Pharmacists’ views are needed for GPhC’s draft legislative rules

Christine Gray, interim head of corporate governance at the General Pharmaceutical Council, summarises the content and key changes contained within five sets of rules for the new regulatory body, and asks for pharmacists’ views to ensure they are clear, comprehensive and fair.

The General Pharmaceutical Council (GPhC) designate is seeking views on its draft legislative rules to ensure they are clear, comprehensive and fair.

Five sets of rules that set out the detail of key processes have been made available for consultation until 4 May 2010. These processes cover (see Panel p242 for full details):

- **Fees** There will be no fees for non-practising pharmacists because there will not be a non-practising register; current non-practising and overseas registrants should consider whether they need to move to the practising Register now since it is only those registrants on the practising Register who will automatically transfer to the GPhC register; application fees and initial entry fees are proposed; a fee is proposed for alterations relating to change of premises ownership; and an administration fee is proposed for processing applications that have to be returned for additional information more than once.

- **Appeals committee** The committee will cover appeals relating to premises and educational institutions, as well as individuals; legal advisers could be present during private deliberations; provisions on evidence now cover inclusion in a barred list relating to the protection of vulnerable adults or children; and there will be provisions for vulnerable witnesses at hearings.

- **Fitness to practise** The fitness-to-practise committee is able to consider both health and disciplinary matters; the investigating committee could close a case with a warning; and the timelines for disclosure of material are removed.

- **Statutory committees and their advisers** There will be new compositions for the new statutory committees; council members may not be appointed to any statutory committee; and chairmen and deputy chairmen may or may not be legally qualified.

- **Registration** The rules cover registration of premises as well as individuals; the rules would reflect the introduction of a “rolling register”; there will be no statutory provision for final demands; and application forms may be countersigned by pharmacists or pharmacy technicians.

The legislative rules set out clearly how GPhC regulation will operate and are designed to work alongside the GPhC’s regulatory standards. These first five sets are those that need to be in place to enable the GPhC to open. The draft rules build on those of the Royal Pharmaceutical Society. Where necessary, changes have been made in order to ensure that the rules are in line with the new statutory framework in the Pharmacy Order 2010.

Bob Nicholls, chairman designate of the GPhC, said: “We encourage people to take
the time to understand the key changes, and what they mean for the public and professionals, and to respond to this consultation.’

Following the consultation, the rules will be subject to parliamentary and Privy Council processes before the opening date and transfer of regulation to the GPhC. A further two sets of rules, which cover continuing professional development, and superintendent pharmacists, pharmacy owners and premises, will be made available for consultation in due course. These are not likely to come into force until after the transfer of regulation to the GPhC. The opening date for the transfer of regulation to take place to the GPhC will be set once the parliamentary timetable for 2010 is clear. Readers can view the rules consultation documents and send comments at www.pharmacyregulation.org/getinvolved/consultations/currentconsultation/index.aspx.

### Legislative rules

#### Fees
- There will be no fees for non-practising registrants because the Pharmacy Order 2010 does not permit a non-practising register. The Order requires registrants to have an intent to practise in Britain, the Isle of Man or the Channel Islands, so there are no specific provisions for overseas fees, although pharmacists and pharmacy technicians living overseas will be able to register if they intend to return to practise here in the future.
- Those who wish to join the GPhC register will need to do so as practising registrants and pay the appropriate fees. Current non-practising and overseas registrants are encouraged to consider whether they need to move to the practising Register of the Royal Pharmaceutical Society before the transfer of regulatory functions to the GPhC since it is only those registrants on the practising Register who will automatically transfer to the GPhC register.
- Application fees and initial entry fees are proposed for registration as a pharmacist or pharmacy technician. These cover the first 12 months of registration. Currently, pharmacists pay an application fee then pay a retention fee by 31 December of the year of entry. Registrants transferring automatically from the Society will not be required to pay an application fee.
- A fee is proposed for alterations relating to change of premises ownership.
- There is an administration fee proposed for processing applications that have to be returned for additional information more than once.
- These fees rules do not cover the renewal fees for 2011. Later in 2010, the GPhC council will consult on the fees required in 2011 in order that the GPhC can operate as an effective and efficient regulator. A further set of fees rules will be developed at that point.

#### Appeals committee
- The appeals committee covers appeals relating to premises and educational institutions, as well as individuals.
- Legal advisers could be present during private deliberations, but clinical or specialist advisers may not be.
- Provisions on evidence now cover inclusion in a barred list relating to the protection of vulnerable adults or children.
- Reference to being convicted of a criminal offence in the British Islands has been widened to include a conviction elsewhere which, if committed in England, Wales or Scotland, would constitute a criminal offence.
- There will be provisions for vulnerable witnesses at hearings.

#### Fitness to practise
- The rules reflect the creation of a fitness-to-practise committee able to consider both health and disciplinary matters.
- There is an added provision that the registrar must not refer an allegation where an informant is identifiable but does not participate in the consideration of the allegation, and the allegation is not capable of verification from an independent source.
- The investigating committee could close a case with a warning where the person concerned accepts the facts of the case.
- The timelines for disclosure of material are removed to allow less complex cases to be dealt with more quickly.
- The rules will include criteria that the fitness-to-practise committee must have with regards to deciding whether or not a registrant meets the fitness-to-practise requirements.

#### Statutory committees and their advisers
- There will be new compositions for the new statutory committees.
- The three statutory committees will each have a lay chairman and lay deputy chairman. The definition of a lay member will be widened to exclude all health and social care professionals.
- Council members may not be appointed to any statutory committee.
- Eligibility criteria for appointment will be stated in rules (criteria are currently applied through the appointments process but not stated in rules).
- Chairmen and deputy chairmen may or may not be legally qualified.

#### Registration
- The rules cover registration of premises as well as individuals.
- The rules would reflect the introduction of a “rolling register” (as a renewal fee paid on 30 June covers registration until 29 June the following year). Therefore, not everybody will pay fees from January each year.
- Renewal forms are to be sent out three months before the entry is due to expire; renewal applications must be made two months before the entry would expire; and there will be no statutory provision for final demands.
- The rules would allow the GPhC to introduce a range of online registration applications.
- Application forms may be countersigned by pharmacists or pharmacy technicians (pharmacy technicians cannot do this currently).