

## RAISING CONCERNS ABOUT A PHARMACIST, PHARMACY OR PHARMACY OWNER IN NORTHERN IRELAND

### Patient & Public Guidance

In the first instance, we would advise you to speak with the pharmacist/pharmacy owner about your concern so that it can be dealt with locally, if possible, as this is generally the best way to resolve any issues.

If that is not possible or if your concern has not been resolved, this leaflet tells you how to raise a concern with us about a pharmacist or pharmacy in Northern Ireland. It is our job to ensure that all pharmacists care for you properly. If they don't, we need to hear about it, find out what happened and, if appropriate, do something about it.

### About us

The Pharmaceutical Society NI is the regulator for pharmacists and pharmacies in Northern Ireland – and they all must be registered with us. Our role is to ensure the safety of patients and the public who use pharmacy services in Northern Ireland and to ensure that professional standards are upheld and the public continues to have confidence and trust in the pharmacy profession.

### Concerns we can investigate

The Pharmaceutical Society NI has jurisdiction or power to investigate and, if appropriate, take action in relation to the following matters:

- Concerns relating to pharmacists or pharmacies registered with the Pharmaceutical Society of Northern Ireland;
- Fitness to practise matters within paragraph 4 of Schedule 3 to the Pharmacy (Northern Ireland) Order 1976; and
- Disqualification matters.

#### a) *Pharmacists or pharmacies registered with Pharmaceutical Society NI*

In order to fall within our jurisdiction, a concern must relate to a pharmacist or pharmacy registered with the Pharmaceutical Society NI. Persons raising concerns about pharmacists or pharmacies in other countries or other parts of the United Kingdom will be directed to the appropriate regulator in that country or region e.g. General Pharmaceutical Council (England, Wales and Scotland) and the Pharmaceutical Society of Ireland (Republic of Ireland).

#### b) *Fitness to practise matters*

Concerns which call into question the fitness to practise of a pharmacist registered with the Pharmaceutical Society NI will be investigated by us. Any of the following may impair a pharmacist's fitness to practise:

- misconduct (which may include dispensing errors, serious unprofessional or inappropriate behaviour, working under the influence of alcohol or drugs, etc);
- deficient professional performance (which includes lack of competence);
- adverse physical or mental health which impairs the pharmacist's ability to practise safely and effectively or which otherwise impairs their ability to carry out their duties in a safe and effective manner;
- the pharmacist not having the necessary knowledge of English;
- a conviction, caution or penalty imposed by a court;
- a determination of impairment by another health or social care regulator;
- the inclusion of the pharmacist's name on a barred list for the purposes of protecting vulnerable persons and maintaining public trust in the profession.

c) *Disqualification matters*

Concerns which call into question the suitability of a corporate body (i.e. a company) from operating a registered pharmacy will be investigated by us. Under Section 80 of the Medicines Act 1968, the Pharmaceutical Society NI has the power to disqualify corporate bodies from operating registered pharmacies and direct that they are removed from the Register. This power may be exercised by the Statutory Committee of the Pharmaceutical Society NI where the corporate body has been convicted of certain offences or certain individuals within the corporate body are convicted of an offence or have been found guilty of misconduct and other disqualification conditions are met.

## Concerns we cannot investigate

It is not possible to provide an exhaustive list of all matters which fall outside the jurisdiction of the Pharmaceutical Society NI but common concerns raised with us which we cannot investigate include:

- Customer service issues, such as waiting times and rudeness. These should be taken up with the pharmacy directly through their complaints policy.
- Receiving a brand of medicine that the patient did not want. If a generic medicine is on the prescription, the pharmacist can provide any brand. The patient should discuss the brand with their prescriber.
- Contractual matters, such as closing before the advertised closing time. These matters should be directed to the Health and Social Care Board.
- Medicine dispensed without an expiry date. This may arise when a pharmacist has cut up a blister pack or dispensed medicine in bottles. The pharmacist is allowed to dispense medication without an expiry date, the assumption being that the medicine is in date.

- Cost of medicine. Pharmacies may charge whatever fee they deem appropriate for medicines on private prescriptions or emergency supplies.
- Low stock levels. We do not regulate how much stock pharmacies should keep or which medicines they should keep.
- Concerns relating to non-medicinal products such as makeup or shampoo.
- Concerns regarding other health professionals. We will signpost persons to the relevant body.
- Claims for compensation. Persons may wish to obtain legal advice.
- Employment issues such as working conditions or wages. These matters should be addressed with the employer or legal advice sought.
- Health matters which are being managed and are not capable of impairing fitness to practise.

## Anonymous Concerns

Some persons raising concerns choose to remain anonymous – they don't give us any of their personal details. Unfortunately, without those details, it may be difficult for us to fully investigate the concern raised unless we can verify the information provided from an independent source.

## Consent

In most cases, in order to fully investigate your concern, we will need your consent in writing to share your concern and your full name with the pharmacist/pharmacy involved in your concern and possibly with the Health & Social Care Board (HSCB) or the Department of Health NI (DoH).

You may also be asked if you consent for us to share your contact details with HSCB or DoH who may wish to contact you for further information.

If, after reading the above, you are still unsure about whether or not to raise a concern with us, please call our office on **02890 326 927** and select Option 6 for **Raising Concerns**. One of our staff will be happy to discuss your concern with you and clarify if it is something that we can investigate.

