

COUNCIL

Minutes of the meeting held on Tuesday 6 June and Wednesday 7 June 2006 at 1 Lambeth High Street, London SE1

Tuesday 6 June 2006

PUBLIC BUSINESS

Present

President	Mr H Patel
Vice-President	Mr G Alexander
Treasurer	Mr J Jolley

Ms S Agha	Mr M Astbury
Mr J Buisson	Mr D Carter
Dr B Curwain	Mr S Dajani
Professor S Denyer	Mrs D Drury
Dr P Entwistle	Mrs D Eustace
Mr J Gentle	Mr A Gush
Mr J Hanlon	Mrs S Hikins
Mrs L Jacobs	Mr R Jobling (until 06/54)
Mr A Kershaw	Professor A Michell
Mrs L Morgan	Mr G Phillips
Mr C Ranshaw	Ms M Saunders
Professor M Schofield	Mr D Simpson
Mr D Thomson	Mr S Wells

06/44 Apologies for absence
Mrs C Hunt

06/45 Declaration of interests
The President reminded Council members that they should have regard to any conflict of interest which might be relevant to any of the items on the agenda and if so, should make a formal declaration of such interest at the beginning of the discussion of the item. Declarations would be minuted.

06/46 Welcome to guests
The President welcomed the following guests: Mr Philip Anson, Mr Stephen Roberts, Mr Richard Evans, and Mr Charles Butler. The President congratulated Mr Butler on recently receiving an MBE.

06/47 Welcome to new Council members
The President welcomed the newly elected Council members to their first meeting: Mr David Carter, Dr Brian Curwain and Mr Andrew Gush.

06/48 Standing Orders of the Council
The Secretary & Registrar introduced paper 06.06/C/53, which had been circulated.

Council

adopted

the Standing Orders of Council as set out in the paper, for the Council year June 2006 - June 2007

The Secretary & Registrar informed the Council that from 1 June 2006 the Society was subject to the Freedom of Information Act 2000.

06/49 Minutes of the public business part of the meeting of Council held on 4 and 5 April 2006

Council

resolved

that the minutes of the public part of the meeting held on 4 and 5 April 2006 be received and agreed as a correct record.

06/50 Minutes of the public business part of the special meeting of Council held on 24 May 2006

Council

resolved

that the minutes of the public part of the special meeting held on 24 May 2006 be received and agreed as a correct record.

06/51 Secretary and Registrar's report

06/51.1 Minutes circulated since the April meeting of Council

Council

received

the minutes of the following committees

Education Committee	4 May 2006
Governance Committee	9 May 2006
Law & Ethics Committee	2 May 2006
Practice Committee	3 May 2006

06/51.2 Amendment to the Byelaws: Independent prescribing

The Secretary & Registrar introduced paper 06.06/C/54, which had been circulated. It was necessary to bring the amendment at this time in order to ensure that it was in place by the end of the year when the first pharmacists undertaking the training to become independent prescribers were qualified the Register could be annotated to show that designation .

The Secretary & Registrar asked the Council to agree an amendment to Section 1 Preliminary to change the definition of independent prescriber to read "...as an independent prescriber or as a supplementary prescriber." The Secretary & Registrar informed the Council that it was the practice to refer proposed Byelaw changes to the Privy Council in advance of submission to the Council, but that it had not been possible to do so with this change. She proposed that the Council should agree the bye-law and that the President should be empowered to agree any changes resulting from the comments of the Privy Council advisers.

Council discussed the proposed fees which were £35 for supplementary prescribers and £50 for independent prescribers. It was explained that the higher fee for independent prescribers was proposed on the basis that their practice carried a higher level of risk than that of supplementary prescriber and the costs associated with regulating independent prescribers could therefore be expected to be higher. Council agreed that the fees should be the same - £35.

