



Royal Pharmaceutical Society of Great Britain

Helping pharmacists achieve excellence

COUNCIL COMMENDS CHARTER CHANGES TO THE MEMBERSHIP

On 2 June 2009 the Council of the Royal Pharmaceutical Society of Great Britain agreed to seek members' approval to changes to the Society's Royal Charter through a Special Resolution ballot.

The Council strongly recommends these changes, having taken account of the issues raised by members through the consultation process. The changes will enable the transition to the Professional Leadership Body (PLB) when regulation transfers to the new General Pharmaceutical Council (GPhC).

Below are answers to some of the questions members have raised, followed by an explanation of the most significant proposed changes:

Q. Why are we trying to amend the Charter instead of starting from scratch to create an entirely new body?

A. The Prospectus for the PLB, published last November www.transitionalcommittee.com/prospectus.html reflected a widespread view from the consultation, and the previous Clarke Inquiry, that Royal Chartered status was desirable for the PLB. It will enable the new PLB to speak with authority and to maintain the respect of other health professions. Pharmacists are generally also keen to preserve their own connection with a body that has Royal Chartered status. Giving up the Charter would mean seeking the dissolution and reincorporation of the Society. This would run the risk of major delay with divisive debates and lengthy, costly legal arguments, putting the establishment of a substantial PLB, able to fully represent its members, at considerable risk. By the time all the issues had been settled, the assets could be severely depleted and the profession would have lost the unified body we are striving to build.

Q. The Assembly of the PLB, which will replace the current Council, will not be directly elected. Why is that, and isn't it undemocratic?

A. Eleven out of fourteen members of the Assembly will be elected National Board members. More importantly, the Assembly and Boards will not work in the same way that the RPSGB Council and Boards do now. In the PLB, the three National Boards will do the bulk of the work, with the Assembly providing overall strategic direction. The Assembly will meet much less frequently than the Boards and will take a light-touch approach, leaving the Boards with responsibility to interpret policy and develop member services to suit their respective countries. So election to the Boards is the key democratic mechanism, and membership of the Assembly will be drawn predominantly from them (in a similar way to that in which the Cabinet is drawn from elected MPs).

Q. Will the proposed changes to structures make for an affordable new professional leadership body?

A. We are doing a great deal of business planning work, using the Prospectus as a blueprint. In the extensive consultation that led to its publication, members said they wanted strong representation at a country level (England, Scotland and Wales), whilst being part of a GB-wide body, to deliver relevant professional support and services which offer value for money. Through economies of scale and streamlined processes, we believe that this is affordable – but it does of course depend on those in the profession committing themselves to their own professional body.

Q. I'm happy in principle with the idea of amending the Charter, but I don't like the plans for the Assembly and Board structures. Should I vote "No"?

A. Once the PLB is up and running, the Assembly and Board structures can be changed if that is what members want. Article 8 of the Charter will allow the PLB to amend the size and composition of the Assembly, and the structure of the Boards could be changed through regulations. Without your "Yes" vote now we can't make the changes the profession is asking for, such as removal of Privy Council, effectively government, controls, changes to the current Council structure (which has 10 lay members), and references to regulatory responsibilities.





Q. Could other categories of membership be introduced without the members' consent later on?

A. No – membership approval will be necessary for any new membership category. A number of proposed membership categories for the PLB were described in the Prospectus, but the proposed Charter changes specify only the first of these categories - that of Member/Fellow of the Professional Body, which will consist of pharmacists and former pharmacists. Further categories of membership could be established by Special Resolution and regulations, once the Charter changes were in place. This should be a much quicker and simpler process than the one we have now – but any new membership category would still require approval by a 2/3 majority vote of the membership.

Q. Why does the Special Resolution say the articles are being revoked and replaced?

A. There are a number of proposed amendments; revoking and replacing the articles is the simplest and clearest way of introducing these amendments to the Charter.

Explanation of changes

Recital

The recital is the introduction to the Charter and does not affect the organisation's objects and powers. Ideally, we would remove the reference to the Society being equipped to function as a regulator, but it is not possible to alter a recital as it is a historical record of the words used by HM The Queen when originally granting the Royal Charter. A footnote will be included in the published version of the amended charter explaining that the regulatory aspect of the recital has been superseded by the Pharmacy Order 2009 (which will create the GPhC).

Article 2

In response to members' comments that they wanted a clearer focus on pharmacists' interests, object 2 in the current charter has been moved up to become the first object. The proposed deletion of 'within the context of the public benefit' would remove duplication within the objects, as the public benefit is covered in objects (3) and (4). Object (3) has been amended to remove references to regulation.

Article 3

The current powers 3(3), (4) and (6) have been deleted, as they refer to regulatory functions. A reference to statutory functions has been deleted from what is now 3(4).