## How to raise a concern to us

If your concern falls within the matters that we can investigate, you should raise your concern with us as soon as possible after the event, either:

**In writing to:** Raising Concerns & Fitness to Practise Department  
Pharmaceutical Society NI  
73 University Street  
Belfast BT7 1HL

**By email to:** [concerns-ftp@psni.org.uk](mailto:concerns-ftp@psni.org.uk)

**By telephone:** call **02890 326 927** and select Option 6 for **Raising Concerns**.

## The information we will need

When you raise a concern with us, we will need the following information:

- your name and address;
- whether you are raising the concern on behalf of yourself or someone else;
- your contact telephone number;
- your email address if you have one;
- the name of the pharmacist and the name and address of pharmacy concerned;
- the date of the incident(s) and a brief outline of your concern;
- whether any harm has been caused; and
- any action you have taken to resolve the matter.

## After you have raised your concern

Once your concern is received:

- We will acknowledge receipt of your concern, either by email or by letter, within 5 working days of receiving it.
- Our Legal Officer will review your concern with the Registrar to check that it falls within our jurisdiction (i.e it is a matter which we can investigate). We may contact you for further information in order to make this decision.
- The Registrar may decide to refer your concern to the HSCB or the DoH to investigate and they may contact you (if you are agreeable to that) to obtain further information.
- If the Registrar decides that your concern does not fall within our jurisdiction (i.e. it is not a matter which we can investigate), the case will not proceed any further and you will be informed in writing of that decision.
- If the Registrar decides that your concern does fall within our jurisdiction (i.e. it is a matter which we can investigate), you will be informed in writing of that decision and the Registrar will begin a fitness to practise investigation during which you may be asked for further information in relation to the concern.

Once the fitness to practise investigation has concluded:

- The Registrar will apply the Threshold Criteria to decide if the concern raises fitness to practise allegations which should be referred to a fitness to practise committee (the Scrutiny Committee or Statutory Committee).
- If the Registrar decides that the allegation(s) do not meet the Threshold Criteria, the case will not proceed any further and you will be informed in writing of that decision. When the Registrar closes the case at this stage, she may give advice to the pharmacist on how to uphold professional standards.

- If the Registrar decides that the allegation(s) do meet the Threshold Criteria, you will be informed in writing of that decision and the case will progress to either the Scrutiny Committee or the Statutory Committee (which involves an oral hearing).

The Registrar may also refer a concern to the Statutory Committee during the course of an investigation if she considers that there is an immediate risk to the public or the pharmacist themselves or it is otherwise in the public interest for an Interim Order (suspending or restricting the pharmacist's practice) to be imposed while the investigation continues.

### What the Scrutiny Committee can do

When the Scrutiny Committee meets to inquire into a matter, depending on the outcome of the case, the Committee may:

- Dismiss the case;
- Issue advice;
- Issue warning(s) to the pharmacist;
- Agree undertaking(s) with the pharmacist; and
- Refer the case to the Statutory Committee.

### What the Statutory Committee can do

When the Statutory Committee meets to inquire into a matter at a hearing, depending on the outcome of the case, the Committee may:

- Issue advice;
- Issue warning(s) to the pharmacist;
- Agree undertaking(s) with the pharmacist;
- Impose conditions on the pharmacist's practice;
- Suspend the pharmacist from the Register;
- Remove the pharmacist's name from the Register.

### If you are unhappy with the outcome

If your concern is not resolved to your satisfaction and it is about medicines or services you received as a Health Service patient, you may also raise your concern with:

Health and Social Care Board  
12- 22 Linenhall Street  
Belfast BT2 8BS  
Tel: 028 9032 1313  
[complaints.hscb@hscni.net](mailto:complaints.hscb@hscni.net)

If you need advice or assistance with a claim for compensation, you may seek professional help from a solicitor or Citizens Advice.

## Professional Standards Authority (PSA)

PSA is the regulator for the 9 regulatory bodies in the UK, including us, and they promote best practice and consistency in all our work. All decisions made by the Statutory Committee are automatically sent to PSA for audit. If PSA considers that a decision taken by the Statutory Committee is insufficient to protect the public, it has the power to refer that decision to the High Court.

## Other Regulators

We cannot consider concerns against the following groups of healthcare professionals. The organisations that can consider these concerns are listed below:

Profession	Regulator	Phone	Website
Chiropractors	General Chiropractic Council	020 7713 5155	<a href="http://www.gcc-uk.org">www.gcc-uk.org</a>
Other Health & Social Care	Health and Care Professions Council	0845 300 6184	<a href="http://www.hpc-uk.org/">http://www.hpc-uk.org/</a>
Doctors	General Medical Council	0845 357 8001	<a href="http://www.gmc-uk.org">www.gmc-uk.org</a>
Dentists	General Dental Council	020 7887 3800	<a href="http://www.gdc-uk.org">www.gdc-uk.org</a>
Nurses & Midwives	Nursing and Midwifery Council	020 7637 7181	<a href="http://www.nmc-uk.org">www.nmc-uk.org</a>
Opticians	General Optical Council	020 7580 3898	<a href="http://www.optical.org">www.optical.org</a>
Osteopaths	General Osteopathic Council	020 7357 6655	<a href="http://www.osteopathy.org.uk">www.osteopathy.org.uk</a>
Pharmacists & Pharmacy Technicians in England, Scotland & Wales	General Pharmaceutical Council	020 3365 3400	<a href="http://www.pharmacyregulation.org">www.pharmacyregulation.org</a>