

Minutes of the Council Public Meeting

Remote – Via Zoom

Tuesday, 30 July 2020 @ 09:30

	Agenda Item	<p>Present Dr Jim Livingstone (President) Mr Jonathan Patton (Vice President) Mr James Perry Prof Patrick Murphy Ms Laura Murphy Ms Colleen Duffy Mr Mark McCrudden Mr Mark Campbell Mr Barry Mimmagh Ms Chanel Jones Ms Carol Moore Ms Alison Ragg Mr Ciaran Hunter</p> <p>In Attendance Mr Trevor Patterson (Chief Executive & Interim Registrar) Mr Mark Neale (Head of Public Affairs) Ms Joan Duffy (Head of Business Operations) Ms Katie Quinn (Responsible Officer & Legal Adviser) Mr Peter Hutchinson (Policy & Engagement Lead) Ms June Alexander (Executive Assistant)</p>	<p>Apologies Ms Sandra Cooke</p>

			Action
1.0	Welcome & Apologies	<p>The President welcomed representatives of the Professional Standards Authority – Mr Alan Clamp (CEO), Ms Siobhan Carson & Ms Roisin Fairfax.</p> <p>Council was advised that Zoom will be used to conduct Council and Committee business for the foreseeable future. Zoom security continues to be monitored.</p>	
2.0	Deputations	None. The President advised that his son, Peter, is back in hospital and that, should he need to leave the meeting, the Vice President will deputise.	
3.0	Conflicts of Interest	The CEO advised that presently he is also undertaking the role of Interim Registrar.	
4.0	Tabling of Any Other Business	None tabled.	
5.0	Minutes & Key Actions from last meeting For Approval	<p>Council approved and adopted the Minutes of the Council meeting held on 19 May 2020 as a true and accurate record of events.</p> <p>Actions:</p> <p>5.0 Submission to Health Committee: The President advised that he and the CEO will meet with the CPO in July. Those discussions may help to frame any submission to the Health Committee</p> <p>8.0 Responsible Officer: The Department has been advised of the appointment of Katie Quinn as Responsible Officer.</p>	<p>Proposed by: Carol Moore Seconded by: James Perry</p>

		<p>10.0 Skills Audit: HR consultants have been commissioned to undertake the skills audit. This will be particularly useful in terms of identifying skills gaps for future Council recruitment and for Task & Finish Groups formed during Covid-19. Questionnaire will be created and circulated but as yet no timeframe. The framework for gap analysis will come to a future Council meeting for approval. In addition, there will be significant educational changes in the future. A Task & Finish Group will be required to undertake a review and the skills audit will help identify the appropriate members to sit on the group.</p> <p>13.0 Threshold Criteria: On agenda.</p> <div data-bbox="719 799 1693 986" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key decision:</p> <p>Council approved and adopted the Minutes of the 19 May 2020 Council meeting as a true and accurate record of events.</p> </div>	
6.0	Appointments to the Fitness to Practise Committees from October 2020 For Approval	<p>The HPA advised that, to underscore the independence of this process, a recruitment company is employed undertake the recruitment process on our behalf. Forde May Consulting carried out this recruitment process which has been reviewed and deemed to be appropriate, proper and fair. The criteria for committee membership are very well documented in legislation and regulation and Forde May assure us that they have carried out checks against the criteria. The grounds on which we would not appointment have been rigorously tested.</p>	

		<p>The following appointments were proposed, as detailed in the attached paper:</p> <p>Statutory Committee: 8 new appointments Scrutiny Committee: 5 new appointments Statutory Committee Reserve List: 7 new appointments Scrutiny Committee Reserve List: 5 new appointments</p> <p>In relation to the Reserve Lists for the above committees, interest from registrants was not as we would have liked. This will be taken forward as an action point for discussion with Forde May.</p> <p>The new committee and reserve list members will attend training with Fieldfisher. Appointments will then take effect from 01 October 2020.</p> <p>Council approved the appointment of members to the Scrutiny Committee, Statutory Committee and the respective Reserve Lists.</p> <div data-bbox="712 991 1680 1177" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key decision:</p> <p>Council approved the appointment of members to the Scrutiny Committee, Statutory Committee and the respective Reserve Lists.</p> </div>	<p>Proposed by: Patrick Murphy Seconded by: Barry Mimmagh</p>

