

Key Decisions & Actions
Council Public Meeting
Tuesday, 19 May 2020 @ 09:30

	Agenda Item	Present	Apologies
		<p>Dr Jim Livingstone (President) Mr Jonathan Patton (Vice President) Mr Jim Perry Prof Patrick Murphy Ms Carol Moore Mr Mark McCrudden Ms Chanel Jones Ms Colleen Duffy Mr Barry Mimmagh Mr Ciaran Hunter Mr Mark Campbell Ms Laura Murphy Ms Alison Ragg</p> <p>In Attendance</p> <p>Mr Trevor Patterson - Chief Executive (CEO) Mr Mark Neale - Head of Public Affairs (HPA) Mrs Joan Duffy - Head of Business Operations (HBO) Mr Peter Hutchinson - Policy and Standards Engagement Lead (PSL) Mrs June Alexander - Executive Assistant (EA)</p>	<p>Ms Sandra Cooke</p>

			Action
1.0	Welcome & Apologies	The President welcomed Council members to the first remote Council meeting which has a busy agenda of key items to be addressed and decisions taken remotely to be reaffirmed. The President offered condolences, on behalf of Council, to Carol Moore and Trevor Patterson for their recent loss of loved ones.	
2.0	Deputations	None. The President was present throughout.	
3.0	Conflicts of Interest	The CEO is presently acting as Interim Registrar.	
4.0	Tabling of Any Other Business	No other business tabled.	
For Approval			
5.0	Minutes & Key Actions from last meeting <i>For Approval</i>	<p>Council approved and adopted the Minutes of the 10/03/2020 Council meeting as a true and accurate record of events.</p> <p>Actions arising from Council meeting 10/03/2020:</p> <ul style="list-style-type: none"> • Health Committee – to be carried forward; • CPD Framework introduction – postponed until June 2021. <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Key decision: Council approved and adopted the Minutes of the 10/03.2020 Council meeting as a true and accurate record of events.</p> <p>Actions:</p> <ul style="list-style-type: none"> • Health Committee – to be carried forward; • CPD Framework introduction – postponed until June 2021. </div>	<p>Proposed: Mark McCrudden</p> <p>Seconded: Jonathan Patton</p>

6.0	Budget 2020-21 For Approval	<p>The HBO highlighted modifications to the draft budget, approved in November 2019, and the cash projection headlines including the following variations:</p> <ul style="list-style-type: none"> • £50k income from DoH funding of a Pharmacy Forum project - costs and expenses have been allocated; • deferral of pre-registration and intake fees to August 2020 - £42k; • deferral of Fitness to Practise cases into next year; • projected increase in IT costs – this is going out to tender early next year; • carrying forward £40k in project costs; • operating deficit of £6k; • surplus of £6k before projects. <p>Council was directed to the Dashboard for a full financial overview.</p> <p>The Chair of the Finance & Performance Committee noted that the fall in the investment portfolio value has not put the organisation under any pressure. He confirmed his support of the revised budget for Council's consideration.</p> <p>Having reviewed the Financial Update for 2019/20, Council approved the Budget for 2019/20.</p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px; margin-top: 10px;"> <p>Key decision: Council approved the Budget for 2019/20.</p> </div>	<p>Proposed: Ciaran Hunter Seconded: Mark Campbell</p>
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7.0	Provision of Services For Approval	<p>The HBO advised that guidance was in the process of being revised, particularly, in light of new legislation on abortion. This work was deferred due to possible action being taken by the NI Executive on 08 May 2020.</p> <p>Regulations were introduced by the government in November 2019 and were to be voted on in Parliament on 17 May 2020. However, it was withdrawn for either a complete redraft or minor technical changes to be made – most likely the latter. The House of Lords enquiry into the matter has been very critical.</p> <p>To ensure that the guidance is clear, we have approached Trusts and the Board to ascertain how the service will be provided. We have had 2 enquiries from pharmacists in relation to conscientious objection.</p> <p>It is hoped to go out to be in a position to provide a draft consultation document approval by the Council meeting on 30 June 2020. If approval is required before that date, it will be sought remotely via Council e-paper. The consultation will be for a period of 12 weeks.</p> <p>Council approved the proposal to provide a final draft consultation document to the June 2020 Council meeting.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Key decision: Council approved the proposal to provide a final draft consultation document to the June 2020 Council meeting.</p> </div>	Proposed: Alison Ragg Seconded: Chanel Jones

