

**Minutes of the Council Public Meeting
Remote – Via Zoom
On Tuesday, 17 May 2022 @ 09:30**

	<p>Agenda Item - Present</p>	<p>Council Members: Dr Jim Livingstone (President) Mr Jonathan Patton (Vice President) Ms Alison Ragg Prof Patrick Murphy Mr Brendan Garland Mr Philip Knox Mr Barry Mimmagh Mr Scott Gill Mr Gary McMurray Ms Sandra Cooke Ms Chanel Jones</p> <p>Visitors: Mr Chris O'Neill, Smith & Williamson Ms Siobhan Carson – PSA Ms Lynsey Alphonso – Boardroom Apprentice</p> <p>In Attendance: Mr Trevor Patterson (Chief Executive & Interim Registrar) Ms Joan Duffy Mr Mark Neale (Head of Public Affairs) Mr Peter Hutchinson (Policy Standards & Engagement Lead) Mr Ryan Duffy (Interim Project Manager) Ms June Alexander (Executive Assistant)</p>	<p>Apologies Ms Colleen Duffy Ms Carol Moore Mr Mark McCrudden</p>
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1.0	Welcome & Apologies	<p>The President welcomed Council members to the meeting and also welcomed the following guests:</p> <p>Chris O'Neill, Smith & Williamson Colette Higham, PSA Lynsey Alphonso, Boardroom Apprentice</p> <p>Apologies were accepted from Council members Mark McCrudden, Carol Moore and Colleen Duffy.</p>	
2.0	Deputations	The President was in attendance throughout. No deputation required.	
3.0	Conflicts of Interest	No conflicts of interest were raised.	
4.0	Tabling of Any Other Business	No other business was tabled.	
5.0	Smith & Williamson Presentation to Council: Investments	<p>Chris O'Neill of Smith & Williamson referred to the changes in investments and the proportion of the organisation's reserves which are in stocks.</p> <p>He gave the following overview:</p> <ul style="list-style-type: none"> • Smith & Williamson is cautiously optimistic and believes that the markets will start to rally when inflation comes under control. Presently, interest rises are unnerving them; • Consumer demand and confidence is still strong. • The UK is feeling the pinch. In the US, energy is a lesser proportion of their household income. 	

		<ul style="list-style-type: none"> • Corporate balance sheets are still strong and profit margins are still good. • All in all, Smith & Williamson believe that inflation will persist throughout 2023 and will move down to 2% nearing 2024. • Fixed income does not do well in times of inflation. <p>The Smith & Williamson presentation will be circulated to all Council Members.</p> <p>In response to a Council question in relation to the effect of rising inflation on the organisation's stocks and shares, Chris O'Neill advised that it is important not to dampen consumer demand by rising interest rates. There will be a downward trend as the year progresses.</p> <p>The Vice-President advised that Council had to see this as a long-haul investment and must hold its nerve.</p> <p>The President thanked Chris O'Neill for his presentation.</p> <div data-bbox="689 991 1704 1114" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Action: The Smyth & Williamson presentation is to be circulated to Council members.</p> </div>	
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6.0	Minutes & Key Actions from last meeting For Approval	<p><u>Minutes:</u></p> <p>Council approved and adopted the Minutes of the Public meeting of 15 March 2022 as a true and accurate record of events.</p> <div style="border: 1px solid black; background-color: #f0f0f0; padding: 5px;"> <p>Key Decision / Action: Council approved and adopted the Minutes of the Public meeting of 15 March 2022 as a true and accurate record of events.</p> </div>	<p>Proposed by: Alison Ragg Seconded by: Sandra Cooke</p>
7.0	Draft Budget 2022-23 For Approval	<p>In the absence of the Finance & Performance Committee Chair, the HBO advised on his behalf that the committee was making a recommendation to Council to accept the redrafted budget for 2022-23. She firstly highlighted the following in relation to 2021/2022 forecast:</p> <p>Income</p> <ul style="list-style-type: none"> • Income £1.3M; Expenditure £1.2M; Operating surplus £87K. Projects have reduced to £134K. • Income against budget: projecting £16K over budget, £8K of which relates to the previous year. • There has been an increase in the retention income of £14K and an increase from re-registration and joining from another register of £8K. • There has been a decrease in income relating to the Foundation Training Year of £4K), from examination fees (£4K and from new registrants for the pre-registration programme of £4K. There has also been a decrease in partnership income of £3K. 	

