

Equality Impact Assessment

Section One: General Information:

1.1 Name of person completing this assessment:

McKenzie HR Consultants in consultation with the General Pharmaceutical Council

Function: Corporate Governance (Equality and Diversity)

Contact Tel No: Christine Gray, Head of Corporate Governance, General Pharmaceutical Council 020 3365 3503

1.2 Title of Policy/Service/Function/Project being assessed:

The General Pharmaceutical Council (Statutory Committees and their Advisers Rules) Order of Council 2010

Copy of policy attached to this assessment please tick

✓



1.3 Is this policy, service, function or project: ✓



New



Existing



Proposed



Changing

When was it issued ?
(DD/MM/YY)

Not Stated

Please list below, any other policies or documents that are either related to the policy, service, function or project being assessed or are referred to within this assessment:

The Pharmacy Order 2010: Articles 18(2), 63(4), 64(8), 66(1) and paragraph 5 of Schedule One.

Equality Impact Assessment

Section One: General Information (continued):

1.4 What are the principal aims of the policy, service, function or project being assessed ? For example, why does this exist within the GPhC and what is it designed to achieve ?

Three separate statutory committees will exist within the *General Pharmaceutical Council* ('the Council'). Each committee has different functions assigned to it under *The Pharmacy Order 2010*. The three statutory committees and a summary of their responsibilities are listed below:

The Investigating Committee. Responsible for the initial investigations relating to allegations made against registered pharmacists, pharmacy technicians and pharmacies. Unlike the other two committees, *The Investigating Committee* meets in private and considers written evidence only.

The Fitness to Practise Committee. Responsible for investigating and deciding whether a pharmacist's or pharmacy technician's ability to practise is impaired.

The Appeals Committee. Responsible for hearing appeals made by people against 'appealable decisions' relating to registration, approvals or details held on the Council's register of Pharmacists, Pharmacy Technicians and Pharmacies.

Each of the three statutory committees are composed of the following:

- (i) A Chair
- (ii) Deputy Chairs
- (iii) Lay Members
- (iv) Registrant Members

Note that with the exception of a 'Chair' the number of people appointed to each of the above roles varies between the three committees.

(Continued)

Equality Impact Assessment

Section One: General Information (continued):

1.5 What are the principal aims of the policy, service, function or project being assessed ? For example, why does this exist within the GPhC and what is it designed to achieve ? (continued)

The draft rules provide for a separate (non statutory) committee to exist within the Council – **The Appointments Committee** which would be responsible for selecting, appointing, suspending or removing from office, all members of the three statutory committees.

This policy document sets out the rules relating to the constitution and composition of the above three statutory committees, the eligibility for appointment as a statutory committee member and the requirements of members once appointed.

The document also details the functions of various other advisors to the statutory and non statutory committees within the Council.

1.6 List the main activities of the policy, service, function or project being assessed. For example, what does it involve ? Are there any key milestones or achievements that can be measured as a result of its implementation ?

Principally, this policy deals with the composition, appointment, removal, training and conduct expected of all members of the three statutory committees within the Council. In summary, the policy covers:

- Composition of the three statutory committees.
- The role of the *Appointments Committee*.
- Eligibility to be appointed to any of the three committees.
- Required Competencies for members of the Statutory Committees
- Standards and training for committee members.
- Terms of office
- Resignation of statutory committee members
- Reserve list
- Suspension and removal of statutory committee members and persons on the reserve list
- Casual vacancies
- Power to co-opt members of statutory committees
- Secretaries of statutory committees
- The composition of statutory committees at meetings or hearings
- Provisions against bias
- Voting
- Requirement to give or repeat advice in public
- Functions of clinical advisers
- Requirement to give or repeat advice in public
- Provisions relating to conducting meetings and hearings.
- The role of legal, clinical and specialist advisors to the committees.
- Giving of advice – both in public and to the committees.
- Questioning of Witnesses during hearings.
- Keeping of records and information.

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Section One: General Information (continued):

1.7 Who does this policy or project involve and affect ?

Consider both the internal (employment) and external aspects.

For example, GPhC employees, members, pharmacists, pharmacy technicians, pharmacy owners, patients and other organisations or members of the public who have dealings with the GPhC.

The policy directly affects:

- Council employees.
- Registered pharmacists and pharmacy technicians.
- Members of the public.
- Any person who applies to be a member of a statutory committee (in any capacity).
- Members of any of the three statutory committees within the Council.
- Members of the Council's Appointments Committee.
- Witnesses at hearings.
- Persons acting in the capacity of clinical, legal or specialist advisors to any of the committees.

1.8 What are the key performance indicators of this policy, service, function or project

The formation of the three statutory committees within the Council as required under *The Pharmacy Order 2010*.

The operation of the above three committees in accordance with the rules laid out within this policy document.

