

## Letter to registrants and affected persons

Council of the Pharmaceutical Society NI is committed to acting openly and transparently in all matters, including the charging of fees. In keeping with this principle we are writing to you to advise of an issue which has recently come to light.

This letter is being sent to all pharmacist registrants for information, but is primarily for the attention of specific groups of current and former registrants who may be directly affected by an issue that the Council of the Pharmaceutical Society of Northern Ireland has recently identified concerning certain fee payments. Those groups are:

1. Application fee - first registration or restoration after voluntary removal between 1995 and 2014
2. Those who paid a fee for a replacement certificate, the original certificate has been lost or destroyed between 1995 and 2015
3. Those who sat the Pre Registration Exam between 1997 and 2015
4. Those who Repeated the Pre Registration Exam between 1997 and 2015
5. A person who registered as a student between 2006 and 2015
6. Pre-reg late application fee between 2007 and 2014
7. Pre-reg late exam fee between 2007 and 2014
8. Fee for removal by Council for non payment of fees between 2007 and 2014
9. Certificate of Professional status between 2007 and 2014
10. A member of the Society who attained his 70th birthday and Registered with the Society between 2009 and 2014
11. A member of the Society who resides outside Northern Ireland and between 2011 and 2014

In the course of the 2014/15 review of fees, which was the subject of public consultation, the Department of Health Social Services and Public Safety (DHSSPS) was requested, under Articles 5 and 25A of the Pharmacy Northern Ireland (Order) 1976 as amended, to approve amendments to some of the fees levied by the Society. During this approval process it became clear that, in the last round of substantive amendments to fees in 2009, some of the changes we had requested at that time had for some reason not in fact been incorporated in new Regulations as we had expected.

The Council initiated an immediate and comprehensive review of fees charged and their historic legislative basis. As a result, it became clear that a number of anomalies had arisen over a period of twenty years such that some registrants and prospective registrants were charged fees for services provided on the basis of a fee structure that was not consistent with Regulations. In particular, this affected the registration of students and those taking pre-registration examinations. **It should be made clear that the annual retention fee for registrants, other than for those groups identified in the list above, has been unaffected by this situation.**

We are continuing to investigate how this clearly unacceptable situation arose over many years and are determined to identify and apply all learning in order to prevent such anomalies arising in the future. We have advised our oversight body, the Professional Standards Authority, of this situation and will provide them with full details when they are available.

The Council has given serious consideration including the taking of legal advice concerning any potential liability to repay sums charged in excess of statutory authority to any affected persons. We do not consider it appropriate or equitable to refund any of the sums that have been charged in excess of statutory authority and an explanation why we arrived at this decision is set out in the following paragraphs.

Each year we raise money through fees to fund operations and services in pursuit of the statutory duties of the Pharmaceutical Society of Northern Ireland. In doing so we seek to maintain and uphold the high standards expected from the profession of pharmacy and to act in the public interest as regulator. In that regard we have only used the money obtained from fees to legitimately pursue the objects of the Pharmaceutical Society of Northern Ireland as set out in statute and subsequently reported on this in successive Annual Reports and Accounts.

Following exhaustive enquiries, the Council is satisfied that at all times we have acted in good faith and at no time did we deliberately or knowingly authorise the charging of a fee in excess of its statutory authority. The fee structure has always been openly published and Council has always consulted with registrants about any proposals to amend fees, setting out the details of the proposed amendment, the rationale behind any such change, and why funds were needed.

There has always been transparency about any proposed amendments to fees, and no amendment was sought without consideration being given to what the funds would be used for and that such fees were necessary to advance the objects of the organisation.

The Council is also satisfied that all fees charged were commensurate with services provided in the interest of public safety, development of the profession and upholding the reputation of the profession. It is also satisfied that there does not appear to be any injustice directly flowing from the higher fees actually levied in most recent years since for example a student will have received a considerable and, at the very least, commensurate benefit at the expense of the Pharmaceutical Society of Northern Ireland.

Some registrants might quite understandably feel that individuals affected by situations where fees were levied in excess of that set out in Regulations, regardless of benefits conferred, should simply receive a full refund to the relevant individuals concerned, however an important consideration for Council in this regard is that a wholesale refund to some potentially affected individuals would adversely impact financially on the current and future registrants given that the legislative anomalies have existed over the last twenty years. The Council does not regard this to be fair to the wider registrant population.

As previously noted above the Council is committed at all times to act fairly and openly in all that it does and it is satisfied that its response to this situation is in keeping with that policy.

Consequently, in coming to a decision on how to address these important matters, the Council has considered the following facts:

- Regrettably, certain fees levied historically have now been identified as being inconsistent with the Regulations approved by the DHSSPS.
- It has a duty to be fair and equitable to all registrants, past, present and future;
- All fees that have been charged have been commensurate with the actual services provided;
- Amendments to fees charged have, routinely, been publicly consulted upon;
- All fees charged are published on the Society's website;

We have also had extensive discussions on this matter with the DHSSPS who have committed to working with the Council to expedite a satisfactory and robust resolution to the legislative anomalies identified. We have now prepared a new consultation document that will be published imminently and which will set out the statutory basis for all future fees in a more coherent and integrated fashion, referenced to the current Regulatory basis where relevant. We will seek approval from the Department for this new set of Regulations upon completion of that consultation.

The Council has designated senior members of staff who will be available to deal with any written queries from anyone who believes they may be affected. Queries can be sent in writing to Fees Queries, 73 University Street, Belfast BT7 1HL or via email to [fees2015@psni.org.uk](mailto:fees2015@psni.org.uk)

This is for, all concerned, undoubtedly an unwelcome situation, and one which the Council sincerely regrets. The Council has taken immediate and robust steps to ensure that a sensible and comprehensive solution is put in place that will obviate any future reoccurrence and at the same time maintain the effective operation of the Pharmaceutical Society of Northern Ireland in accordance with its statutory duties.

Yours sincerely  
Dr Jim Livingstone  
President of the Pharmaceutical Society NI