

Council meeting 1 & 2 August 2006

PUBLIC BUSINESS

## **Report on gazetting of regulations for National Pharmacy Boards**

### **Purpose**

To update the Council on the gazetting of the draft regulations concerning the Society's national pharmacy boards, and to ask the Council to authorise the President to approve the regulations for submission to the Privy Council on completion of the gazetting period.

### **Strategic objective domains**

- Influencing the development of the pharmacist to play a more inclusive part in healthcare, public health and social care
- An organisation that consistently performs as a regulator, professional representative leader and publisher

### **Key Objective**

Implement national pharmacy boards in England, Scotland and Wales through initial elections in 2006, and establish effective working relationships based on the protocol agreed by the Council in 2005

### **Recommendations**

The Council is asked to:

- i. agree that the words 'eligible for election and' be inserted before 'elected in accordance with' in 2(1)(a), (2)(a) and (3)(a) in the regulations; and
- ii. authorise the President to approve the draft regulations concerning the Society's national pharmacy boards for submission to the Privy Council on completion of the gazetting period.

### **1. Background**

1.1 The Council has approved draft regulations concerning the Society's national pharmacy boards. The draft regulations have been gazetted for a period of sixty days, as required under art. 10(1) of the Charter. That sixty-day period will end on 9 August. One submission has been received to date: a letter from the Boots Pharmacists Association expressing the view that the boards should include representation from sectors of pharmacy practice and that such representation should not be achieved by election but by an application and selection process based on skills and competencies. Any further comments received before the Council meeting will be reported at the meeting.

- 1.2 Advice has also been received that a small change to the regulations is needed in order to allow the boards' election scheme to restrict eligibility for certain seats on the English Pharmacy Board to pharmacists in particular sectors of practice. The draft regulations (Appendix A) state currently that elected members of the boards shall be 'elected in accordance with a scheme made by the Council'. Advice received indicates that this should be changed to 'eligible for election and elected in accordance with a scheme made by the Council', and that it is acceptable to make a relatively small change of this nature before the draft regulations are submitted to the Privy Council for formal approval. The change would affect sub-paragraphs 2(1)(a), (2)(a) and (3)(a) in the regulations.
- 1.3 Given that comments have been received during the gazetting period, the Council will need to confirm that it wishes the regulations to go forward to the Privy Council for approval. Bringing the regulations back to the Council after the gazetting period would cause a delay, meaning that elections to the boards could not be completed this year as planned. It is therefore proposed that the Council should authorise the President to approve the draft regulations concerning the Society's national pharmacy boards for submission to the Privy Council on completion of the gazetting period.
- 2. Risk Implications**
- 2.1 If the Council does not adopt this way forward, the regulations will be brought back to the Council for confirmation in October, meaning that elections to the boards could not take place this year as planned.
- 3. Resource Implications**
- 3.1 There are no resource implications associated with this proposal.

### **Recommendations**

The Council is asked to:

- i. agree that the words 'eligible for election and' be inserted before 'elected in accordance with' in 2(1)(a), (2)(a) and (3)(a) in the regulations; and
- ii. authorise the President to approve the draft regulations concerning the Society's national pharmacy boards for submission to the Privy Council on completion of the gazetting period.

Christine Gray  
Head of Corporate Governance

Elaine Mulingani  
Internal Governance Co-ordinator

## Appendix A

### Proposed regulations: National Pharmacy Boards

#### National Pharmacy Boards

1. (1) There shall be three national pharmacy boards whose full names shall be the English Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, the Scottish Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, and the Welsh Pharmacy Board of the Royal Pharmaceutical Society of Great Britain, in these regulations referred to respectively as "the English Pharmacy Board", "the Scottish Pharmacy Board" and the "Welsh Pharmacy Board", and referred to collectively as "the Boards".

(2) The Welsh Pharmacy Board shall also be known as Bwrdd Fferylliaeth Gymreig Cymdeithas Fferyllol Frenhinol Prydain Fawr, which name shall be interchangeable with the English name of the Board and equally valid in all respects.

#### Composition of the Boards

2. (1) The English Pharmacy Board shall consist of

- (a) 12 pharmacists registered in Part 1 of the Society's Register of Pharmacists ("practising registered pharmacists") elected in accordance with a scheme made by the Council ("elected members"),
- (b) one pharmacist member of the Council and one lay member of the Council appointed by it, and
- (c) the member of the Council for the time being elected to the Council in the constituency of England, Isle of Man and Channel Islands.