Equality Impact Assessment

Section One: General Information (continued):

1.8 Was any *Equalities Research Data* utilised ✓

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Yes

No

Equalities Research Data is internal or external information available in relation to equality that was taken into account in the development or implementation of the policy, service, function or project being assessed. Examples might include internal employment information, staff or pharmacists surveys or research, information from the *Equalities and Human Rights Commission etc.* Where you believe there are gaps in research please state what further research could or should be undertaken. Please include your recommendations within the *Further Actions* section of this document (section 4.0).

Please list any *Equalities Research Data* used below:

No evidence of the use of any equality data in the preparation of this policy document.

Advisory Note:

It is recommended that the Council captures, using the six equality groups (Race, Gender etc) the profile of all persons:

- Applying to be committee members.
- Who are successful in their application to be a committee member.
- Who are unsuccessful in their application to be a committee member.
- Who are suspended or removed from office as a committee member.
- Who resign as a committee member during their period of office.

The above monitoring is important as it will allow the Council to be aware of any equality related trends (unintentional or otherwise) and to consider taking any *Positive Action* it may consider necessary to address imbalances (from any equality perspective) that may exist within the composition of the three statutory committees.

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Section One: General Information (continued):

1.9 Who has been, or will be, consulted in the development or implementation of the policy, service, project or function being assessed ? Consultation should be with representatives of groups affected or directly involved. Please refer to Section 1.6 of this document for more information.

The Council has published (in accordance with *The Pharmacy Order 2010*) a set of draft rules which are currently the subject of consultation with the people most likely to be affected by the introduction of any new rules.

The consultation on the draft rules covers:

- Fees
- Registration
- Appeals
- Statutory committees and their advisers
- Fitness to practise

There is a legal requirement (as part of *The Pharmacy Order*) that the Council must consult such persons or organisations that it considers appropriate before making rules under Parts 3 – 7 of the Order, and that rules cannot come into force until approved by order of the Privy Council (except in the case of the Fees rules).

Consultations on further sets of rules e.g. fees for 2011, continuing professional development and pharmacy owners and superintendents will take place later in 2010.

After the close of the consultation, the Council will review the outcome and ensure that any necessary amendments are made to the rules prior to seeking Privy Council approval and their coming into force. The consultation closes on 4 May 2010.

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Section Two: Screening Impact:

Assessing Positive Impact

Please tick *Yes* or *No* to the initial questions below

2.0 Could this policy, service, project or function have a major impact (*positive, negative or differential*) on GPhC employees, members, pharmacists, pharmacy Technicians/owners, members of the public or any other GPhC stakeholders ?

☒

Yes

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No

2.1 Could this policy, service, project or function impact positively or differentially on any other different groups of people that have contact with the GPhC ?

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Yes

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No

If you have answered *Yes* to either of the above questions, please complete Section 2.2. of this document (overleaf). Otherwise, please proceed to Section 2.3.

Equality Impact Assessment

Section Two: Screening Impact (continued) :

Assessing Positive Impact	
2.2 How does the policy, service, project or function impact positively on the following groups:	
Group:	Evidence:
Race	<p>This policy has a potentially positive impact on all persons who have contact with the Council in connection with, or who are a the subject of:</p> <ul style="list-style-type: none"> ▪ An investigation ▪ An appeal process ▪ A fitness to practise hearing <p>In such circumstances, a person will have the matter presided over by a carefully appointed and suitably qualified committee who are obliged to conduct all hearings in a fair and objective manner and to ensure that the principles of natural justice (civil standard) are adhered to.</p> <p>However, there is no reference made in this policy to these seven equality strands or where there may be a positive impact – for clarity this needs to be included in this policy.</p>
Gender	
Disability	
Sexual Orientation	
Religion / Belief	
Age	
Different Socio and Economic Groups	

Please now proceed to Section 2.4

Equality Impact Assessment

Section Two: Screening Impact (continued) :

2.3 Please state why, in your assessment, you consider that the policy, service, project or function is likely to have no *Positive Impact on Equality Groups*. Please attach evidence to support your assessment.

Not applicable.

Equality Impact Assessment

Section Two: Screening Impact (continued) :

Assessing Adverse Impact

Please tick Yes or No to the following questions and where available, provide evidence to support your answers.

2.4 Could this policy, service, project or function impact adversely² or differentially³ on different equality groups ?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Yes No

Do people from different equalities groups have different expectations and needs of or from this policy, project service or function ?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Yes No

Is there evidence that any part of the policy, project, service or function could discriminate unlawfully either directly or indirectly against any equality groups ?