7.0	Threshold Criteria For Approval	<p>The CEO advised that work had been undertaken to update and refine the Threshold Criteria used by the Scrutiny Committee to determine cases to go to the Statutory Committee.</p> <p>The PSEL advised Council that the consultation was held between 15 January 2020 and 11 March 2020. There were 6 responses received, 4 of which were from representative groups, HSCB and PSA. It was noted that this was a relatively small number but was in line with more niche pieces of work and responses were received from the desired bodies.</p> <p>He directed Council's attention to the consultation report which provides an overview of the responses to the consultation an analysis of the responses. The report also contains 9 recommendations to amend the proposed Threshold Criteria. A 10th recommendation sits outside the consultation responses.</p> <p>The PSEL took Council through the responses to each of the 9 questions in the consultation, giving an overview and analysis.</p> <p>The recommendations within the consultation reports were as follows:</p> <p><u>Recommendation 1:</u> Paragraph 1.1. be amended to read as follows to enhance understanding of the document:</p> <p><i>1.1: The Registrar of the Pharmaceutical Society NI investigates allegations made against a pharmacist that their fitness to practise is impaired. This document sets out the Threshold Criteria which the Registrar applies, at the end of an investigation, when deciding on the referral of fitness to practise allegations to the Scrutiny Committee. The Society's legislation states that the Registrar must refer a fitness to practise allegation to the Scrutiny Committee, unless the Council has</i></p>	
-----	---------------------------------	---	--

provided in regulations for it not to be so referred. Regulations state that the Registrar must not refer a fitness to practise allegation which is “of a type stated in the threshold criteria which should not be referred”. The Threshold Criteria can be considered the test the Registrar will apply when deciding whether to refer a fitness to practise allegation to the Scrutiny Committee or close an investigation.

Recommendation 2: Review the public information provided on how allegations against body corporates are progressed and update if necessary.

Recommendation 3: Amend Paragraph 1.3 to read:

1.3: The Registrar takes into account the principles of good regulation when investigating complaints and applying the Threshold Criteria, endeavoring to act in a timely way which is:

- *Proportionate*
- *Consistent*
- *Targeted*
- *Transparent*
- *Accountable and*
- *Agile.*

Recommendation 4: The document provides a link to the information already published on our website in relation to the investigations process: <https://www.psni.org.uk/wp-content/uploads/2012/12/Investigation-processes-and-committee-structure.pdf>

		<p><u>Recommendation 5:</u> The information relating to our investigations process is reviewed, and consideration is given to including a flow chart for fitness to practise procedures.</p> <p><u>Recommendation 6:</u> The test applied on whether a complaint/allegation falls within our jurisdiction and can be investigated, will be published on our website.</p> <p><u>Recommendation 7:</u> Change the title of sections 3 and 4 and create a new section 5, entitled Threshold Criteria, in addition to minor wording changes, as outlined in the revised guidance document presented.</p> <p><u>Recommendation 8:</u> Include a new Section 6 to include a table outlining the outcomes registrants can expect upon the application of the Threshold Criteria, as outlined in the proposed Threshold Criteria.</p> <p><u>Recommendation 9:</u> Amend section 3.4 and 4.7 to read: ‘uphold professional standards’</p> <p>The Executive Team also made a 10th recommendation that Council approves an addition to the Threshold Criteria. This has been suggested independently of the consultation.</p>	
--	--	--	--

		<p>Recommendation 10: At paragraph 5.1 on page 7, insert as an additional matter the Registrar may consider when applying the Threshold Criteria “the context within which the issue arose”.</p> <p>Council approved the 10 recommendations contained in the Consultation Report.</p> <p>Council approved the proposed Threshold Criteria.</p> <p>Council approved the Consultation Report for publication on the organisation’s website.</p> <div data-bbox="689 727 1659 1054" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key decision:</p> <p>Council approved the 10 recommendations contained in the Consultation Report.</p> <p>Council approved the proposed Threshold Criteria.</p> <p>Council approved the Consultation Report for publication on the organisation’s website.</p> </div>	<p>Proposed by: Ciaran Hunter Seconded by: Mark McCrudden</p>
8.0	Provision of Services For Approval	<p>The HPA presented the Draft Guidance on the Provision of Services and the consultation papers to Council. He advised that Council was being asked to consider the draft Guidance and the Phase 1 Equality Assessment and to approve them to be released for a 12-week consultation. Council, if approval given, was asked to note the draft consultation documents and provide feedback.</p>	