	<p>Expenditure</p> <ul style="list-style-type: none"> • Projected savings which relate to Covid restrictions and staff working from home £58K. • Other savings include salary costs £46K, Pre-registration expenses £6K and facilities £34K. • Projected significant overspend includes the Pharmacy Forum Rewarding Excellence dinner £6K and legal fees in relation to the Fitness to Practise Manual and Fitness to Practise panel training £5K. <p>Bank Accounts & Investments</p> <ul style="list-style-type: none"> • Current accounts are as per the Financial Dashboard; • the Bank of Ireland Fixed Term Investment matures in August 2022; and • the Smith & Williamson investment portfolio has dropped by £81K. <p>Budget 2022/2023</p> <p>The HBO highlighted the following:</p> <ul style="list-style-type: none"> • Income £1.3M; Expenditure increase of £42K to £1.4M; Operating deficit £52K; Project cost increase to £205K; overall deficit £257K. <p>The HBO advised that the increase in income was due to an increase of £9K in retention income which is offset by a reduction in new pre-regs and examination income.</p> <p>In terms of expenditure, there has been an increase of £42K in relation to staff salaries – including a temporary part-time staff member to cover absence in the Finance Department. There is also a plan to recruit a</p>	
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		<p>trainee clerical officer (junior post) who will work across all departments and then cover unscheduled staff absence and holidays. The HBO also noted a slight increase in staff pension in line with salaries and in the staff health plan.</p> <p>Other expenditure includes IT service and equipment – an increase of £5K. ROL, CPD and CRMs are up and running and the service charges will, therefore, commence this year. The Standards Review is always in the budget - £5K and there are slight increases in terms of the PSA and Inland Revenue.</p> <p>The HBO advised that ROL is operational and that 120 registrants completed their retention on 09 May 2022 with no issue.</p> <p>An Adjudication module was being planned. This module would manage the adjudication process and papers. It will be much more efficient and user-friendly facilitating reports and tracking timeliness and compliance with FtP comms plan. It will also allow the Adjudication team to manage cases. The HBO advised that because the FtP module has been implemented, there will be no requirement for a project manager for the Adjudication module and the organisation will liaise directly with Fortesium.</p> <p>In the absence of the Chair of Finance & Performance, Prof Murphy assured Council that the Committee has looked at the budget in great detail and that there was very little difference in the operational income and expenditure lines. He also noted that the Committee had acknowledged that the projects were moving the organisation forward and that finding the balance between investment and return was a strategic challenge.</p>	
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<p>8.0</p>	<p>Pharmacy Technician Consultation For Approval</p>	<p>The President noted that the organisation had been pressing the Department for many years to introduce registration of Pharmacy Technicians. The Department has issued a consultation paper and Council is presented with a proposed response for approval. The organisation has been given a short extension to respond.</p> <p>The CEO advised that any consultation which has the potential to directly affect the organisation presented a potential conflict of interest in deciding whether to respond, and if so on what terms. This is a high-level consultation and we felt that we could assist by providing factual and technical information around the various proposals. The use of pharmacy technicians and how they fit into the workforce is a government matter. We have tried to be factually correct and assist by identifying the public benefits of registration – being bound by the Code of Conduct; minimum entry requirements; the requirement to keep skills and knowledge updated; action to be taken if things go wrong. The Department have proposed that a consistent qualifications-based entry to the Register should be adopted, as opposed to grand-parenting. It is intended that, in the fullness of time, the investment in establishing the register, if we are asked to do so, will result in extra registrants who will make a contribution and reduce the burden on the existing registrants. This gives reassurance to Council that the investments will help to make the organisation more efficient and more effective.</p>	

