

Welcome to update



Welcome to the third edition of our regulatory update in 2017.

In this edition we provide you with an important overview of recent Fitness to Practise learnings from the Regulator's Scrutiny and Statutory Committees. We provide an informative update on the work of the UK Government's Rebalancing Board, which has been tasked with advising Government on reforming legislation related to the pharmacy profession and we let you know of our current consultation on proposals for new Premises Standards. You will also find information on Council's next meeting to be held in Dungannon on 7 November; the Annual Report and Accounts for 2016/17 and a full Pre-registration update.

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Fitness to Practise Learnings

What is Fitness to Practise?

A pharmacist's fitness to practise (FtP) is a measurement of whether they are suitable to be on the Register to practice pharmacy in Northern Ireland. The main purpose of our FtP processes is to help protect the public and maintain public trust in the pharmacy profession.

The main means by which a pharmacist's FtP could be impaired include:

- Failure to maintain required standards of professional proficiency;
- Adverse physical or mental health, which impairs an individual's ability to practice safely;
- Being in receipt of cautions, convictions or entry on barring lists; and
- Misconduct.

The consideration of likely impairment is addressed by the Regulator at three stages of investigation:

1. Investigations by the Registrar which are then closed or referred to Stage two or three;
2. Investigations which are more serious, that meet certain threshold criteria, must be advanced by the Registrar to an independent Scrutiny Committee for closure, with or without sanction or referral to stage three ; and
3. Investigations by the Registrar that are advanced to an independent Statutory Committee (or referred from the Scrutiny Committee), which are closed by this Committee with or without sanction. The Statutory Committee has the power to place conditions on a pharmacist's practice, suspend a pharmacist or remove them from the Register.

Scrutiny and Statutory Committees act independently and make their decisions on the merits of the case under consideration. All panels of the Scrutiny and Statutory Committees will consist of a minimum of one registrant member, one lay member and a legally qualified Chair. More information on our FtP processes can be found here: <http://www.psnl.org.uk/about/fitness-to-practise/>

Scrutiny Committee Learnings

The Chair of the Scrutiny Committee is required under Regulation to produce an Annual Report which identifies "trends, patterns and learning points".

The Scrutiny Committee Annual Report and Learnings for 2016 can be found on our [website](#).

Honesty

A key learning from the report is that "pharmacists should be scrupulously honest and, where there is an allegation that they are not, they can expect to be referred to the Statutory Committee".

The Council of the Pharmaceutical Society NI also made the following observations on the report:

Behaviour outside the professional realm

Based on the findings of the Scrutiny Committee report, Council advises all registrants that personal behaviour outside the work place and professional activities, if called into question, may be subject to investigation by the Registrar and should your personal behaviour breach the [Code](#), this may affect your professional registration status.

Monitored Dosage Systems (MDS)

Dispensing using MDS featured again in Scrutiny Committee FtP cases in 2016; Council reminds registrants of the need to have up to date and adequate Standard Operating Procedures (SOPs) in relation to MDS and the need to comply with your SOPs.

Council would draw registrants' attention to the [Registrar's letter of May 2015](#) addressing issues surrounding dispensing using MDS.

Statutory Committee Learnings

The Statutory Committee recently published general learnings based on recent FtP cases which can be found below and on our [website](#).

Engagement and Insight

Any registrant, who finds themselves subject to Fitness to Practise proceedings, should engage with the Statutory Committee in as full a manner as possible. When con-

sidering whether a registrant's Fitness to Practise is currently impaired, the Statutory Committee will consider a registrant's insight into the set of circumstances which led to the Fitness to Practise proceedings. The Statutory Committee will also consider any actions taken to date to address and remediate the causes of the Fitness to Practise issue. Whilst all cases will be considered on their individual merits, a number of Fitness to Practise issues have the potential to be remediable, for example, robust personal training and reflection have the potential to allow a registrant to learn the lessons of the Fitness to Practise issue, thereby, potentially reducing the risk of the issue being repeated.

"A number of Fitness to Practise issues have the potential to be remediable..."

