>Council was advised that, following approval, the document will be formatted and proofread.</p> <p>Council approved the interim update of the document, pending completion of the ongoing Governance Review.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px 0;"> <ul style="list-style-type: none"> Council approved the interim update of the Corporate Governance Handbook pending completion of the ongoing Governance Review. Council instructed that an updated version of the Corporate Governance Handbook be published on the organisation's website. </div>	<p><i>Decision:</i> <i>Proposer: Jim Perry</i> <i>Secunder: Sandra Cooke</i></p>
<p>12.0</p>	<p>Financial Strategy <i>For Approval</i></p>	<p>The Business Manager, Joan Duffy, and Chair of the Resources Committee, Ciaran Hunter guided Council through the Financial Strategy, the core objectives and goals of which have been approved by the Resources Committee. It is expected that the Objectives will remain constant and that the Goals will be reviewed.</p>	

		<p>The Financial Strategy is one of the Corporate Strategy Goals under Objective 1, Goal d and covers all key financial elements of the organisation.</p> <p>Council's attention was drawn to the 5 Objectives within the Financial Strategy:</p> <ol style="list-style-type: none"> 1. To ensure the provision of income growth activities by maximising income from the organisation's assets. To reduce operating costs through the use of technology and continuous improvement. 2. To reduce costs and improve efficiency of Fitness to Practise processes while ensuring business continuity. 3. To ensure that the annual budget reflects the Corporate Strategy. 4. To retain sufficient funding to deal effectively with unforeseen and unplanned events. 5. To operative a system of timely and accurate financial reporting in support of the Corporate Strategy and routine operational activity. <p>Goals under each Objective were discussed and the CEO and Business Manager gave clarification, where required.</p> <p>A brief discussion ensued regarding the appropriateness of the term Goals which was deemed by some Council members as aspirational. It was agreed that a note should be made, within the document, clarifying that the term Goals refers to what will be delivered by the organisation to achieve the Objectives.</p>	<p><i>Decision:</i></p>
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		<p>Council approved the Financial Strategy as recommended by the Resources Committee with the agreed additional wording.</p> <div style="border: 1px solid black; padding: 5px; margin: 10px auto; width: fit-content;"> <ul style="list-style-type: none"> • Council approved the Financial Strategy as recommended by the Resources Committee and including the additional wording. </div>	<p><i>Proposer: Ciaran Hunter</i> <i>Seconder: Sandra Cooke</i></p>
13.0	President's Report <i>For Information</i>	<p>The President advised that he recently attended a meeting regarding Rebalancing Medicines Legislation and Pharmacy Regulation – very little progress has been made since consultation closure on the most recent S60 Orders. He and the CEO will attend another meeting on 23 November 2018. The President will update Council in January 2019.</p>	
14.0	CEO's Report <i>For Information</i>	<p>The CEO advised Council of the following:</p> <p>PSA Update: PSA has identified CPD for targeted review, presumably–based upon our recent discussions for improvement, the timeliness of Fitness to Practise in cases where external agencies are involved and some issues on formatting publications on the website.</p> <p>Staffing: The organisation is experiencing some staff challenges due to long term absence of 3 staff, the resignation of legal support and re-organisation in the policy team which is concluding recruitment and recent family bereavements.</p> <p>Temporary Registrar: DoH has been asked to appoint a temporary Registrar. Legal Support has agreed to assist 1 day per week and we have in place a suitable arrangement with our Solicitors in the short term. The registrar is also helpfully making himself available to make statutory decisions, which can only be a temporary arrangement</p>	

		<p>Policy and Standards Department: We have reorganised this department with a new staff member joining in December. Henceforth, Standards will be progressed through this department.</p> <p>GPhC: Council’s attention was drawn to the papers in relation to Initial Education and Training of Pharmacists. The CEO advised that PSNI is part of an advisory group consulting on these standards. We currently adopt GPhC’s educational standards in order to maintain consistency in the UK on undergraduate standards.</p> <p>The key points highlighted to Council were:</p> <ul style="list-style-type: none"> • The move from syllabus style to learning outcomes; • GPhC’s proposal to change their involvement with Preregistration training • The effects on accreditation and Pre-Reg courses; <p>It is likely that PSNI will adopt the GPhC Standards for undergraduates if the policy on consistent undergraduate standards is maintained. However, our Corporate Strategy requires that we develop an educational strategy with QUB and UU and this will provide an opportunity to look at how we develop the future of Pre-Registration training .</p> <p>A teleconference is scheduled for later this week to develop this further.</p>	
15.0	Report on Progress Against Strategy <i>For Information</i>	Council noted the content of the report.	

16.0	Correspondence Log <i>For Information</i>	<p>Council noted 3 items of correspondence:</p> <ol style="list-style-type: none"> 1. Letter from Mark Timoney, CPO, advising of his retirement from DoH. 2. Letter from the President to Mark Timoney, CPO, requesting consideration of the appointment of a Temporary Registrar. 3. Letter from Judith Wallwin, CPD Assessor, requesting that Council publicly recognise and thank Michelle McCorry, former Post Registration Lead, for her work. <p>The letter received from an Assessor in relation to Michelle McCorry was discussed by Council. The letter requested that Council publicly recognize Ms McCorry's contribution to the Society and to wish her every success and happiness in the future.</p> <p>Sandra Cooke and Laura Murphy, both Pharmacist Members of Council, requested that Council grant the assessor's request and add to the Minutes.</p> <p>The President advised that, firstly, staffing of the Society is an operational matter in which Council has no part. It is for the CEO and the Senior Management Team to oversee all staffing matters, including small internal events to thank leavers for their contribution to the work of the Society and to wish them well for the future. The CEO confirmed that such an event had been held for Michelle McCorry prior to her departure from the Society.</p> <p>In conclusion, it was agreed that such staffing matters should properly sit with the CEO.</p>	
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18.0	<p>Any Other Business <i>For Information</i></p>	<p>A Council Member updated Council on a current issue in community pharmacy around remuneration and service provision. It has been suggested that the issue could lead, if not resolved, to the closure of pharmacies, possible introduction of charging for services currently provided free and even the possible cessation of unfunded services.</p> <p>The President reminded the meeting that the role of the Council, as a regulator, was to protect the public and uphold standards. He stressed that patient safety must always be paramount and that pharmacists should, in all cases, comply with the code</p> <p>As this matter is live in the press, Council discussed how they should respond if asked individually to comment. The HPA advised that the organisations policy was that all requests for statements or interviews be made through their office and that no member of Council should express views on behalf of Council without prior approval.</p> <p>There was some concern that if a Council member were to give a press interview or make a statement, in any capacity (contractor, member of representative body or even solely as a pharmacist), their comments may be associated with Council, by virtue of their membership and, by implication, there may be an assumption that they were speaking on behalf of Council.</p>	

		The President advised that, although Council may express its concern in relation to public safety, it cannot and must not be portrayed as speaking on behalf of the profession. Any media request we receive for a statement on behalf of the profession, will be re-directed to the Pharmacy Forum.	
19.0	Date of Next Council Meeting <i>To Note</i>	The next Public meeting of Council is scheduled for 09:30 on Tuesday, 29 January 2019.	