

Annual Report of the Scrutiny Committee 2023

1. Introduction

As Chair of the Scrutiny Committee, I have compiled the eleventh Annual Report of the Committee's work in compliance with Regulation 7(1) of the Council of the Pharmaceutical Society of Northern Ireland (Statutory Committee, Scrutiny Committee and Advisers) Regulations (Northern Ireland) 2012 for the year 01 January 2023 to 31 December 2023.

1.1 The legislation states as follows at Regulation 7(1):

7(1) The Scrutiny Committee has the following additional functions—

- (a) providing an annual report to the Council in respect of each calendar year, by a date specified by the Council, which is to include
 - (i) trends, patterns and learning points observed from cases considered by the Scrutiny Committee,
 - (ii) details of the numbers of fitness to practise and disqualification allegations which were disposed of by the Scrutiny Committee by means of warnings and undertakings during that year, and
 - (iii) the reasons why the allegations referred to in sub-paragraph (ii) were not referred to the Statutory Committee.

1.2 Following the final removal of the pandemic restriction in February 2022 the committee has continued to meet online with the option for the panel Chairs to hold meetings at the Pharmaceutical Society NI premises. I would like to record the Committee's appreciation of the efforts of Pharmaceutical Society NI staff and the understanding of all those involved in the fitness to practise processes to ensure the continued effectiveness, fairness, and transparency of the Committee's work during this past year. This is despite a transition period which impacted the Committee's work which would have been better supported through improved communication at Senior Level. I look forward to this occurring in the 2024 year.

2 Composition of the Scrutiny Committee

The Scrutiny Committee, which sat during 2023, consisted of a publicly recruited panel, trained in fitness to practise proceedings. A panel considering a case comprises a legally qualified Chair, a lay member, and a pharmacist member.

Table 1: Table showing the membership of the Scrutiny Committee in 2023	
Chair and legally qualified member	Ms. Nicole Lappin
Deputy Chair and legally qualified member	Mr. Paddy McDaid

Lay member	Mr. Andrew Popplewell
Lay member	Ms. Jennifer Knape
Pharmacist member	Ms. Rachel Lloyd
Pharmacist member	Mr. Andrew Dawson
Pharmacist member	Ms. Anita Lawther
Pharmacist member	Ms. Patricia Holden

** New Committee member.

3. Assignment of Scrutiny Committee panels in 2023

- 3.1 I assign members to panels on a rota basis unless the member is unavailable or where, for example, a potential conflict of interest exists in a particular case. Members from the Scrutiny Committee reserve list may also be used if a committee member is unavailable under Regulation 11(7) of the 2012 FtP Regulations.

Table 2: Table showing the number of cases assigned to Scrutiny Committee members in 2023.		
	Member	Number of Panels
Chair and legally qualified member	Ms. Nicole Lappin	3
Deputy Chair and legally qualified member	Mr. Paddy McDaid	1
Lay member	Mr. Andrew Popplewell	2
Lay member	Jennifer Knape	2
Pharmacist member	Ms. Rachel Lloyd	1
Pharmacist member	Mr. Andrew Dawson	1
Pharmacist member	Ms. Anita Lawther	1
Pharmacist member	Ms. Patricia Holden	1

4. Background

- 4.1 Following the enactment of new legislation in October 2012, additional powers enable the Fitness to Practise Committees of the Pharmaceutical Society NI to take more proportionate approaches to the management of fitness to practise case outcomes than simply removal from the Register.

The Committees are empowered to:

- give advice;
- issue formal warnings;
- agree undertakings;
- place conditions on the practise of a pharmacist;
- impose suspension;

- issue interim orders; and
- remove Registrants from the Register.

4.2 Fitness to Practise Committees

Under the legislation, two Committees have been established which determine allegations regarding fitness to practise.

4.2.1 Scrutiny Committee (Initial Proceedings)

This Committee considers initial allegations on a paper-based format and it has the power to dismiss a case, give advice, issue warnings and agree undertakings, if appropriate, and refer more serious cases to the Statutory Committee (subject to threshold criteria).