If the Statutory Committee finds that a registrant's Fitness to Practise is currently impaired, when considering on an appropriate sanction, it will again reflect on the level of engagement from the registrant, any insight shown and any remedial actions taken. The purpose of a sanction is not punitive, but rather to protect the public, to maintain public confidence in the profession and to maintain proper standards of behaviour. Disengagement from the Statutory Committee process has the potential of excluding the option of imposing Conditions on a registrant's practise, as any such conditions have to be workable, enforceable and verifiable. Being unable to demonstrate to the Statutory Committee how Conditions will work, be enforced and verified is likely to increase the potential of suspension or striking off from the Register.

Case Presentation

In cases where both an allegation of Misconduct and Conviction are being pursued, the Statutory Committee should be asked to consider the misconduct ground first. Only when a determination is made on that ground, should the Committee be advised of the conviction ground of the allegation (this includes the presentation of any relevant papers). The rationale for this approach is that the Statutory Committee's determination on misconduct might be perceived to be pre-determined if the Statutory Committee has previous knowledge that, arising from the same facts, there has been a conviction. An exception to this will be in cases where the alleged misconduct arises out of the fact of a criminal conviction or caution which was not disclosed by the Registrant.

Rebalancing Board—Update

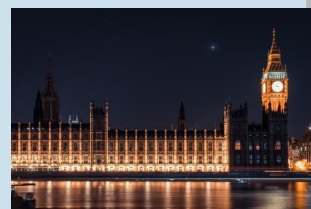
What is the Rebalancing Programme Board?

[The Rebalancing Medicines Legislation and Pharmacy Regulation Programme Board](#)

(the Board) has been tasked by the UK Government and the four devolved regions to advise on how best to move from pharmacy practice matters set

out in legislation, to an approach based on professional standards, in line with other healthcare regulators. In particular the Board has been asked to review relevant pharmacy legislation and regulation to ensure it:

provides safety for users of pharmacy services; reduces any unnecessary legislation; and allows innovation and development of pharmacy practice



See the Board's full [Terms of Reference](#)

Membership

Membership of the board includes officials from the four governments, professional and regulatory representatives and a range of stakeholder interests. The Chief Executive of the Pharmaceutical Society NI, Mr. Trevor Patterson, has been a member of the Board since its creation in 2013 and Dr Jim Livingstone, President of the Pharmaceutical Society NI, has recently been appointed to the Board.

A Partners Forum has also been established to contribute to the work programme. The engagement process adopted by the Board will ensure the views of the public and patients, amongst others, are sought and considered effectively.

Activity

Premises Standards

An important outworking of the Board's work was the Pharmacy (Premises Standards, Information Obligations, etc) Order 2016, which introduced a number of changes for setting of standards for the safe and effective practice of pharmacy at registered pharmacies, and for the enforcement of those standards.

We are currently carrying out a [public consultation](#) on new premises standards based on the new legislative

provisions outlined in the 2016 Order. The Consultation closes on 27 November 2017 and we would welcome your feedback.

Dispensing Errors

As an outworking of the [public consultation](#) exercise completed in 2016, it is expected that legislation, to provide a new defence for inadvertent dispensing errors in community pharmacy, will be laid before the UK parliament by Christmas of this year. It is envisaged that this change will facilitate greater learning from such errors. A public consultation on similar provisions for hospital settings will follow in 2018.

Superintendent and Responsible Pharmacists

The Board is currently working to finalise proposals to define the core purpose of Superintendent pharmacist and Responsible pharmacist in primary legislation, with professional regulation taking on the role of how that purpose is fulfilled.

Pharmacy Supervision

With a view to making the most effective use of the pharmacy team and preparing the profession for future innovation and Government priorities, the Board has been discussing the role of the pharmacy profession, including registered pharmacy technicians. This work is still in the developmental stage, with no proposals being brought forward to date.

Sharing of Information

When the Department of Health publishes a consultation on defence for inadvertent dispensing errors in a hospital setting, we will write to each of our registrants informing them of the consultation, whilst posting links to the consultation on our website and Facebook page.

Annual Report and Accounts 2016-17

The Council of the Pharmaceutical Society NI approved the [Annual Report and Accounts 2016-17](#), at its meeting on Thursday 14 September 2017. The Report was laid, as required, in the Business Office of the Northern Ireland Assembly on 21 September 2017 and is now available on our website.

The Report was presented by the President of Council at the Annual General Meeting held on Thursday 12 October 2017.

Council goes on the road

With the objective of being a locally supportive and accessible regulator, the Council of the Pharmaceutical Society NI is holding its next meeting on 7 November 2017 at The Tower Room, Ranfurly House, Hill of the O'Neill, Dungannon.

The Pharmaceutical Society NI was established in 1925 with premises in Belfast. This will be the first Council meeting in the organisation's 92 year history to be held outside of its premises and the city. This reflects the Council's objective to better engage with the public, pharmacists, healthcare providers and public representatives throughout Northern Ireland.

Council meets on average six times a year and a typical agenda will cover regulatory issues such as public safety, the education & training of pharmacists, pharmacists' continuing professional development and the maintenance of professional standards.

This Council meeting will give those attending a valuable insight into the work of the Pharmaceutical Society NI and its place within the wider healthcare community.

Details

Date: Tuesday, 07 November 2017
Time: 10.30
Venue: The Tower Room, Ranfurly House, Hill of the O'Neill, Dungannon

If you would like to attend the next Council meeting please contact June Alexander at june.alexander@psni.org.uk

Draft Premises Standards Consultation

We are consulting on new Premises Standards for a retail pharmacy business or a registered pharmacy, and its associated premises.



The consultation is open for eight weeks, closing at **12 noon on Monday 27 November 2017.**

All documents relevant to the consultation, including information on how to respond, can be found at the following link: <http://www.psni.org.uk/publications/consultations/>

We would encourage you to read the consultation documents and respond to our consultation survey.

Pre-registration update

As the current group of pre-registration trainees reaches the first quarter of their training, the following updates will be of interest and value to trainees and tutors alike.

E-portfolio

The purpose of the e-portfolio and the performance standards is to ensure that trainee pharmacists are consistently demonstrating their competency throughout the year. Trainees are asked to achieve 25% completion at 13 weeks, working towards 50% completion by their 26 week appraisal. The % completion score is based entirely on cycles that have been verified by the tutor. Tutors are advised to ensure that they verify a sufficient number of cycles so that trainees can meet the expected levels of completion.

Tutors are advised to log on to the e-portfolio every week to verify their trainee's cycles each week so that % completion scores are a true reflection of their trainee's progress.

Appraisal

Many trainees will already have had their 13 week appraisal. Currently, appraisals are being reviewed by the Pharmaceutical Society NI and to date the appraisals submitted have shown excellent engagement between tutors and trainees. The appraisal process is aimed at providing motivation and encouragement to trainees alongside identifying areas that require improvement.

Tutors should address trainee's % completion score of performance standards at each appraisal.

Appraisal time is also an excellent opportunity for tutors and trainees to revisit the [learning contract](#) and reaffirm the commitments made by both parties at the start of training.

Protected development time

Protected development time is a mandatory part of the pre-registration year and it is a requirement for all tutors to provide trainees with this time during their training.

The standards for pre-registration training state that:

"A tutor must ensure that the pre-registration trainee will have onsite Personal Protected Professional Development

time, agreed through discussion between trainee and his tutor. Training needs should be reviewed regularly. A minimum of the equivalent of four hours per working week must be dedicated to Personal Protected Professional Development Time."

As part of the annual review of pre-registration training, trainees are asked if they have received four hours per week protected time for study and development.

New for 2017 – Business Management Training

This year, trainees must attend a business management training day as part of the compulsory requirements for pre-registration training.

The course is aimed at exploring the key business management skills required for professional pharmacy practice, regardless of the sector they may eventually work in. The course also signposts trainees to areas of potential future personal development.



Areas covered in the course include:

- **Self-assessment - Understanding behaviour of self / others**
- **Pharmacy - the business insight across all sectors and stakeholder analysis**
- **Accountability, corporate governance and risk management**
- **Strategy**
- **Time management**
- **Communication and observation**
- **Coaching and appraisal**
- **Decision making**
- **Emotional intelligence**
- **Motivation and leadership**

Trainees attending the first business management training day on 19th October were fully engaged and provided excellent contributions to the day.

Courses are available on the 15th November 2017 and 28th February 2018

Trainees are reminded that they must book the place on the course via the event section on the society's events website: <http://www.psn.org.uk/events/?ee=120>

[Application Forms for 2017/18 Pre-registration year are available here](#)