8.0	<p>Appointment of Responsible Officer For Approval</p>	<p>The CEO advised Council of the requirement that any body which has the power to make statutory rules must have a Responsible Officer. Until now, the Department of Health staff have undertaken this function. Katie Quinn, Legal Officer, is familiar with the legislation and has undertaken relevant courses. She is, therefore, the most appropriate person in the organisation to be appointed Responsible Officer.</p> <p>Council approved the appointment of Katie Quinn as Responsible Officer.</p> <p>The CEO is to inform DoH.</p> <div data-bbox="714 686 1686 914" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key decision: Council approved the appointment of Katie Quinn as Responsible Officer.</p> <p>Action: CEO to inform DoH of appointment of Katie Quinn as Responsible Officer.</p> </div>	<p>Proposed: Jim Perry Seconded: Jonathan Patton</p>
9.0	<p>Parallel Investigations Policy For Approval</p>	<p>The CEO advised that Fitness to Practise proceedings can on occasion conflict with those of other public bodies such as the PSNI for criminal activity, BSO where fraud is suspected and HSCB where the matter involves contracts and service provision. It has been custom and practice that we stand down our activities and defer to other agencies where they have an ongoing investigation.</p> <p>We are under pressure regarding investigation timelines. We have some open cases where we are not acting because of an ongoing investigation by another agency.</p>	

		<p>The CEO presented an analysis process that will be undertaken when deciding whether our investigation process should stand down. For example, if there is a health concern, the matter can continue to be investigated during other agencies' investigations. It sets out the decision-making framework by which the Regulator will be bound. In applying this, it will be possible, and every care will be taken, to progress some cases without undermining another organisation's activities. Council approved the Parallel Investigations Policy.</p> <div data-bbox="705 592 1675 711" style="border: 1px solid black; background-color: #cccccc; padding: 5px;"> <p>Key decision: Council approved the Parallel Investigations Policy.</p> </div>	<p>Proposed: Mark McCrudden Seconded: Mark Campbell</p>
For Information			
10.0	<p>President's Report For Information</p>	<p>Council was advised of the following:</p> <ul style="list-style-type: none"> • The question of how to keep business and good governance going was a topic of discussion at a recent meeting of public sector Chairs. The past 8 weeks have presented a challenging scenario in terms of governance and the President has been in daily contact with the CEO and his team. Also, during this time, the VP has been of great support to him. Given that the pandemic may be with us for some time, we need to be flexible. <p>The President paid tribute to the CEO and staff stating that there had not been an occasion when he felt that the organisation had been slow to respond. The team is working well remotely and the way in which staff have coped with the present situation is extraordinary.</p>	

		<ul style="list-style-type: none"> • Boardroom Apprentice Scheme – the President received correspondence from the Department of Finance seeking reassurance of our continued interest and willingness to participate in the Scheme. The President has responded to the Department of Finance confirming our continued interest but explaining that we must be pragmatic and that, although the Boardroom Apprentice was to join us around September 2020, we may have to defer to a later date - depending on the situation at that time. • Council members’ appraisals – the President congratulated those members who have completed their appraisals and asked others to submit over the next couple of months. The President will review them when all have been received and, ideally, before the end of the Summer. • Council member recruitment & reappointment – the President advised that all Public Appointments have been put on hold. The reappointment of Patrick Murphy, Laura Murphy and Colleen Duffy has been confirmed verbally and confirmation letters are awaited. The Department had asked if we could extend Ciaran Hunter’s and Jim Perry’s tenure. However, the rule of tenure for only 8 years out of 20 unfortunately forbids it. Therefore, Council may be short of 3 members until early 2021, even if the recruitment process starts soon. <p>It was suggested that a Skills Audit, undertaken by an external party, may be useful in terms of accelerating the recruitment process for new Council members. This suggestion was welcomed as, in times like these, it may be helpful that the CEO know the particular skills of Council members in order that they may be called upon to give advice or assistance. It was agreed to progress this in the near future.</p>	
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<p>11.0</p>	<p>CEO's Report For Information</p>	<p>The CEO advised Council of the following:</p> <ul style="list-style-type: none"> • CEORB meetings – the CEO advised that these meetings have been very helpful in ensuring consistency of approach to Covid-19 and sharing learning. • GPhC have been very accommodating in inviting PSNI to be part of their decision processes in relation to their registration assessment which will be useful in relation to our Pre-Registration examination, and they have invited us to contribute to their thinking. • The President and CEO were invited to a Chief Executives and Chairs evening event via Zoom. Mental health for staff in large organisations was one of the main issues. Their way of working has changed for ever and the prospect of them returning to their offices soon is very low. <p>The Regulatory Reform agenda was discussed - how our legislation binds us and limits agility and finding ways to do things despite our regulations. There is a growing awareness within the Department of Health that regulators need to be able to be more flexible and agile.</p> <p>Also discussed was the differing effects of the pandemic on regulators and their registrants – particularly those on the front line such as doctors, nurses, pharmacists; contrasted with dentists, opticians, chiropractors, etc, on furlough. There is grave concern as to how many of these professionals will return to start operating again as people have switched to using online or alternative services. In the case of some professions there is a worst-case prediction of 30% attrition rate with sustainability of the regulators being a concern.</p>	
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12.0	Update on Registrar Recruitment <i>For Information</i>	<p>The CEO advised Council that the Department of Health has confirmed his appointment as Interim Registrar until such time as a new Registrar is appointed. In the short-term, the CEO has been looking after Fitness to Practise education and CPD, the HBO – registration and the HPA projects. A particular project that was under way was the Pre-Reg Tutor and Induction courses online – running the courses in person cannot readily be facilitated whilst adhering to social distancing rules.</p> <p>In terms of the recruitment process, 8 applications have been received and the recruitment consultants are shortlisting. All who meet the essential criteria will be interviewed in early June – most likely via Zoom. The interview panel will comprise the President, the Chief Pharmaceutical Officer and the CEO.</p> <p>It was agreed that, during the CEO's tenure as Interim Registrar, a potential conflict of interest should be declared and minuted at the start of each Council or Committee meeting. The CEO advised that he had set aside his work with Pharmacy Forum in the interim.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Action: During the CEO's tenure as Interim Registrar, a potential conflict of interest is to be declared and minutes at the start of each Council or Committee meeting.</p> </div>	