		<p>The CEO also advised that correspondence between the organisation and the Department is on the In Committee agenda.</p> <p>Council approved the response to the Department's consultation.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key Decision / Action: Council approved the response to the Department's consultation.</p> </div>	<p>Proposed by: Jonathan Patton Seconded by: Gary McMurray</p>
<p>9.0</p>	<p>Fitness to Practise Manual For Approval</p>	<p>The President advised that this is a work in progress and he urged Council members to become familiar with the manual's contents.</p> <p>The CEO noted that the HPA and PSEL had worked on the manual. He advised that the FtP Manual is a handbook on how to do FtP and to assist all participants from registrants to Counsel in the operation of the FtP process. It also provides an opportunity for Council to establish a framework within which the FtP process will work. The FtP Manual gives Council the opportunity to express its view in relation to policy decisions where Council may wish to set a framework, for example a conditions bank.</p> <p>It is a large document and there is an urgency to get it updated. The bulk of the manual is drafted by solicitors and is based on legal knowledge and compliance with the Regulations. The CEO advised that if Council were to approve the current draft of the FtP manual, it will form part of the training for the FtP panels next week. He advised that there are five legally qualified chairs. The training will give further feedback and the manual can be further amended accordingly by the solicitor providing the training.</p>	

	<p>He advised that any further iteration of the manual will be brought back to Council and before the end of the year, a Council workshop can be arranged which would improve Council's understanding of the FtP process and allow some of the policy issues to be revisited by Council.</p> <p>The HPA advised that the manual is used widely used and was in need of updating. He noted that Fieldfisher are working closely with the organisation in relation to the manual.</p> <p>Council members voiced their contentment with the manual and requested that, when the next iteration is provided, changes are highlighted for ease of review.</p> <p>In relation to PSA feedback, the HPA confirmed that Fieldfisher had incorporated this together with learnings from other regulators.</p> <p>The CEO advised that one area that will be discussed at the next meeting will be in relation to the powers of the Statutory Committee to extend Conditions Orders. Discussion is ongoing as to whether this will be in the manual. It will, however, be in the training.</p> <p>The Vice-President noted that the manual is an invaluable document to panel members.</p> <p>The President advised that he did feel that FtP is one of the core activities of the organisation. However, Council has to remain at arms' length from committees but, at the same time, it is Council's responsibility to set the policy framework and it would be worthwhile to have a closer look to get a deeper understanding of all the FtP procedures. It is worth considering a Council workshop focussing entirely on FtP through the manual.</p>	
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		<p>Council approved the draft Fitness to Practise Manual and agreed its use in Fitness to Practise Training for Statutory and Scrutiny Committee members.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Key Decision / Action: Council approved the use of the draft Fitness to Practise Manual in Fitness to Practise Training for Statutory and Scrutiny Committee members.</p> </div>	<p>Proposed by: Brendan Garland Seconded by: Barry Mimmagh</p>
<p>10.0</p>	<p>NICPLD Mandatory Course Changes For Approval</p>	<p>The HPA advised that there are a series of mandatory elements to the Foundation Training Year and that NICPLD are proposing to revise the programme. Council is being asked to approve the revisions to the programme.</p> <p>DY advised that, in the past, Council would have approved a list of taught courses and this was based on a historic way of delivering education and training which is now being replaced with interactive learning. As the IET reforms become embedded and IP training is introduced, there will be a necessity to replace some of the mandatory learning list. The current mandatory learning hours for this year was 54 hours plus an additional 36 hours in terms of non-mandatory learning – NICPLD development days. In real terms, NICPLD are proposing a reduction of the total learning hours by 15 hours but will be introducing an intense interactive learning programme. For this year, NICPLD are bringing in a new training portfolio. They need to make space for trainees to manage their workload and prepare for the Common Registration Assessment.</p> <p>Core learning is still being provided but in a more condensed fashion to reduce the burden on trainees. They can also choose their learning. In</p>	