		<p>The HPA advised that, to update the Guidance, the organisation undertook a pre-consultation exercise, contacting the Chief Pharmacists in all 5 Health Care Trusts in Northern Ireland, 4 of whom responded, and meeting with the Head of Pharmacy and Medicines Management for the Health & Social Care Board. The organisation also engaged with other interested bodies in this area including those related to learning disabilities, Alzheimer's, age and disabilities. He confirmed that the Department has not formally commissioned abortion services in Northern Ireland and the Trusts are developing their own services. It was confirmed that the role of pharmacists across the Trusts will be limited to the supply of abortifacient medicines to clinics tasked with carrying out abortions.</p> <p>In light of the above, it has been concluded that the majority of the draft Guidance presented to Council in 2019 remains appropriate, requiring only a small number of amendments to ensure that the language used is sufficient to cover services provided and future development services.</p> <p>The HPA advised that the consultation it is proposed to go out to 12-week consultation in early July – ending in September 2020. It will be the first substantive consultation during the Covid-19 pandemic. If responses are lower than expected, the consultation may be extended for 2 weeks.</p> <p>Having discussed the content of the Guidance, Council approved the Guidance and Equality Assessment to go out to 12-week consultation. Council also decided that:</p> <ul style="list-style-type: none"> • The Department must be advised prior to going out to consultation; • The HPA should consult with the President and Vice President toward the closing date of the consultation to advise of responses. 	<p>Proposed by: Patrick Murphy Seconded by: Carol Moore</p>
--	--	---	---

		<p>If responses are lower than expected, an E-paper will be circulated to Council for a decision on whether to extend the consultation period.</p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 10px;"> <p>Key decision:</p> <p>Council approved the draft Provision of Services Guidance and Equality Impact Assessment to go out to 12-week consultation and instructed that the Department must be advised prior to the commencement of the consultation.</p> <p>Council instructed that the HPA meet with the President and Vice President prior to the end of the consultation period to review responses. If necessary, an E-paper will be circulated to Council for the approval of an extension to the consultation period.</p> </div>	
9.0	Affirmation of Council Electronic Decisions For Approval	<p>The President advised that the electronic decisions taken since the last meeting must be affirmed and formally recorded.</p> <p>Firstly, he brought to Council's attention that, over the last few days, a number of complaints, written and verbal, had been received from individual pharmacists questioning the necessity for having CPD submission at the end of August. Some of the written complaints were quite extraordinary in terms of tone, asking Council to cancel CPD for this year.</p> <p>The CEO advised that Council had previously agreed, at its March meeting, to postpone CPD submission from 31 May 2020, in response to pressures on the profession arising from the Covid-19 pandemic. At that</p>	

		<p>time, 9 months of the CPD year had elapsed. The CEO further advised that, throughout the CPD year, registrants can upload their CPD to the portal and can submit their completed portfolio over the final 2 months of the CPD year.</p> <p>In June 2020, Council decided to set the submission date at 31 August 2020 and, in line with its decision in March 2020, registrants were given 2 months' notice of the new submission date on 26 June 2020. It was over the 2 working days following this notice to registrants that the complaints were received. Complainants cited the following as reasons to cancel CPD for this CPD year:</p> <ul style="list-style-type: none"> • Concerns re a potential second wave without respite for pharmacists; • Risk to patient safety due to pressures on pharmacists; • Risk to the health and mental wellbeing of pharmacists; • Over-stretched workforce; • GMC & GPhC have postponed this year's CPD requirements. <p>The President and Vice President decided that Council should be given the opportunity to discuss this matter further. Council's attention was drawn to the second paper containing 3 options together pros and cons for each option. Council discussed the following options:</p> <ol style="list-style-type: none"> 1. To retain the decision currently in place that CPD submissions must be made by 31 August 2020; or 2. To reduce the quantity of CPD required from 15 months to 9 months; or 	
--	--	---	--