4.2.2 Statutory Committee (Hearings Committee)

This Committee considers allegations at hearings of misconduct of registered pharmacists. Registrants are invited to make representations with legal support should they so wish. The Statutory Committee deals with all categories of alleged impairment referred to it by either the Registrar or the Scrutiny Committee and may utilise the full range of fitness to practise sanctions i.e., give advice, issue formal warnings, agree undertakings, place conditions on the practice of a pharmacist, impose suspension and remove registrants from the Register. It also deals with interim orders, restoration applications and review hearings.

5. The Work of the Scrutiny Committee in 2023

The Committee sat on four occasions during the reporting period, dealing with a total of four cases.

A table outlining the date of the meeting, the Registrar's recommendation in each case and the method of disposal by the Committee is shown below at Table 3 below.

All cases were examined using the published Pharmaceutical Society NI 2020 Threshold Criteria. These criteria guide the Scrutiny Committee as to how to assess which cases meet the criteria for referral to the Statutory Committee. Following the Committee's deliberation, the legally qualified Chair provides a full written determination setting out how these criteria have been applied in each case.

The Scrutiny Committee must not refer any fitness to practise allegation to the Statutory Committee unless it is satisfied that there is a real prospect that the Statutory Committee will make a finding that the registered person's fitness to practise is impaired. In addition, the Scrutiny Committee must not refer any disqualification allegation to the Statutory Committee unless it is satisfied that there is a real prospect that the Statutory Committee will give a direction for disqualification.

The 'real prospect' test applies to both the factual allegations and to the question whether, if found proved, the facts could support a finding of impairment. Where there is doubt as to whether the real prospect test is met, case law indicates that the Scrutiny Committee should err in favour of referral to the Statutory Committee.

The Scrutiny Committee concluded that in all four cases before it, (Registrants A, B, C, D), the threshold for referral to the Statutory Committee was met and these cases are not discussed further in this report.

Further information on these cases is provided in Section 7 of this report which deals with Regulation 7(1)a(iii).

Table 3: Table showing the recommendation of the Registrar compared to the method of disposal by the Scrutiny Committee.			
Registrant	Date of meeting	Registrar's recommendation for disposal	Disposal by the Scrutiny Committee
A	18.01.2023	Referral to Statutory Committee	Referral to Statutory Committee
B	30.01.2023	Warning	Referral to Statutory Committee
C	27.11.2023	Referral to Statutory Committee	Referral to Statutory Committee
D	04.12.2024	Referral to Statutory Committee	Referral to Statutory Committee

6. The statutory purpose of this report

6.1 Regulation 7(1) a(i): "Trends, Patterns and Learning Points".

As required by legislation, the key purpose of this report is to identify "trends, patterns and learning points" and bring these to the attention of the Council of the Society with a view to enabling issues to be identified at as early a stage as possible.

6.1.1 Trends and Patterns

Of the four cases each concerning one registrant, dealt with by the Scrutiny Committee during the reporting period, all met the statutory criteria and were referred to the Statutory Committee.

This year, the cases which have come before the Committee highlight a diverse mix of issues but, given the low numbers of cases again this year, it is impossible to discern any pattern of concern.

7. Conclusion

As Scrutiny Committee Chair, I believe that Committee members have found the work they have been tasked with to be challenging, varied and interesting.

I want to express the Committee's appreciation of the support by Pharmaceutical Society staff to the Committee to enable it to fulfil its role. In particular, I would like to thank Lorna McFerran, the new Scrutiny Committee Secretary, for her assistance from September 2023 and in the preparation of this report. I look forward to continuing to work with her and others as the Committee carries out its role to protect the safety of patients and maintain the reputation of the profession along with confidence in it. I would also like to acknowledge the former Secretary Simon McClenahan who was Secretary of the Scrutiny Committee from 2019 until June 2023 and June Alexander who was the secretary June until September 2023 and wish them good fortune in their new roles. I re-iterate the observation which I made at the beginning of my report, namely transitional periods such as that experienced during 2023 would benefit from improved communication with the Senior Team, and I look forward to that happening in 2024.

I trust that this report will again provide a useful insight into the work of the Scrutiny Committee in the past year and reassurance to the Society that these important issues are being addressed in accordance with the legislation in a satisfactory and proportionate way.

Accordingly, I commend this report to you.

Nicole Lappin
Chair
Scrutiny Committee of the Pharmaceutical Society NI

30 August 2024