Council

agreed

- i. the amendment to the Byelaws as proposed with the further amendments to the definition of independent prescriber as above and that the fees for initial annotation and retention as an independent prescriber or a supplementary prescriber should both be £35.
- ii. that the President should confirm the final wording of the Byelaw if the Privy Council advisers proposed any changes,
- iii. that, if there were changes confirmed by the President, a copy of the final amended Byelaw would be circulated to all Council members, and
- iv. that the Byelaw as approved by the President be gazetted.

06/51.3 Report on the 165th Annual General Meeting of the Society held on Wednesday 24 May 2006

Council

received

the report of the 165th Annual General Meeting, which had been circulated at 06.06/C/55.

06/51.4 Schedule of Council and committee meetings 2007

Mr Robert Darracott, Director Corporate & Strategic Development, introduced paper 06.06/C/56, which had been tabled. Following discussions at Council strategy days and in the Ways of Working group, it was proposed to bring a revised schedule of meetings to the August meeting which would allow more time for informal discussion by the Council, and enable better flow of business and more efficient use of time.

Council

noted

the report.

06/52.1 Referrals from Governance Committee: Regulations for National Pharmacy Boards

Mr Robert Darracott, Director Corporate & Strategic Development, introduced paper 06.06/C/57, which had been circulated. In February, when Council agreed the final composition of the National Pharmacy Boards, it was observed that it was paramount to move forward and establish the Boards. The timetable to establish the Boards by the end of 2006 had slipped and the

Regulations before the Council required to be submitted for gazetting immediately to meet that timetable.

Comments from the Welsh and Scottish Executives, the reference group for the establishment of the English Pharmacy Board (now the members of the Practice Committee) and Privy Council advisers had been taken into account. The draft regulations acknowledged that the Council remained the governing body of the RPSGB and that the National Pharmacy Boards were accountable to the Council. The Council had recognised that it should not interfere with the working of the National Pharmacy Boards without good reason but would be able to do so if something were proposed that did not accord with sound governance; or that could damage the Society's reputation; or its ability to achieve its strategic aims.

Mr John Hanlon, Chairman of the Governance Committee, reported that four comments had been received from members of that Committee. It would be possible to deal with some of those matters in guidance and the Governance Handbook for the Boards. The Scottish and Welsh Executives were very keen to move forward to the establishment of the Boards and he urged the Council to agree the draft regulations.

Council was assured that the proposed regulations had been framed on the basis of previous Council decisions. Council discussed the requirement of the Privy Council advisers that there be a limit of four consecutive terms of office for members of the English Pharmacy Board. A number of Council members were strongly opposed to the limit. Mr John Hanlon, Chairman of the Governance Committee and Mr David Thomson, Council member for the national constituency of Scotland, urged the Council to accept the limit. A vote was taken. It was agreed to accept the limit of four consecutive terms of office.

Council

agreed

- i. Draft regulation 5.(1)
An elected member of a Board shall serve for a term of three years. A person may be co-opted under regulation 2(2)(b) or 2(3)(b) for a term of up to three years. A member may resign at any time by writing to the secretary to the Board in question;
- ii. Draft regulation 5.(2)
In the case of the English Pharmacy Board a member may serve a maximum of four consecutive terms, following which he may not serve again until three years have elapsed. In the cases of the Scottish Pharmacy Board and the Welsh Pharmacy Board, a member may serve a maximum of three consecutive terms, following which he may not serve again until three years have elapsed;
- iii. Draft regulation 5.(3)
Time served in filling a casual vacancy shall constitute a term for the purpose of calculating the number of consecutive terms of service under this regulation.

- iv. that the draft regulations be amended to allow that casual vacancies on the Welsh Pharmacy Board shall be filled only until the next election;
- v. that the offices of Chairman and Vice-Chairman for the three national Pharmacy Boards be restricted to pharmacist members of the Boards, and
- vi. that, with these amendments, the regulations be gazetted.