		<p>2019, Council did reduce some of the essential e-learning but there is still more work needed.</p> <p>In response to a Council request for the rationale for the removal of some courses, DY advised that, the previous pre-reg training had included professional practice, probity, fraud, etc. These core elements will be covered in induction training.</p> <p>The HPA advised that the staff team looking at this are giving Council assurance that the training will be adequate and appropriate. He noted and agreed with the President's advice that referring to it as 'streamlined' rather than 'condensed' is correct.</p> <p>Council approved the NICPLD mandatory course changes.</p> <div data-bbox="685 834 1704 954" style="border: 1px solid black; background-color: #e0e0e0; padding: 5px;"> <p>Key Decision / Action: Council approved the NICPLD mandatory course changes.</p> </div>	<p>Proposed by: Chanel Jones Seconded by: Sandra Cooke</p>
11.0	<p>Accreditation Report – UU MPharm with Preparatory Year For Approval</p>	<p>The HPS advised that the paper was self-explanatory. The accreditation of the UU Pharmacy programme was carried out by a joint PSNI / GPhC panel a few months ago. A new element is now being brought into a preparatory year. As with other degree courses, there is an alternative entry route being developed.</p> <p>DY advised that there will still be a 4-year MPharm course. This new element will be an add-on where trainees have the option of doing a type of foundation course and then their MPharm. This is a growing trend across UK universities, particularly for overseas trainees. UU is not expecting large numbers for this year.</p>	

		<p>In response to a question from Council, DY confirmed that QUB is not offering this option although it is possible that they will introduce it in the future.</p> <p>As a healthcare regulator, we have a role in the accreditation of university courses. We are looking at an entry course rather than a later educational element of training.</p> <p>Council approved the accreditation of an MPharm incorporating a preparatory year to the UU MPharm course.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Key Decision / Action: Council approved the introduction of a preparatory year to the UU MPharm course.</p> </div>	<p>Proposed by: Chanel Jones Seconded by: Barry Mimmagh</p>
12.0	<p>President's Report For Information</p>	<p>The President advised that he had spoken at the Northern Ireland Health Care Conference and had highlighted the need for collaboration to improve the healthcare system. He had also spoken at the Education Wales Conference via Zoom, sharing various perspectives on the need for regulation, over-regulation and pointless regulation.</p> <p>The President advised that the recruitment process for a new President and Council member is progressing with the application sift taking place next week. There have been 12 applications received, 5 of which are for the President's post and comprise a mixture of registrant and lay applicants. The President has been advised that a small number of registrant applications have been received – all for the President's post. Interviews will take place in June and, hopefully, the result will be available over the summer months.</p>	

13.0	<p>CEO's Report For Information</p>	<p>The CEO advised Council of the following:</p> <p><u>CEORB (Chief Executives of Regulatory Bodies)</u> There is an ongoing court case in relation to a GMC/NMC FtP panel member and their entitlement to worker status. The Court has determined that they were not an employee but that they were a worker and has given them leave to appeal to the Supreme Court. This decision possibly won't affect this organisation due to our low case numbers and consequent income levels for panellists. However, an increase in cases may bring our panel members across the threshold.</p> <p><u>Cosmetic Regulation</u> This is quite disjointed as there are a range of different professionals administering treatment in various settings. CEORB has established a working group to look at some of the issues. Daniel Young is the organisation's representative on the group. Additionally, a similar group with similar representation will look at advanced practice.</p> <p><u>Section 60 Legislative Reform</u> Papers later in the agenda. There is an issue around fee approvals which is being considered, it links to public body status and is under discussion</p> <p><u>Supervision</u> Section 60 Responsible Pharmacist/Superintendent Pharmacist Standards. This feeds into the supervision debate and Government may soon proceed with legislation (possibly June 2022). Council will be kept updated with any developments.</p>	

