POLICY NOTE

THE GENERAL PHARMACEUTICAL COUNCIL (AMENDMENT OF MISCELLANEOUS PROVISIONS) RULES ORDER OF COUNCIL 2016

2016 No. 1008

The above Instrument was made in exercise of powers conferred by articles 23(1), 27(1), 32(4), (5) and (6), 37(3), 52(1) and (2), 55A(1) and (3), 57(3), 61(1) and (3)(h) and 66(1) of, and paragraph 5(1)(a) of Schedule 1 to, the Pharmacy Order 2010. The Instrument is subject to negative procedure.

Background

1. The rules scheduled to and approved by this Instrument, amend the following three General Pharmaceutical Council (GPhC) Rules: the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010 (which are set out in the Schedule to S.I. 2010/1615); the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010 (which are set out in the Schedule to S.I. 2010/1616) and the General Pharmaceutical Council (Registration) Rules 2010 (which are set out in the Schedule to S.I. 2010/1617).

2. The Health Care and Associated Professions (Knowledge of English) Order 2015 (S.I. 2015/806) ("the Knowledge of English Order") and the Health Care and Associated Professions (Indemnity Arrangements) Order (S.I. 2014/1887) ("the Indemnity Order") amended the Pharmacy Order 2010/231 ("the Pharmacy Order").

Policy Objective

3. The policy behind this Instrument is to make amendments to the Rules noted in paragraph one, using the powers inserted by the Knowledge of English Order and the Indemnity Order, and other powers contained in the Pharmacy Order to make other miscellaneous amendments, and in particular, to:

    - Give power to the Registrar to direct pharmacists and pharmacy technicians, where appropriate, to undertake an examination or other assessment of knowledge of the English language.
    - Require the provision of evidence of knowledge of English on registration.
    - Detail the information to be provided by applicants or registrants and the action that may be taken if a registrant does not comply with the indemnity requirements.
    - Detail the information to be provided by a person seeking registration or restoration, or at any time for registrants, to the Registrar to determine whether there is compliance with the duty for all practising pharmacists (or as the case may be, pharmacy technicians) to have in place an indemnity arrangement in force and in relation to them.

4. Further details of the proposed changes are set out in the attached Department of Health Explanatory Memorandum, in paragraph 7, headed "*policy background*".

Consultation

5. The GPhC carried out a public consultation between 24 September 2015 and 17 December 2015. The GPhC received 73 responses to its consultation. These responses came from pharmaceutical professionals and members of the public.

6. The GPhC's analysis of its consultation shows that responses were broadly supportive of the proposed changes. The GPhC therefore decided to go ahead with the changes set out in its consultation. A copy of the consultation can be found online at http://www.pharmacyregulation.org/rules-and-guidance-consultation.

Guidance

7. Alongside the consultation on amendments to rules, the GPhC consulted on draft guidance about the evidence, information and documents that may be provided by an applicant or registrant for the purpose of satisfying the registrar that they have the necessary knowledge of English, and the process by which the registrar will determine whether he is satisfied that the person has this knowledge.

Impact Assessment and Financial Implications

8. A registrant that works for a charity or voluntary organisation could be required to provide evidence of their indemnity arrangements. If these arrangements included cover by their employer, the charity or voluntary sector organisation would need to give the registrant information on this cover, which the registrant would then provide to GPhC. GPhC does not request evidence of indemnity cover from registrants on a routine basis; therefore the GPhC consider the costs on the charitable or voluntary sector to be minimal.

9. In relation to the public sector, there will be a cost to the GPhC of implementing indemnity and language checks. There would also be some one-off costs associated with changing GPhC systems, producing guidance and communicating the changes to registrants. The DH's impact assessment for the Indemnity Arrangements Order estimated the transition cost for all affected regulatory bodies as £716k, with annual recurring costs of £80k.

10. Impact Assessments were prepared by the Department of Health in relation to the Knowledge of English Order and the Indemnity Arrangements Order. These can be found on the legislation.gov.uk website at: http://www.legislation.gov.uk/uksi/2015/806/contents/made.

Monitoring and Review

11. The GPhC reviews its Rules from time to time and will continue to do so.

Scottish Government Health and Social Care Directorates
26 September 2016