06/52.2 Referrals from Governance Committee: Adoption of the Council Governance Handbook for 2006/07

Mr John Hanlon, Chairman of the Governance Committee, introduced paper 06.06/C/58, which had been circulated. The Committee was asked to consider the status of matters considered by the four implementation committees in the context of reporting in the press.

Council

agreed

- i. that the standing orders of Council should continue to include the facility for proposal of both motions and 10-minute debates and that this should be reviewed again in 2007 as part of the annual review of the Handbook;
- ii. that the position of lay member of Council to work with the Officers group should continue to exist and should be reviewed again in 2007 as part of the annual review of the Handbook; and
- iii. to adopt the revised Council Governance Handbook for 2006/07.

06/53 Code of Ethics Review

The President welcomed Professor Sheila McLean, Director, Institute of Law and Ethics in Medicine, University of Glasgow and Chairman of the Society's Code of Ethics Review Group, to present paper 06.06/C/50, which had been circulated.

The Review Group proposed that the Code of Ethics should provide a framework of ethical principles within which the whole profession should operate, based on a set of over-arching principles that would inform the conduct, performance and practice of pharmacists and pharmacy technicians, and support a culture of accountability and professional judgement. Where there was a need, more detailed standards or guidance on complex issues or specific areas of practice would be produced separately from the code.

The group proposed that a consultation be undertaken with the profession, the public and wide stakeholders on the proposed structure of the new Code in order to engage the profession and the public and to identify whether the revised structure would meet the needs of the profession and the public before more detailed work is undertaken. Following the consultation a further draft of the revised Code would be presented to the Council at the November 2006 strategy days.

The Council strongly supported the move to a principle-based Code of Ethics.

Council

agreed

that the Society should consult on the Code of Ethics Review Group's proposals for the draft structure of the revised Code of Ethics.

06/54 Appointment of Statutory Committees: progress report

The President welcomed Elizabeth Filkin, Chairman of the Society's Appointments Group, to introduce her report, which had been circulated at 06.06/C/60.

Council noted the update on appointments, the future programme for the remaining appointments and for the induction and training of the panel members.

Some Council members commented on the numbers of panel members recruited from ethnic backgrounds, bearing in mind the ethnic composition of the Society's membership. Ms Filkin assured the Council that the roles had been widely advertised in a diverse range of publications and took on board that there might be other ways of contacting such potential applicants. Comments were made that the reporting of the diversity statistics seemed not to be in the standard Commission for Racial Equality format, but it was thought that this was because many applicants had filled in the "other" category and those had been listed separately.

Council was pleased to hear that Dame Janet Smith had been very complimentary recently on the way the Society had separated the recruitment of its panels from the fitness to practise function. Dame Janet had expressed a hope that other regulators would follow the Society's lead.

Council

noted

the report.

The President thanked Elizabeth Filkin for her presentation and for the excellent work of the Appointments Group.

06/55 Effective Lay and Pharmacy Technician involvement in the work of the National Pharmacy Boards

Mr Robert Darracott, Director Corporate & Strategic Development, introduced paper 06.06/C/61, which had been circulated. In February 2006, Council had stated its expectation that there would be effective lay and pharmacy technician involvement in the work of each national Pharmacy Board. Statements aimed at ensuring such involvement from the Scottish and Welsh Executives, and from the second meeting to discuss the English Pharmacy Board, were detailed in the paper.

Council noted the concerns expressed by the Privy Council advisers when commenting on the draft regulations that, although the Welsh Pharmacy Board would have a pharmacy technician member and the Scottish Pharmacy Board would have the facility to co-opt a pharmacy technician member, there

was no such provision for the English Pharmacy Board. Recognising these concerns the following additions to the statement concerning the English Pharmacy Board were proposed:

The English Pharmacy Board will aim to involve pharmacy technicians in the work of the board through a range of means, including consulting the Association of Pharmacy Technicians (UK) where appropriate, and/or invitations to pharmacy technicians to attend meetings where there are relevant items.