		<p><u>HSCB</u> HSCB no longer exists and most of our contacts are now working under BSO. Joe Brogan has been replaced by Dr Lisa Byers as Accountable Officer for controlled drugs. All our contacts have been maintained and regular meetings are still going ahead in relation to investigation. The President advised that it is reassuring that this development has not impacted negatively on the organisation's operations.</p>	
<p>14.0</p>	<p>Projects - Update For Information</p>	<p>The CEO advised that the paper provided was self-explanatory and invited questions from Council.</p> <p>In response to a Council query about the difference with GPhC who have an in-house inspectorate, the CEO advised that the existence of a Pharmacy Inspector is on the face of the Pharmacy Order and states that they shall carry out functions as the Department may determine. There are benefits and disadvantages with the arrangement – Dame Janet Smith, in the Shipman inquiry complemented the arrangement acknowledging the benefits of independence. It may be that, in the future, the Department seeks that this organisation does its own inspections – this is entirely in the Department's gift.</p> <p>In relation to dispensing errors in a hospital setting and the role of Chief Pharmacist, RD advised that that the Chief Pharmacist must have sufficient authority to ensure the safe and effective supply of medicines which, subject to other conditions, allows for a proposed defence against criminal conviction.</p> <p>When pharmacy technicians are registered, where an error is made by a pharmacy technician to whom a task has been delegated, the pharmacist delegating the task would be held responsible for that decision.</p>	

15.0	Report on Progress Against Strategy For Information	Council reviewed the content of the report presented and noted little change since the last Council meeting.	
16.0	Fitness to Practise Trends To Note	<p>Council noted the content of the paper presented and acknowledged that, with small numbers, trends were difficult to identify and that misconduct in the course of practice is the most common issue.</p> <p>The CEO confirmed that a leaflet is available to the public and to registrants in relation to concerns and that the term ‘concerns’ is always used rather than ‘complaints’. A short discussion followed in which questions were asked about the involvement of other organisations involvement. It was agreed that a copy of the Parallel Investigations policy will be provided to Council members. The CEO also confirmed that, where a concern does not fall within the organisation’s jurisdiction, it is referred to any appropriate third-party organisation and Council will be advised of the number of cases falling into this category.</p> <p>The President noted that Council members would benefit from a workshop in relation to Fitness to Practise.</p> <div style="border: 1px solid black; background-color: #e0e0e0; padding: 5px; margin-top: 10px;"> <p>Action: The CEO will provide Council members with a copy of the Parallel Investigations Policy.</p> </div>	
17.0	Registration Process for 2021/22 Foundation Training Year Students To Note	<p>Council reviewed the paper presented and noted its content.</p> <p>Council was advised that the organisation had received a letter from CPNI requesting an update on this registration process and had asked for their request to be put before Council.</p>	

		<p>CPNI has requested that FTY 2021/22 students be registered during July 2022. To be registered, students must have their MPharm, have completed all elements of the Foundation Training Year, have passed the Common Registration Assessment (CRA), and have provided the requisite declarations and other information for registration. As the CRA will take place on 29 June 2022, the results will not be available until Friday, 29 July 2022, the last working day in July.</p> <p>The intention is that, for those who that provided all the requisite information by 15 July 2022 and for whom NICPLD have provided their information, registration will commence on Monday, 01 August 2022 and should be complete within the first 5 days in August. Students who provide late or incomplete applications will be registered by a later date. The process cannot be done any sooner. Additionally, and most importantly, the team will be applying the quality assurance process to protect the integrity of the Register.</p> <p>The President noted that every effort has been made to streamline the process and congratulated the team on the on-going improvements to timeliness.</p> <p>The CEO confirmed that he would respond to CPNI's letter advising that Council have agreed the timeline set out in the Council paper; that every effort has been made to ensure that the process is fast and effective.</p>	
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18.0	IP Consultation Update To Note	<p>Council noted the content of the paper presented and asked how the consultation is promoted, for example through the Belfast gazette.</p> <p>The HPA confirmed that very few consultations are now gazetted and that, towards the end of the consultation process, information will be shared again with registrants and with the Patient Client Council.</p>	
19.0	Finance & Performance Committee To Note	Council notes the content of the Minutes of the Finance & Performance Committee.	
20.0	Correspondence Log For Information	None.	
21.0	Any Other Business For Information	In the absence of Carol Moore, Chair of the Council Learning & Development T&F Group, Philip Knox advised that, since the last Council meeting, a tender specification has been circulated to six organisations with receipt of tenders closing on 25 May 2022.	
22.0	Date of Next Council Public Meeting	The next Public Council meeting is scheduled for 09:30 on Tuesday, 28 June 2022. Council agreed to adopt a blended approach for this Council meeting with some members attending in person and some attending remotely via Zoom.	

The Meeting closed @ 11:30