<input checked="" type="checkbox"/>	<input type="checkbox"/>
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Yes No

If you have answered yes to any of the above questions, please complete Section 2.5. of this document (overleaf) otherwise, please proceed to Section 2.6

- 2: Adversely impact is where the affect or impact of the policy, service, project or function results in less favourable treatment, discrimination or disadvantage which may be direct, indirect or not immediately obvious and is not capable of being justified.
- 3: Equality groups are people of a different *Race, Gender, Religion/Belief, Sexual Orientation, Age Disabled* people and people drawn from different *Socio and Economic* groupings. Note that at the time of writing, the assessment of *Socio and Economic Groupings* should be performed at a 'strategic level only'.¹

¹ Draft Government Guidelines on Interpreting the Equality Bill 2010

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Section Two: Screening Impact (continued) :

2.5 How does the policy, service, project or function adversely impact on the following groups:	
Group:	Evidence:
Race	The policy specifies both eligibility and the qualifications required of all persons applying to be a member or holding a term of office in any of the three statutory committees within the council.
Gender	
Disability	The rules would appear to apply equally to all persons, irrespective of their Race, Gender, Disability, Sexual Orientation, Religion/Belief or Age. Although as stated in section 2.2 , there is no reference made in this policy to the seven equality strands or where there may be a positive impact – for clarity this needs to be included in this policy. Whilst the selection criteria used to appointment members does contain certain discriminatory (selective) elements – particularly within the areas of non eligibility, as a result of performing this equality impact assessment, it is deemed that this criteria is:
Sexual Orientation	
Religion / Belief	
Age	
Different Socio and Economic Groups	<p>(i) Capable of being justified on the grounds that the Council fundamentally exists as a professional regulatory body to uphold professional standards and the three statutory committees exist to facilitate this regulation</p> <p>(ii) Proportionate to the legitimate aims of <i>The General Pharmaceutical Council</i>.</p>

Equality Impact Assessment

Section Two: Screening Impact (continued) :

2.6 Please state why, in your assessment, you consider that the policy, service, project or function is likely to have no *Adverse Impact on Equality Groups*. Please attach evidence to support your assessment

Not applicable.

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Section Three: Promoting Inclusivity:

3.0 How does this policy, project, service or function contribute towards the provision of fair and equal treatment to all people who have contact or dealings with the GPhC as detailed within the GPhC Equality and Diversity Policy:

Please see section 2.2. (page 10) of this document

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Section Three: Promoting Inclusivity (continued) :

3.2 How will you ensure that this policy, project service or function is continuously communicated to and available to all equality groups?

This policy should be published on the Council's web site and made available as a downloadable document for persons interested in applying to be a committee member.

Advisory Note:

It is recommended that the Council consider publishing this document in a number of different formats and languages to accommodate the needs of its diverse population of employees and service users.

3.3 Is there an opportunity to promote equality and diversity in developing this policy? Please explain.

No specific reference is made within this policy to Equality and Diversity. It is recommended that a statement be added to this policy relating to the fair selection and appointment of appointment of committee members irrespective of their Gender, Race, Disability, Sexual Orientation, Religion and Belief or Age.

Additionally, it is recommended that this statement is cross referenced to the Council's Equality and Diversity policy.

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Section Four: Further Actions:

4.1 What are your specific actions/recommendations to amend this policy/project/service (Based on your responses to Sections 2 and 3).

	Proposed Action	Timescale	Responsible Lead	Measure/Outcomes
1:	<p>Capture, using the six equality groups the profile of all persons:</p> <p>Applying to be committee members.</p> <p>Who are successful in their application to be a committee member.</p> <p>Who are unsuccessful in their application to be a committee member.</p> <p>Who are suspended or removed from office as a committee member</p> <p>Who resign during their period of office.</p>			

Section Four: Further Actions:

4.2 What are your specific actions/recommendations to amend this policy/project/service (Based on your responses to Sections 2 and 3).

	Proposed Action	Timescale	Responsible Lead	Measure/Outcomes
2:	Produce the policy in a number of different formats to accommodate potential issues relating to a person's Race or Disability.			
3:	Review the composition of all three statutory committees – especially in terms of Race and Gender to establish if the Council needs to take any <i>Positive Action</i> [†] (for example via targeted advertising) to redress any equality related imbalances.			
4:	Make specific reference by a statement for the six equality strands (potentially seven with Socio Economic Group) and the equality and inclusivity of this policy. This needs to apply to the majority of the General Pharmaceutical Council's policies			

[†] In the context of this statement, *Positive Action* is defined as the steps the Council may take to encourage members of underrepresented groups to apply to be a member of one of the three statutory committees. Any *Positive Action* taken should not have any consequential negative or adverse

impact on any other equality groups.

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Section Four: Further Actions: (continued) :

4.3 How do you intend to monitor and report on the impact of the project, policy, service or function and the associated recommendations and actions ?

Via both the consultation process and agreed period of reviews of the action points raised as part of this and other Equality Impact Assessments performed within the Council.

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Section Five: Assessment Approval:

5.1 This Equality Impact Assessment has been completed by:

Signed **Date.....**

Mckenzie Human Resources in Partners hip with the GPhC

**This Equality Impact Assessment has been examined and is
approved / signed off on behalf of the GPhC**

Signed **Date.....**

Notes:

Completed assessments must be sent to: