

Council meeting 1 & 2 February 2005

OPEN BUSINESS

## **Voluntary register of pharmacy technicians: interim procedure for appeals against decisions not to enter the name of a person in the register**

### **Purpose**

- i) To approve the composition of an Interim Appeals Committee which will be established, if necessary, to consider appeals against decisions not to enter the name of a person in the register during the voluntary registration period; and
- ii) To approve proposals covering the appeals mechanism.

### **Recommendation**

Council is asked  
to approve the proposals as set out below.

### **1. Background**

It is anticipated that the Section 60 Order will provide for the establishment of a mechanism for people to appeal against decisions. It will be necessary to establish an interim appeals mechanism to operate during the period of operation of the voluntary register before the S60 comes into force?. It is particularly important because of the different processes that will be used for applications for registration under the transitional (grandparenting) arrangements.

The Pharmacy Technicians (Voluntary Registration) Protocol 2005, approved by the Council in December 2004, sets out the procedure that will apply to any Committee established by the Council to consider:

- a) an appeal from the decision of the Registrar not to enter the name of a person in the voluntary register; or
- b) whether to remove a person from, or restore a person's name to, the voluntary register.

This paper contains further proposals regarding the composition of the Interim Appeals Committee and the appeals mechanism.

### **2. Interim Appeals Committee**

- a) The appeals committee will comprise five people as follows:
  - a Chairman who is a member of the Society's Council;
  - two pharmacy technician registration evaluators who have not previously been involved in reviewing the application<sup>1</sup>; one of whom will be drawn from the same sector of practice as the applicant.
  - two lay members.

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<sup>1</sup> Pharmacy technician registration evaluators will be either pharmacists or registered pharmacy technicians appointed by the Society to consider applications for registration submitted under grandparent clause route b.

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- b) The quorum for a meeting of the appeals committee shall be three, including at least one professional and one lay member and one registered pharmacy technician.

**3. Proposed mechanism for appeal**

- a) A person who wishes to appeal against a registration decision will be invited to write to the Registrar within 28 days of them receiving the letter informing them of the outcome of the registration decision.
- b) Once a notice of appeal has been received, an acknowledgement will be sent advising of the date on which the appeal will be heard and providing guidance to applicants on the appeal process.
- c) Guidance to applicants on how to appeal is set out in appendix 1.
- c) The appeal will be considered by the Interim Appeals Committee and will be based on the initial application together with any additional documentation submitted as part of the appeal.
- d) Any additional documentation submitted as part of the review must be received by the Society before the date on which the appeal is due to be heard.
- e) The Society will write to the appellant as soon as practically possible after the date of the hearing, advising of the outcome.
- g) An appeal against a registration decision where health is an issue will be put on hold until powers under the Section 60 Order are in place.

**4. Recommendation**

Council is asked

to approve the above proposals.

Janet Flint  
Head of Support Staff Regulation

## **Voluntary Register of Pharmacy Technicians Interim Appeals Process: Guidance to applicants**

If your application is rejected, you have the right to appeal the decision. You have 28 days to appeal against a decision starting from the date of the letter rejecting your application. If you wish to appeal against that decision you must send us a "notice of appeal". This can be in the form of a letter but it must include the following information:

- your name and address;
- your reference number (which will be on the documents we have sent you);
- a statement that makes it clear you are making an appeal (for example, your letter should include a sentence like "I wish to appeal against the decision to refuse my application for registration");
- the decision against which you are appealing (for example, the decision not to enter your name in the voluntary register of pharmacy technicians, if this is not clear from the statement that you are making an appeal);
- a "concise statement of the grounds of the appeal" (which is explained further below); and
- if you have asked anyone to represent you, their name and address, and whether we should correspond with them rather than with you or in addition to you.

When you appeal it is your responsibility to explain to the Appeals Committee why you believe that the Society's decision not to enter your name in the voluntary register of pharmacy technicians is wrong. Therefore, you must provide a "concise statement of the grounds of appeal" which sets out your case. Your statement should explain why you believe that any reasons given by the Society in the feedback provided to you are incorrect. Where the Society has said that you do not meet specific requirements for registration you should explain why you disagree.

You must attach to your notice of appeal, any documents that you wish to rely on.

When your notice of appeal has been received, a notice of acknowledgement will be sent to you as soon as practically possible advising you of the date by which you can expect the appeal to be heard and the date by which you can normally expect to receive the decision. Please note that any documents you wish to be considered in support of your appeal must be received by the Society before the date of the hearing.

Your appeal will be considered by an Appeals Committee which consist of between 3 and 5 members.

- A Chairman who is a professional member of the Society's Council
- One or two pharmacy technician evaluators who have not previously been involved in reviewing the application, one of whom will be drawn from the same sector of practice as you;
- One or two lay people.

We will write to you as soon as practically possible after the date of the hearing to inform you of the decision of the Appeals Committee.