It is expected that the Society's strategy for Patient and Public Involvement (PPI), once developed, will inform the work of the English Pharmacy Board.

Council

agreed

- i. the statement from the Scottish Executive
- ii. the statement from the Welsh Executive, and
- iii. the statement, with the additions set out above, for the English Pharmacy Board

06/56 Branch Representatives' Meeting (BRM)

Beverley Parkin, Director Public Affairs & Communications, introduced the report which had been circulated at 06.06/C/63.

She informed the Council that the motions were currently with the relevant committees to develop the Council's responses, which would be considered by the Council in August.

She commented that the BRM had been well attended and had welcomed and enjoyed the new format which focussed less on debate but involved more presentations by staff on the Society's work. She commended Mr John Gentle, Council branch sponsor, on his presentation which had been well received. The feedback from those attending had been positive: they had felt engaged with the Society and welcomed the openness and transparency of the meeting. It had been suggested that next year the meeting should additionally contain a session debating a significant ethical issue with briefing circulated in advance.

Council

noted

the motions carried, withdrawn or lost at the 2006 Branch Representatives' Meeting.

Wednesday 7 June 2006

PUBLIC BUSINESS

Present

President	Mr H Patel
Vice-President	Mr G Alexander
Treasurer	Mr J Jolley

Ms S Agha	Mr M Astbury
Mr J Buisson	Mr D Carter
Dr B Curwain	Mr S Dajani (until 06/67)
Professor S Denyer	Mrs D Drury
Dr P Entwistle	Mrs D Eustace (until 06/67)
Mr J Gentle	Mr A Gush
Mr J Hanlon	Mrs S Hikins
Mrs L Jacobs	Mr R Jobling
Mr A Kershaw	Professor A Michell
Mrs L Morgan	Mr G Phillips
Mr C Ranshaw	Ms M Saunders
Professor M Schofield (until 06/67)	Mr D Simpson
Mr D Thomson	Mr S Wells

Apologies for absence

Mrs Corrine Hunt

06/57 Election of the Society's Officers for 2006/7

The Secretary & Registrar took the chair. She drew Council's attention to the procedures for election, which had been circulated at 06.06/C/51.

Two nominations for President had been received and the statements had been circulated as set out in the procedure.

The nominations were as follows:

Mr Hemant Patel
Nominated by Mr Douglas Simpson and seconded by Mr John Hanlon, and

Mr David Thomson
Nominated by Mr Alan Kershaw and seconded by Mr Colin Ranshaw.

Neither candidate declared any interests.

A secret ballot was taken. The voting was as follows:

Mr Hemant Patel – 21 votes
Mr David Thomson – 8 votes

Mr Hemant Patel was duly declared elected to the office of President of the Royal Pharmaceutical Society for the Council year 2006/07.

The President took the chair and addressed the Council. He stated that it was an honour to be elected and thanked the Council. He intended to create better confidence in the Council, greater awareness of the interdependency of the sectors of pharmacy and send a clear message to the membership about the role of the Society. He wanted the Society and the profession to become more entrepreneurial. The profession should value its inheritance and bequeath it to the future profession in a better state which would involve reforming culture, tradition and practice. He committed himself to helping pharmacy develop professional vision through more contact, better communication and more candour.

The President asked for nominations for the office of Vice-President, which were as follows:

Mr Gerald Alexander
Nominated by Mr John Gentle and seconded by Mr Stephen Wells,
and

Mr Colin Ranshaw
Nominated by Ms Marcia Saunders and seconded by Mrs Lesley
Morgan.

Neither candidate declared any interests.

A secret ballot was taken. The voting was as follows:

Mr Gerald Alexander – 21 votes
Mr Colin Ranshaw – 8 votes

Mr Gerald Alexander was duly declared elected to the office of Vice-President of the Royal Pharmaceutical Society for the Council year 2006/07. Mr Alexander thanked Council members for their confidence in re-electing him and stated that he would fully support the President over the coming year.

