**EXPLANATORY MEMORANDUM TO**

# THE GENERAL PHARMACEUTICAL COUNCIL (CONTINUING PROFESSIONAL DEVELOPMENT AND CONSEQUENTIAL AMENDMENTS) RULES ORDER OF COUNCIL 2011

**2011 No. 1367**

**1.** This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty. This Order is also being laid before the Scottish Parliament.

## 2. Purpose of the instrument

2.1 The General Pharmaceutical Council (GPhC) is the regulator for pharmacists, pharmacy technicians and registered pharmacy premises in Great Britain. The GPhC's statutory purpose is to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmacy services in Great Britain. In pursuance of this aim, the GPhC ensures that registrants adhere to standards and requirements for the safe and effective practice of pharmacy. These rules set out the circumstances in which registrants will be considered to have failed to meet the GPhC's requirements for continuing professional development (CPD) and the action that may be taken in these circumstances.

## 3. Matters of special interest to the Joint Committee on Statutory Instruments

3.1 None

## 4. Legislative Context

4.1 The GPhC was established under the Pharmacy Order 2010 (2010/231). Article 43(7)-(8) of that Order requires the GPhC to make rules relating to registrants who fail to comply with the GPhC's requirements for CPD. The Rules also make consequential amendments to the General Pharmaceutical Council (Fitness to Practise and Disqualification etc.) Rules 2010 (scheduled to SI 2010/1615) and the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010 (scheduled to SI 2010/1616).

## 5. Territorial Extent and Application

5.1 This instrument extends to and applies in Great Britain.

## 6. European Convention on Human Rights

6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.

## 7. Policy background

7.1 The Pharmacy Order 2010 established a new regulator for pharmacy in Great Britain – the GPhC – and a revised regulatory framework. In common with other health professions regulators, the GPhC's governing legislation includes provisions relating to CPD. Previously, where a pharmacist or pharmacy technician failed to comply with the CPD requirements, this had to be addressed by advice to the registrant, or, where appropriate, by fitness to practise procedures. The Pharmacy Order includes provision for statutory requirements to ensure that pharmacists and pharmacy technicians undertake CPD to maintain their proficiency and competence throughout their time on the register, and obliges the GPhC to make rules governing what happens where CPD requirements are not met. The Rules approved by this Order implement these statutory requirements and set out the processes the GPhC will follow in instances where a registrant has failed to comply with the framework for CPD. Measures which may be imposed under these Rules include additional CPD activities on various aspects of pharmacy practice (see rule 6(1)) and removal from the Register or removal of an annotation (relating to a specialism) to a registrant's entry in the Register. The Registrar must also consider, in certain circumstances, whether the case should be referred to the GPhC's Investigating or Fitness to Practise Committees.

- Consolidation

7.2 The predecessor body which previously undertook the regulation of pharmacists and pharmacy technicians, the Royal Pharmaceutical Society of Great Britain, published standards relating to CPD for its registrants. Rules on CPD were drafted but work on their implementation was put on hold pending the creation of the GPhC. These are thus the first rules on CPD to be made by the GPhC.

7.3 These rules complement the standards on CPD issued by the GPhC and published on their website at: http://www.pharmacyregulation.org/regulatingpharmacy/educationandprofessionaldevelopment/continuingprofessionaldevelopmentcpd/index.aspx

## 8. Consultation outcome

8.1 The GPhC published the rules in draft for public consultation across Great Britain for a period of 14 weeks from 1 November 2010. One hundred responses were received from a range of organisations and individuals. Overall, the responses showed support for the proposals. A number of suggestions for improvement were made and these have been taken into account in producing the final version of the rules. The GPhC has produced a report summarising the views expressed in response to the

consultation and describing how these have been taken into account. This consultation report was approved by the GPhC's Council on 14 April 2011 and is available on its website: http://www.pharmacyregulation.org/getinvolved/consultations/index.aspx .

## 9. Guidance

9.1 Neither the Department of Health nor the Scottish Government has issued guidance in relation to these rules. However, the GPhC plans to provide information and guidance for registrants which will be published at the same time as the Rules come into force.

## 10. Impact

10.1 The Rules have limited impact on business, charities, voluntary bodies or the public sector. Under article 43(4)(a) of the Pharmacy Order 2010, the GPhC must adopt a framework relating to the requirements and conditions to be met by registrants in respect of their CPD. These Rules relate to the processes by which the GPhC addresses non-compliance with the requirements of the CPD framework.

10.2 An Impact Asessment has not been prepared for these Rules. An Impact Assessment was prepared for the related Pharmacy Order 2010 (2010/231). This included the IT costs of administering a CPD regime together wih the anticipated administrative and operating costs of the GPhC. It is contained within the Explanatory Memorandum available at: http://www.legislation.gov.uk/uksi/2010/231/memorandum/contents

10.3 The GPhC prepared an Equality Impact Assessment covering the measures which are being brought in by these rules. This is available at http://www.pharmacyregulation.org/pdfs/consultations/eqiacpdrules.pdf.

## 11. Regulating small business

11.1 CPD standards are imposed by virtue of the requirements of the Pharmacy Order 2010. GPhC registrants may operate, or be employed by, a small business but, as noted above, these Rules relate to compliance with the CPD framework by individual registrants and the processes by which non-compliance is addressed.

11.2 There will be some limited impact to sole traders and perhaps small/micro or even larger pharmacy businesses in terms of economic costs of providing cover while remedial measures or other sanctions are undergone. The impact can be avoided by registrants if they comply with the CPD framework which the Pharmacy Order 2010 requires be adopted.

11.3 The GPhC has not prepared an Impact Assessment in relation to this, but the consultation on the Rules did not identify any concerns relating to the impact on small businesses.

## 12. Monitoring & review

12.1 The operation of the rules will be reviewed in 3 years. It will be also be monitored by CHRE as part of its ongoing annual review of the performance of the health regulators.

## 13. Contact

Mike Lewis at the Department of Health Tel: 0113 2546146 or email: mike.lewis@dh.gsi.gov.uk can answer any queries regarding the instrument.