13.0	Update on Threshold Criteria Consultation For Information	<p>The HPA advised that a public consultation ran between 15 January 2020 and 11 March 2020, prior to lockdown. This is a specific area in which Council sets the terms under which the Registrar is to refer cases to the Scrutiny Committee or the Statutory Committee. This was put on hold when the pandemic struck. We are now in a position to assess the 6 substantive responses. A full report will be provided to Council at its next meeting in June with a quality assessment and proposals for any changes that may be necessary. The changes will be checked for any legal consequences. To allow for any late responses, the paper and responses will be placed on the website and, if any further comments are received, they will be reported to Council.</p> <div style="border: 1px solid black; padding: 5px; margin-top: 10px;"> <p>Action: Council to be advised of any further comments received in relation to the consultation. Consultation report to be brought to next Council</p> </div>	
For Approval			
14.0	Covid-19 Update For Approval	<p>The President advised Council that, as decisions had been made remotely during March & April 2020, it was imperative that Council contentment with the decisions made be formally minuted. Council was asked to</p> <ul style="list-style-type: none"> • to note and reaffirm the decisions taken since last Council by electronic e-papers & note correspondence dated 12/05 UCA to PSNI; • to note the content of the table at Appendix 1 which provides an update on progress with them; and • to ask questions or seek clarification, as required. 	

<p>14.1</p>	<p>E-papers March/April 2020</p>	<p>The President thanked Council members for helping to process various decisions in the early stages of the pandemic by the remote mechanisms that Council had agreed and thereby helping to avoid the inappropriate situation where the President and Vice-President would have had to make all decisions. As agreed, only where an immediate decision is needed, the President and Vice-President will make the decision on Council's behalf and advise Council of same via e-paper. The President advised that the decision-making mechanism appeared to work well.</p> <p>The importance of recording all decision made remotely was agreed. The President asked Council members to reaffirm that there were no objections to the process or the decisions made in April and May 2020. No objections were raised.</p> <p>The President highlighted the issue of the Pre-Registration Examination. He and the CEO had met with the CPO and it was confirmed that the Department supported the organisation's decision to delay the examination until August 2020. As the organisation wants to ensure that the Pre-Registration examination is held in August 2020, it is exploring alternative means of holding the examination, perhaps online, in the event that the pandemic prevents the examination being held in a selected venue. GPhC has delayed its examination until January 2021 to allow time to procure an on-line platform.</p> <p>Correspondence has been received from UCANI, which is a trade organisation primarily representing pharmacies. Their latest correspondence was disappointing in that they did not appear to understand the importance of the examination and its place in the quality assurance of the pre-registration assessment. The President sought support from Council on the stance that had been taken by the organisation.</p>	
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	<p>Council agreed that the organisation should stand firm on its decision to hold the examination, if possible, in August 2020. In supporting the organisation's stance, Council members cited:</p> <ul style="list-style-type: none"> • public safety; • fairness to students; • the importance of quality assuring the pre-registration programme • the examination's future credibility; and • the perception of any qualification gained without examination which would be to the detriment of the future careers of this cohort of students. <p>The CEO confirmed that all trainees will receive support; during July 2020 by NICPLD, the Pharmacy Forum and others, all but around seven students will have achieved their 39 week appraisals and will have 45 hours training; and once that group has achieved 52 weeks, before the examination, they no longer need their tutor but will need to be supervised – . In terms of overlap with incoming trainees, no big problem is anticipated and the organisation will take a pragmatic view to assist the service in maintaining staffing in a safe and effective manner.</p> <p>The President advised that the Department had agreed to fund Pre-Registration students for two months. This will afford additional support to community pharmacies.</p> <p>The CEO advised that he had remote meetings with UCANI and CPA to set out the rationale for the Pre-Registration examination decision. Chief amongst these was student welfare. Students have been supporting frontline roles without always maintaining the sort of tutor contact needed for training or protected study time. It would, therefore, be unfair to hold the examination in June when they would have had limited preparation</p>	
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time in addition to the difficulties of sourcing venues. In terms of an online examination, the CEO advised that it was still being explored. However, certain inequalities were possible such as a student's lack of high-speed internet, suitable equipment and/or space to sit the examination and the fragility of the internet itself. Invigilation and the security of the examination were also a concern. Neither PSNI nor GPhC regard the approach taken by universities as immediately transferrable to the registration examination for a variety of technical and equality issues.