The President asked for nominations for the office of Treasurer, which were as follows:

Mr John Jolley
Nominated by Mr Martin Astbury and seconded by Dr Brian Curwain,
and

Mr Colin Ranshaw
Nominated by Ms Marcia Saunders and seconded by Mr David
Thomson.

Neither candidate declared any interests.

A secret ballot was taken. The voting was as follows:

Mr John Jolley – 18 votes
Mr Colin Ranshaw – 11 votes

Mr John Jolley was duly declared elected to the office of Treasurer of the Royal Pharmaceutical Society for the Council year 2006/07. Mr Jolley thanked the Council members for their confidence in re-electing him and stated that he would endeavour to live up to their expectations in reporting to the Council on the financial management of the Society.

06/58 Election of lay member of Council and an additional member of Council to work with the Officers

The President drew Council's attention to the procedures for election, which had been circulated at 06.06/C/51.

He asked for nominations for the role of lay member of Council to work with the Officers, which were as follows:

Mr Alan Kershaw

Nominated by Mr Ray Jobling and seconded by Mr David Thomson, and

Professor Bob Michell

Nominated by Douglas Simpson and seconded by Mr John Gentle.

Neither candidate declared any interests.

A secret ballot was taken. The voting was as follows:

Professor Bob Michell – 18 votes

Mr Alan Kershaw – 10 votes

Spoilt ballot papers - 1

Professor Bob Michell was duly declared elected to the role of lay member of Council to work with the Officers for the Council year 2006/07. Professor Michell reminded the Council that the role was that of a critical friend and stated that he would undertake the role for one year further as he believed that the opportunity should be given to other lay members to contribute to the Society's work in that way.

The President asked for nominations for the role of additional member of Council to work with the Officers, which were as follows:

Mr Martin Astbury

Nominated by Mr Graham Phillips and seconded by Mr Stephen Wells, and

Mr Colin Ranshaw

Nominated by Ms Marcia Saunders and seconded by Mrs Sylvia Hikins.

Neither candidate declared any interests.

A secret ballot was taken. The voting was as follows:

Mr Martin Astbury – 19 votes

Mr Colin Ranshaw – 10 votes

Mr Martin Astbury was duly declared elected to the role of additional member of Council to work with the Officers for the Council year 2006/07. Mr Astbury thanked the Council members for their support.

The Vice-President proposed to the Council that it should agree to move the election of Officers to first business at the June Council meeting and that the Officers should be elected for a two year term of office. It was noted that the terms of office for the Officers was part of the Byelaws and was subject to the revision of the Byelaws and their translation into Regulations under the new Charter.

Council

agreed

- i. that the Governance Committee should consider the proposal to move the election of Officers to the first item of business on the first day of the June Council meeting, and
- ii. that the proposal for a longer term of office for the Officers should be considered as part of the on-going revision of the Byelaws which was scheduled to be completed before the next election of Officers.

06/59 Appointment of the Secretary

Council received the report, which had been circulated at 06.06/C/52.

Council

agreed

to appoint Miss Ann M Lewis as Secretary of the Council for 2006/07 as required in the Byelaws Section X.

06/60 Referrals from Education Committee: Recognising the education and training of overseas pharmacists

Mr Damian Day, Head of Accreditation, introduced paper 06.06/C/62, which had been circulated.

In December 2005, the Council agreed procedures for delivery of Overseas Pharmacists' Assessment Programmes (OSPAPs) overseas. The revised procedure proposed would allow pharmacists who had qualified in countries with education and training requirements similar to those in GB – potentially including those covered previously by reciprocal agreements - to demonstrate their competence to apply to enter the GB Register but in a more flexible way than agreed previously. The revision also took into account feedback on the proposal and the provision in new EC legislation for flexible periods of preregistration training for certain categories of applicants.

