

# Pharmacists' Defence Association Response to the General Pharmaceutical Council's Consultation on its Publication and Disclosure Policy

## About the Pharmacists' Defence Association

The Pharmacists' Defence Association (PDA) is a not-for-profit organisation which aims to act upon and support the needs of individual pharmacists and, when necessary, defend their reputation. It currently has more than 28,000 members. The PDA Union was inaugurated in May 2008 and achieved independent certification in 2011.

The PDA is the largest pharmacist membership organisation and the PDA Union is the only independent Trade Union exclusively for Pharmacists, in the UK.

The primary aims of the PDA are to:

- Support pharmacists in their legal, practice and employment needs
- Represent the individual or collective concerns of pharmacists in the most appropriate manner
- Proactively seek to influence the professional, practice and employment agenda to support members
- Lead and support initiatives designed to improve the knowledge and skills of pharmacists in managing risk and safe practices, so improving patient care
- Work with like-minded organisations to further improve the membership benefits to individual pharmacists
- Arrange insurance cover for individual pharmacists to safeguard and defend their reputation.

## Summary of the General Pharmaceutical Council's (GPhC's) proposals

The GPhC is consulting from 5 July 2018 until 14 September 2018 on changes to its publication and disclosure policy in relation to individuals subject to fitness to practice proceedings.

### The PDA's recommendations are:

- Pharmacists should be informed of the GPhC's publication and disclosure policy at the time the sanction is issued, and specifically how long the details of the sanction pertaining to them will remain in the public domain.

## Questions

1. Do you think that the factors we consider when deciding whether or not to publish or disclose information are:

- clear?

Yes

- appropriate when making a decision in the public interest?

Yes

- fair to individual pharmacy professionals?

The proposals which relate to pharmacists seem proportionate.

Please indicate 'Yes', 'No' or 'Don't know' to each of the questions.

2. It is our aim to balance publication and disclosure in the public interest with the individual's right to privacy. Do you think the factors we consider when deciding whether

**to publish or disclose achieve this balance? Please indicate 'Yes', 'No' or 'Don't know'.**

We agree that the proposed disclosure policy provides the right framework for achieving this balance, but whether that balance is achieved in practice will depend on how it is implemented. Whilst there is a need to protect privacy, it is also important to protect the public and it is therefore necessary to display warnings or conditions for an appropriate length of time for a registered pharmacist. In this way, if that person tried to enter a different healthcare profession or sought work in a pharmacy as a non-registered individual, there would still be public information available to inform an employer's decision-making.

**3. Please give comments explaining your responses to the questions above.**

Our comments have been provided in response to the individual questions.

**In section 5 we outline the revised time periods for publication on the online register.**

**4. Do you think that the length of time for which a sanction is published should depend on the seriousness of the sanction? Please indicate 'Yes', 'No' or 'Don't know'. Please give comments explaining your response.**

Yes

The seriousness of the sanction should reflect the seriousness of the issues for which it was given. It may therefore be important for more serious issues to keep the information available to the public for a longer period of time.

**5. It is our aim to strike the right balance between the public interest, which includes the health, safety and wellbeing of the public, and the rights and freedoms of the pharmacy professional. Do you think the time limits we have introduced for sanctions and restorations to be published achieve this balance? Please indicate 'Yes', 'No' or 'Don't**

**know'. Please give comments explaining your response.**

Yes, we agree that the time limits achieve the appropriate balance between the rights and freedoms of the pharmacist and the public interest. Please refer to our response to question 2 for our rationale.

- 6. What kind of impact do you think the changes will have on patients and the public? Please indicate 'positive impact', 'negative impact', 'both positive and negative impact', 'no impact' or 'don't know'. Please give comments explaining your response.**

Positive impact. The time limits are clear and proportionate to protect the interests of the public.

- 7. What kind of impact do you think the changes will have on pharmacy professionals? Please indicate 'positive impact', 'negative impact', 'both positive and negative impact', 'no impact' or 'don't know'. Please give comments explaining your response.**

Positive impact. The changes provide more proportionate time limits than those currently used.

- 8. What kind of impact do you think the changes will have on employers and pharmacy owners? Please indicate 'positive impact', 'negative impact', 'both positive and negative impact', 'no impact' or 'don't know'. Please give comments explaining your response.**

Positive impact. The changes provide more proportionate time limits. We believe employers will be supportive of these limits because the information available to them when making employment decisions is only accessible for an appropriate length of time so that it does not impinge on the rights of the potential employee.

**We want to understand whether our proposals may discriminate against or unintentionally disadvantage any individuals or groups sharing any of the protected characteristics in the**

**Equality Act 2010. These characteristics are:**

- Age
- Disability
- Gender reassignment
- Marriage and civil partnership
- Pregnancy and maternity
- Race
- Religion or belief
- Sex
- Sexual orientation

**9. Do you think any of the changes will have an impact – positive or negative – on certain individuals or groups who share any of the protected characteristics listed above? Please indicate 'Yes', 'No' or 'Don't know'. Please describe the impact and the individuals or groups concerned.**

No

**10. Do you think there will be any other impact of the changes which you have not already mentioned?**

We have nothing further to add.

**Other comments**

**11. Do you have any other comments on our publication and disclosure policy or supporting annex which you have not already mentioned?**

### Recommendation

Pharmacists should be informed of the GPhC's publication and disclosure policy at the time the sanction is issued, and specifically how long the details of the sanction pertaining to them will remain in the public domain.

## References

- [1] The Pharmacists' Defence Association, "PDA concerned about GPhC lack of action," 18 December 2017. [Online]. Available: [https://www.the-pda.org/gphc\\_lack\\_of\\_action/](https://www.the-pda.org/gphc_lack_of_action/).
- [2] The General Pharmaceutical Council, "Council Meeting Papers," 12 April 2018. [Online]. Available: [https://www.pharmacyregulation.org/sites/default/files/document/2018-04-12\\_papers\\_for\\_website\\_2.pdf](https://www.pharmacyregulation.org/sites/default/files/document/2018-04-12_papers_for_website_2.pdf).
- [3] The Care Quality Commission, "Provision for Fees - National Health Service, England - Health and Social Care, England," 1 April 2018. [Online]. Available: [http://www.cqc.org.uk/sites/default/files/20180328\\_2018-19%20fees\\_scheme.pdf](http://www.cqc.org.uk/sites/default/files/20180328_2018-19%20fees_scheme.pdf).
- [4] The Pharmacists' Defence Association, "PDA Concerned about GPhC Lack of Action," 18 December 2017. [Online]. Available: [https://www.the-pda.org/gphc\\_lack\\_of\\_action/](https://www.the-pda.org/gphc_lack_of_action/).
- [5] The Pharmacists' Defence Association, "The GPhC's approach to staffing levels," 9 July 2018. [Online]. Available: <https://www.the-pda.org/the-gphcs-approach-to-staffing-levels/>.
- [6] The Pharmacists' Defence Association, "The GPhC identified major patient safety concerns in 667 pharmacy inspections," 27 July 2018. [Online]. Available: <https://www.the-pda.org/the-gphc-identified-major-patient-safety-concerns-in-667-pharmacies-across-great-britain/>.