		<p>3. To postpone CPD submissions until 31 May 2021.</p> <p>The CEO drew Council's attention that, typically and significantly, 9-13% of portfolios assessed do not meet the standard required at the first assessment. Given this statistic, any failure to collect CPD will pose a risk and more registrants may fail to keep their skills and knowledge up to date.</p> <p>Following discussion of all 3 options, Council reaffirmed its decision to retain its previous decision to require CPD submissions to be made by 31 August 2020.</p> <p>The rationale behind this reaffirmation included:</p> <ul style="list-style-type: none"> • postponement of CPD submissions until May 2021 would be counterproductive in terms of the timely identification of learning that does not meet the standard and the opportunity for remediation; • postponement of CPD submissions to May 2021 will pose a greater risk to the public; • the CPD produced during the pandemic will likely show extensive, valuable learning across all scopes of practice. <p>Council reaffirmed its decision to retain the decision currently in place that CPD submissions must be made by 31 August 2020. This decision should be communicated to pharmacists giving its rationale. Council agreed that, if a second spike were to occur over the next few weeks, this decision would be revisited. Council will continue to monitor the situation and will exercise flexibility as circumstances around the pandemic unfold.</p>	<p>Proposed by: Jonathan Patton Seconded by: Alison Ragg</p>
--	--	---	---

		<p>Key decision:</p> <p>Council reaffirmed its decision to retain the decision currently in place that CPD submission must be made by 31 August 2020.</p> <p>Council instructed that this decision be communicated to pharmacists giving rationale.</p> <p>Council agreed to revisit this decision, should a second pike of the pandemic occur over the next few weeks.</p> <p>Council agreed to continue to monitor the situation and to exercise flexibility as circumstances around the pandemic unfold.</p>	
10.0	CPD Framework CPD Year 20/21 amendments For Approval	<p>The CEO drew Council’s attention to the second paper which sets out the proposed amendments to the CPD Framework 2014 for CPD Year 2020/21 only.</p> <p>He advised that Council had previously decided that due to the extension of CPD year 2019/20 to 15 months, CPD year 2020/21 should be shortened to 9 months. As the current CPD Framework does not reflect these decisions, it proposed to make minor amendments to the Framework to reflect the requirements for CPD submission in May 2021, as follows:</p> <ul style="list-style-type: none"> • CPD year 2020/21 will run from 01 September 2020 to 31 May 2021 (a period of 9 months); 	

		<ul style="list-style-type: none"> The time requirements for a full portfolio submission will reduce from 30 hours including 5 hours documentation time to 22.5 hours including 3.75 hours documentation time; and The time requirement for a partial portfolio submission will reduce from 15 hours including 2.5 hours documentation time to 13 hours including 2 hours documentation time. <p>Registrants will be advised of the risk of submitting a smaller number of cycles.</p> <p>Council approved the temporary amendments to the CPD Framework 2014 for CPD year 2020/21 only.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key decision:</p> <p>Council approved the temporary amendments to the CPD Framework 2014 for CPD year 2020/21 only.</p> </div>	<p>Proposed by: Mark McCrudden Seconded by: Alison Ragg</p>
11.0	Covid-19 Overview For Information	The CEO advised that progress had been made on various issues. He directed Council's attention to the Quick Reference Guide and advised that reports from all 10 regulators were contained in the In-Committee Council papers. Council noted the content of the papers presented.	
11.1	Registration Examination For Information	The CEO advised Council that Methodist College Belfast and Ulster University had extended the organisation the use of their premises to facilitate the Registration Examination in August. Both institutions had been very co-operative and helpful and the CEO extended his thanks to both. He advised that an enormous amount of work was undertaken by the team to source suitable venues of adequate size to accommodate all the candidates whilst maintaining social distancing. The examination will	

		be held on 11 August and the results are expected before the end of August.	
11.2	Retention – Update Report For Information	<p>The CEO advised that the retention year has been extended for an additional 3 to 31 August 2020. The 2020/21 registration year will, therefore, run from 01 September 2020 to 31 May 2021. Fees for both years will remain unchanged in accordance with regulations.</p> <p>A notification will be sent to registrants in mid-July regarding payment of retention fees.</p> <p>Senior management has been carrying out a Covid-19 risk assessment with a view to a limited return to work in the office. The retention process can be managed remotely as most registrants complete their retention online. Paper-based retentions will be collated at the office twice weekly and sent to the registration co-ordinator for processing.</p> <p>Any actions taken, where a risk is possible, will be added to the Risk Register.</p>	
12.0	President’s Report For Information	<p>The President advised that he had been in touch with the Department on many occasions in relation to the appointment of Council members. However, public appointments across the Province are at a standstill and many organisations are seeking appointments. A number of Council members will be stepping down in September and we may have to continue with those vacancies for several months. Given the reduced numbers at Council after September, the President noted that the continued use of Zoom for Council meetings should facilitate full attendance of the remaining Council members to ensure quorum.</p>	