Mr Graham Phillips, Chairman of Education Committee, commented that the Committee supported the proposals which introduced a measure of flexibility without compromising the standards required.

Council

agreed

the proposals set out in the paper which would allow OSPAPs to be delivered outside Great Britain in the circumstances and through the procedures described, which included defining appropriate periods of pre-registration training.

06/61 Diversity action plan

Mr Robert Darracott, Director Corporate & Strategic Development, introduced the paper, which had been circulated at 06.06/C/65.

The paper proposed that an Equality and Diversity strategy be developed for the Society, in its roles as professional body, regulator and employer, which

should scope and rationalise how the Society intended proactively to tackle and promote the diversity agenda. Council members were being sought to act as “champions” for the diversity agenda - reporting into the Governance Committee. The request was for two or three Council members, however, it was clarified that, although the number should be small, it would be important to include a range of expertise, including a pharmacist. Council welcomed the proposals to progress the Society’s diversity agenda.

Council

agreed

- i. to support the proposals for future action set out in the paper, and
- ii. that Council members interested in being champions for this work should submit their names and a statement supporting their nomination to the Secretary & Registrar by 14 June 2006. The Officers group would choose the individuals to fulfil the champion role.

06/62 Health Bill Working Group

Mr Martin Astbury, Chairman of the Health Bill working group, introduced paper 06.06/C/65 A, which had been circulated.

He asked that the Council agree an amendment to the remit of the working group which would resolve an anomaly in the present remit.

Council

agreed

The amendment to the remit as follows:

To advise on the Society’s preferred options for the development of regulations under the Health Bill on the issues of supervision, personal control and skill mix. ~~The working group will confine its advice to the achievement of current policy.~~ The starting point for the working group should be current Council policy.

06/63 Members designated as Fellows of the Society by the Panel of Fellows

Council

noted

the members designated as Fellows of the Society for 2006, which had been circulated at paper 06.06/C/66.

06/64 Infringements Committee: statistics

Council

noted

the updated case statistics, which had been circulated at paper 06.06/C/67.

06/65 Council update and progress on strategic objectives

Council

noted

the update and progress report, which had been circulated at 06.06/C/68.

06/66 Council for Healthcare Regulatory Excellence (CHRE): draft minutes for 10 May 2006

Council

noted

the unapproved minutes of the meeting of CHRE held on 10 May 2006, which had been circulated at 06.06/C/69.

06/67 Strategy for Patient and Public Involvement (PPI): consultation document

Ms Ros Levenson, the consultant leading the PPI project, introduced the paper which had been circulated at 06.06/C/64.

Council agreed to the development of a PPI strategy for the Society in June 2005 and agreed a timetable for receiving the draft strategy and consulting on it, with agreement of the final PPI strategy in December 2006.

The draft strategy was been drawn up with the assistance of an internal stakeholder group and incorporated suggestions from external stakeholders. It is evidence-based, drawing on lessons from experience of involving patients and the public within the Society, in other regulators and professional bodies and in the NHS and a range of voluntary organisations.

Mrs Lorna Jacobs and Mr Ray Jobling, the Council sponsors of the project, commended the strategy to the Council.

Concerns were raised about the cost implications implied in the implementation of the strategy. It was noted that much of the work proposed was already being undertaken in the Society but not in a strategic way. It required to be brought together and embedded in the Society's procedures, processes and ways of working. Experience in other bodies had shown that such a strategy could only be taken forward effectively with dedicated resource. It was also noted that there was an expectation from CHRE that the health regulators would develop PPI.

Council

agreed

- i. the draft strategy (as at Appendix 1 of the paper), subject to any revisions made by Council, and
- ii. the consultation plan (as at Appendix 2 of the paper).

Council

noted

- iii. that any additional comments should be sent to Eileen Neilson, Head of Policy Development, by Wednesday 14 June 2006.

The President closed the public business.