THE GENERAL PHARMACEUTICAL COUNCIL (CORONAVIRUS) (AMENDMENT) RULES ORDER OF COUNCIL 2021

2021 No. 26

The above instrument was made in exercise of the powers conferred by articles 19(3), 61(1), (2)(a), (3)(a) and (6)(b) and 66(1) of, and paragraph 5(1)(a) and (d) of Schedule 1 to, the Pharmacy Order 2010. This Instrument is subject to negative procedure.

Background

1. The rules scheduled to and approved by this instrument, amend the following General Pharmaceutical Council (GPhC) Rules: the General Pharmaceutical (Appeals Committee) Rules 2010 ("the Appeals Committee Rules"), the General Pharmaceutical Council (Fitness to Practise and Disqualification, etc.) Rules 2010 ("the Fitness to Practise Rules"), the General Pharmaceutical Council (Statutory Committees and their Advisers) Rules 2010 ("the Statutory Committees Rules") and the General Pharmaceutical Council (Registration Rules) Rules 2010 ("the Registration Rules").

Policy Objective

2. This instrument is being made to temporarily adapt the GPhC's current operating procedures to respond to the COVID-19 emergency. It will also bring in permanent rules changes on how the GPhC can issue hearing notices and other documents to registrants.

3. The instrument will temporarily amend the GPhC rules so that its Investigating, Appeals, and Fitness to Practise (FtP) Committees will be quorate with fewer committee panel members due to member illness or external workforce pressures. Appeals and FtP hearings and meetings will be able to be held via audio or video conference facilities and committees will have the power to order that virtual meetings and hearings do not have to be held in public. A notice of a FtP hearing (including an interim order notice) will now inform the registrant of his/her right to take part in the hearing remotely as opposed to attending in person. Also, where a registrant is neither present at the FtP hearing or takes part remotely, and the Committee is satisfied service has been properly effected; the Committee may proceed to consider and determine the matter or allegation.

4. The instrument will also amend the Appeals Committee Rules, the Fitness to Practise Rules and the Registration Rules in relation to service of documents, and this is a permanent change. Currently, the service of documents to registrants by the GPhC, under these rules, should be by postal service or another delivery service, including, with the agreement of the person concerned, by electronic mail, to an electronic mail address notified to the regulator as an address for communications.

5. The rules changes will allow for the service by electronic mail, to an electronic mail address notified to the regulator, without needing further additional agreement to such a mode of service.

Consultation outcome

6. The GPhC ran a stakeholder consultation between 29 May 2020 to 9 June 2020 on its proposed temporary rules changes. The responses to the consultation were broadly supportive of the proposed temporary rules changes.

Guidance

7. The GPhC will publish guidance on the types of cases where it may use these powers and on how the temporary powers will work in practice.

Impact

8. There is no, or no significant, impact on business, charities, or voluntary bodies. There is also no, or no significant, impact on the public sector.

9. An Impact Assessment has not been prepared for this instrument because the SI relates to measures to maintain the GPhC's regulatory operations.

10. An equality assessment was carried out to identify trends or issues that apply to people who share protected characteristics, and, to consider the potential impact on this range of equality groups.

11. Following on from the consultation, the GPhC is producing guidance to explain how the powers will be used in practice and appropriate cases. The guidance will take into account the feedback received through the consultation, as well as the guidance produced by other regulators with similar emergency powers, to help ensure consistency in approach, where possible.

Monitoring and Review

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

Scottish Government Health and Social Care Directorates

January 2021