(2) The Scottish Pharmacy Board shall consist of

- (a) 12 practising registered pharmacists elected in accordance with a scheme made by the Council ("elected members"), and
- (b) up to three persons co-opted by the Scottish Pharmacy Board.

(3) The Welsh Pharmacy Board shall consist of

- (a) 11 practising registered pharmacists and one pharmacy technician registered in Part 1 of the Society's Register of Pharmacy Technicians (a "practising registered pharmacy technician") elected in accordance with a scheme made by the Council ("elected members"), and
- (b) up to three persons co-opted by the Welsh Pharmacy Board.

(4) An elected member shall automatically cease to be such on ceasing to be a practising registered pharmacist or, as the case may be, a practising registered pharmacy technician.

(5) Election schemes made by the Council under these regulations shall provide

(a) that a pharmacist shall not be eligible to vote unless his address entered in the Society's Register of Pharmacists is in the country in respect of which his vote is to be cast,

(b) that the election shall be conducted on a simple majority system.

(6) In the election of a pharmacy technician to the Welsh Pharmacy Board, a pharmacy technician shall not be eligible to vote unless his address entered in the Society's Register of Pharmacy Technicians is in Wales.

### **Casual Vacancies**

3. (1) A casual vacancy amongst the elected members may be filled by the relevant Board.

(2) A person filling a casual vacancy shall serve for the remaining period of office of the person whose departure gave rise to the vacancy and a person filling a vacancy on the Welsh Pharmacy Board shall serve only until places are next filled on that Board by election.

(3) Where the period to be served under paragraph (2) is less than a year the vacancy need not be filled.

### **Chairmen and Vice-Chairmen of Boards**

4. Each Board shall elect from amongst its members who are practising registered pharmacists a Chairman and a Vice-Chairman, who shall each serve for one year and shall be eligible for re-election.

### **Length of service**

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.

(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.

(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.

### **Powers and functions of the Boards**

6. (1) Subject

- (a) to the Charter of the Society,
- (b) to any directions of the Council, and
- (c) in the case of the Scottish Pharmacy Board and the Welsh Pharmacy Board, to the constraints of the scope from time to time of devolved responsibilities for health and related matters of legislatures in the countries concerned,

the Boards shall have power and capacity to advise government and its agencies, health service bodies and other organisations in the country concerned in respect of professional matters, to promote the science and practice of pharmacy and its contribution to health, and to support pharmacists in their professional roles.

- (2) The Boards shall have such other powers and functions, including delegated powers and functions of the Council, as may be specified by the Council. The Boards shall be accountable in accordance with such protocols or other forms of instruction as may be issued by the Council.
- (3) The Council shall not delegate any statutory function to a Board, and may revoke all or any powers or functions delegated to a Board.
- (4) The Boards shall be serviced by the Society and shall have no power to incur expenditure, employ staff or enter into contracts.

#### **Proceedings of the Boards**

- 7. (1) The quorum for meetings of the English Pharmacy Board shall be 7.
- (2) The quorum for meetings of the Scottish Pharmacy Board and the Welsh Pharmacy Board shall be 6.
- (3) The Boards shall each meet at least three times a year, and meetings may be attended by persons other than Board members.
- (4) The Boards shall keep minutes of their proceedings. Subject to the Charter and these regulations and to any directions given by, or standing orders made, or protocols approved, by the Council, each Board shall determine its own procedure.

#### **Conduct and indemnity of members of Boards**

- 8. (1) Members of the Boards shall comply with the Code of Conduct applicable to members of the Council and shall be treated, as nearly as possible, as members of the Council for the purposes of liability to sanctions under the Code.
- (2) A member of a Board acting in good faith in the course of his or her duties in respect of the Board shall be indemnified by the Society in the same manner and to the same extent as a member of the Council.

**Fees and expenses**

9. Members of the Boards shall be entitled to be reimbursed their reasonable expenditure on travel, accommodation and subsistence incurred in connection with the meetings or business of the Boards and may be paid fees for attending meetings of the Boards (or of groups of members of the Boards) at rates approved by the Council.