		<p>Council was advised that the President had received a Culture Survey which he will circulate, should any Council member wish to participate.</p> <p>A meeting with the CPO is scheduled for 15 July 2020, The CPO wishes to discuss the longer-term strategic picture of the organisation. This is part of the UK government's work on reforming the structure of regulation and goes back to the Department's proposal some years ago re the structure of the organisation's regulatory and professional arm. The President will advise Council if something significant arises perhaps requiring an ad hoc meeting.</p> <p>In relation to the new Registrar, the President advised that the recruitment consultants produced 5 shortlisted candidates for interview. The President, CPD and CEO formed the interview panel and that, unfortunately, Council would be losing a member as the new Registrar who has been approved by the Minister for Health is Laura Murphy. Council expressed their congratulations.</p> <div data-bbox="689 951 1659 1230" style="border: 1px solid black; background-color: #f0f0f0; padding: 10px;"> <p>Key decisions/actions:</p> <p>The President is to circulate the Culture survey to all Council members.</p> <p>The President is to advise Council of any significant outcome from the meeting with the CPO and, if necessary, call an ad hoc Council meeting to discuss.</p> </div>	

13.0	CEO's Report For Information	<p><u>EGOB</u></p> <p>The CEO advised that matters have changed rapidly and directed Council to the summary paper. There will be a substantial workload in relation to IET. He advised that there has been some discussion regarding an integrated 5-year programme. Discussions also included a foundation programme to follow registration as is the case with doctors and dentists. EGOB has been tasked with progressing the foundation programme. However, Covid-19 has resulted in a potential change in the contract wording for community pharmacy and primary care has called into question whether the current framework is fit for purpose.</p> <p>The CEO advised that a favoured option may be a 4-year academic programme with a 1-year enhanced pre-registration programme. This is likely to include exposure to all 3 settings – hospital, GP and community. The pre-registration year may be re-engineered to be with the first year of the foundation programme. This will be brought to Council for approval.</p> <p>Proposals are being developed and substantial work will need to be undertaken with stakeholders. We will work with NICPLD while GPhC work with their counterparts in UK. The CEO advised that he will be in a better position to update Council on proposals and timeframes in late Summer or early Autumn.</p> <p><u>PSA Performance Review</u></p> <p>The CEO advised that the PSA report had been received in relation to the PSA targeted review of 5 standards. We failed to meet the Fitness to Practise Standard 5 and the report cites that processes were not always fully and clearly explained to the parties involved. We also failed to meet</p>	
------	------------------------------	--	--

		<p>Standard 7 in that parties were not always updated on the progress of their case and telephone calls were not always properly documented.</p> <p>The organisation met 3 of the 5 Standards and acknowledges the need to improve in the 2 areas where Standards were not met. A plan was developed when PSA first raised concerns and the organisation is already progressing well with the necessary actions. He congratulated the team on meeting 22 of the 24 Standards and welcomed the opportunity to improve and learn.</p>	
14.0	Report on Progress Against Strategy For Information	The CEO highlighted 2 additional items now marked amber. Legislative reform is required to achieve these objectives. Due to the absence of the Assembly and the lifetime of the existing assembly, the timing of items on the strategy are no longer valid. He suggested that the meeting with the CPO would be a good time to revise the strategy and to review the timings. The President added that Council should begin work on the new strategy.	
15.0	Fitness to Practise Progress Report To Note	Council noted the content the Fitness to Practise report against the action plan.	
16.0	Finance & Performance Committee To Note	Council noted the content of the Committee Minutes.	
17.0	Audit & Risk Committee To Note	Council noted that the Audit & Risk Committee will be meeting after the completion of Internal Audit.	
18.0	Correspondence Log For Information	The CEO directed Council's attention to the correspondence presented and to the issues raised therein.	

19.0	Any Other Business	<p>Alan Clamp, CEO of the Professional Standards Authority, addressing the CEO's comments on the performance review, advised that action had been taken by the Pharmaceutical Society NI when issued were raised and that this would be reflected in the PSA report which would be available in a few weeks. He further advised that next year's performance review will cover 18 rather than 24 standards.</p> <p>He thanked Council for the opportunity to attend the Council meeting which he found very useful and commented that it was good to see governance in action.</p>	
20.0	Date of Next Meeting	The next Public Council meeting will be held at 09:30 on Thursday, 17 September 2020.	

The Meeting closed @ 11:40