3(2) has been amended to reflect the current wording in the Benevolent Fund Trust Deed (now called Pharmacist Support) and, in response to comments received, to ensure that this would encompass civil partners.

What is now 3(3) has been adjusted to refer to maintaining 'lists and registers of members or of other persons', to give the PLB greater flexibility.

What is now 3(5) has been revised and expanded to give the PLB appropriate powers relating to education functions.

The current art 3(12) has been separated into two powers – now (9) and (10). The new 3(9) provides for powers of affiliation with other bodies if required.

Article 4

The new 4(1) allows flexibility for the PLB to pay annual remuneration to Assembly and NPB members, rather than attendance fees for meetings. This should avoid a 'meetings culture' and encourage more virtual working. This wording will also enable the PLB to make payments direct to employers of Assembly/Board members rather than to Assembly/Board members themselves; this would make it easier for some pharmacists (e.g. NHS employees) to serve on the Assembly or Boards.

What is now art 4(3) refers to the payment of charitable benefits. In this amended form it will allow the PLB in some circumstances to help a member financially and to distinguish such a payment from a payment for services under art 4(2).





Article 5

Art 5(1) has been amended to show that membership of the PLB will comprise pharmacists and former pharmacists. Further categories of membership that were proposed in the Prospectus could be established by Special Resolution and regulations, once the Charter changes were in place. This should be a much quicker and simpler process than establishing membership categories under the existing Charter provisions. However, membership approval (by a Special Resolution ballot) would be necessary before any new membership category could be established.

Art 5(1) has been adjusted slightly for clarity following the consultation, in particular to make clear that eligibility for membership would be linked to being registered, or having been formerly registered, as a pharmacist in Great Britain. It would not depend on being resident in Great Britain.

Art 5(2) would allow the Assembly to set out the rights, privileges and obligations associated with each membership category in regulations. This could include the right to use post-nominal designatory letters; under the proposals, these would not require Privy Council approval.

Article 7

This has been adjusted so that the PLB would be obliged to maintain national Pharmacy Boards for England, Scotland and Wales (only the Scottish and Welsh structures are obligatory under the current Charter). It would not be obliged to create boards to reflect any regional devolution within England (although it could still do so if it wished). In response to comments received, article 7(2) has been amended and an additional 7(3) has been added to allow all PLB members to vote in the Board elections, and to allow members who are normally resident in the Channel Islands or Isle of Man to be able to stand for election to the English Pharmacy Board (EPB) as well as to vote.

Article 8

This article has been drafted to reflect the Assembly structure proposed in the Prospectus.

The Assembly will consist mainly of elected Board members, and the Assembly and Boards will not work in the same way that the RPSGB Council and Boards do now. In the PLB, the three National Boards will do the bulk of the work, with the GB Assembly providing overall strategic direction. The Assembly will meet much less frequently than the Boards and will take a light-touch approach, leaving the Boards with responsibility to interpret policy and develop member services to suit their respective countries.

In order to have a pharmaceutical scientist and lay person identified in advance and ready to serve on the Assembly from Day 1, it is proposed that the first people in these positions would be appointed by the three Board Chairs and the Vice-Chair of the EPB acting jointly. Once the Assembly is in place, future appointments to these positions could be made by the Assembly in accordance with regulations. The Heads of Schools of Pharmacy will appoint the academic member to the Assembly.

Article 8 allows the new body to amend the size and composition of the Assembly, with the members' approval.

Article 9 – powers of the Assembly

The references to statutory functions have been removed.

In what is now 9(2) (power of delegation), 'by regulation' has been replaced by 'by resolution' i.e. by a decision of the Assembly. A requirement for all delegations to be made via regulations would seem heavy-handed for a professional body with no statutory functions. Nevertheless, delegation should be properly formalised. The inclusion of 'by resolution, to delegate' would mean that the resolution could set out or refer to the terms of reference of the person or body to which powers or functions were delegated. Delegation by resolution is simpler, less time-consuming and less costly than making regulations.





Article 10 – making, amending, revoking and confirming regulations

The former art 9(2), providing power to make, amend, add to or revoke regulations, has been incorporated in art 10. This article would allow the Assembly to publish regulations in draft and then to make them as originally published or with modifications to reflect any feedback received during the gazetting period. It is proposed that, in view of the fact that the PLB will no longer have statutory or public functions, Privy Council approval of regulations will no longer be required.

Article 12 – confirmation of a Special Resolution

It is proposed that confirmation of a Special Resolution should always be by a ballot of the membership rather than by a vote at a general meeting. A ballot conducted by postal or electronic means (or a combination of both) is a more democratic method, giving everyone the same opportunity to express their views. It is proposed that voting to approve a Special Resolution is restricted to PLB members who are pharmacists or former pharmacists.

If you have any further questions you can email charter2009@rpsgb.org or call 0808 168 5141