In relation to the delay to the Retention and CPD processes, the CEO advised that feedback from representative bodies was welcoming of both.

Council reaffirmed all decisions made remotely in April and May 2020.

Key Decisions:

- Council noted and reaffirmed the decisions taken since last Council by electronic e-papers;
- Council noted correspondence dated 12/05 UCA to PSNI and supported the organisation's stance in response to UCA's correspondence; and
- Council noted the content of the table at Appendix 1.

To Note		
15.0	Finance & Performance Committee <i>To Note</i>	The Chair of this committee advised that a meeting has been scheduled for 27 May 2020.
16.0	Audit & Risk Committee <i>To Note</i>	<p>The Chair of this committee advised that it hopes to meet in June 2020. The CEO advised that there is an outstanding audit report on pre-registration documentation to be completed. The contract with internal auditors, Grant Thornton, terminates at the end of May. However, they will continue pro tem and, should an internal audit be required, they will be available, providing reassurance to Council. It is hoped that they continue to provide services to the organisation until September/ October 2020 when the Annual Report and Accounts are completed and the AGM has been held.</p> <p>It was confirmed that the Risk Register is being kept under review. Two new controls are in place in relation to Covid-19 which have been remotely reviewed by the Chair.</p>
For Information		
17.0	Correspondence Log <i>For Information</i>	<p>The President highlighted the following:</p> <p>17.4 – correspondence from the Department regarding the Annual Report and Accounts. The CEO and team had met with the Department and part of the discussion had been the format and structure of the Annual Report and Accounts – the Department has the power to direct this. The organisation collates financial data in line with the structure of the annual accounts. If this is changed, the way data is collated must also change.</p>

	<p>The Department's correspondence states that, for this year, they want to bring about changes to the structure of the Annual Report.</p> <p>The CEO directed Council to the guidance paper provided by the Department which is some 80 pages Whilst it is accepted that we should meet the Departments request, the audit is underway and changes in this timeframe are unreasonable.</p> <p>In addition, due to the pandemic and the delay of retention and the pre-registration examination and registration, the income from retention and registration will fall into the next financial year making comparisons difficult, even under the current standards. Therefore, if transparency and accuracy in the accounts and annual report are to be achieved, the same structure and content should be used over the next two years. To do otherwise would not be good governance and would leave the organisation open to criticism.</p> <p>The CEO proposed that a response be sent to the Department to request that we start collating financial data in line with the new structure from June 2020. The Chair of the Finance & Performance Committee advised Council that, when there are any substantial changes to financial reporting, two years' notice is given as accounts consist of two years' data. He advised that this would be a more professional approach in this case. Council members agreed with this approach and that the response to the Department should propose the commencement of the new format and content be over two years in line with International Standards.</p> <div data-bbox="712 1251 1682 1425" style="border: 1px solid black; background-color: #f0f0f0; padding: 5px;"> <p>Key Decisions:</p> <ul style="list-style-type: none"> • Council supported a response to the Department's request in the terms set out by the President and CEO i.e. changes to Annual Report and Accounts to implemented over two years. </div>	
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18.0	Any Other Business For Information	<p>The security of Zoom for Council and Committee meetings was raised. It was confirmed that the organisation uses all security settings within the application and will continue to monitor security.</p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px;"> <p>Actions:</p> <ul style="list-style-type: none"> • The security of Zoom for Council and Committee meetings to be monitored. </div>	
To Note			
19.0	Date of next meeting To Note	The next Public Council meeting is scheduled for 30 June 2020 @ 09:30 via Zoom.	

The Meeting closed @ 11:30.