

Our performance review process

We have a statutory duty to report annually to Parliament on the performance of the 10 regulators we oversee. We do this by reviewing each regulator's performance against our Standards of Good Regulation and reporting what we find. Our performance reviews are carried out on a three-year cycle; every three years, we carry out a more intensive 'periodic review' and in the other two years we monitor performance and produce shorter monitoring reports. Find out more about our review process [here](#).

This monitoring report covers the period 1 November 2021-31 December 2022.

Key findings

- We are pleased to report that the PSNI met all the Standards this year. It took action to address most of the concerns we reported last year about its fitness to practise process and it continued to progress investigations in a timely manner, with no concerns identified about the quality of its investigations.
- The PSNI improved the transparency and accessibility of its work by publishing more information on its website, including the findings of its annual equality and diversity survey of registrants. It also used new ways to publicise the survey.
- The PSNI continued implementing the education reforms for pharmacists. This was the first year of the new Foundation Training Year (FTY) and the Common Registration Assessment (CRA). We had no concerns about the implementation of the FTY. A small number of candidates sitting the CRA in June 2022 experienced delays but two other sittings took place during the review period without incident. We will continue to monitor the CRA to ensure it operates effectively.
- We also urge the PSNI to re-consider its decisions not to collect diversity data about its Council members and not to publish its interpretation of its Statutory Committee powers to extend Conditions of Practice Orders at review hearings.

Standards met 2021/22



General Standards	5 out of 5
Guidance and Standards	2 out of 2
Education and Training	2 out of 2
Registration	4 out of 4
Fitness to Practise	5 out of 5
Total	18 out of 18

PSNI standards met 2019-21

2020/21	17
2019/20	15



2,962

professionals on the register
(as at 31 December 2022)

554

premises on the register
(as at 31 December 2022)

General Standards

The PSNI met all five General Standards this year.

These five Standards cover a range of areas including: providing accurate, accessible information; clarity of purpose; equality, diversity and inclusion; reporting on performance and addressing organisational concerns; and consultation and engagement with stakeholders to manage risk to the public.

Publishing information about its work

The PSNI improved the transparency and accessibility of information it provides about its work by starting to publish on its website:

- its public Council meeting papers
- its Manual for the Fitness to Practise Committees (FTP Manual).

Transparency about the PSNI's interpretation of the powers of its Statutory Committee

Last year we said the PSNI should publish its interpretation of the powers of its Statutory Committee; the Statutory Committee cannot impose a Conditions of Practice Order (CoPO) for more than three years at a time, but the PSNI accepts that it can extend an existing CoPO for a further three years upon review. This is not clear in its current guidance.

This year the PSNI trained Committee members on its interpretation but did not update any of its written guidance or published materials. There were no CoPOs due for review this year or last year, so the PSNI does not currently consider it a live issue. We remain of the view that the PSNI should publish this information in the interests of transparency and fairness. However, we did not consider this one issue concerning enough to warrant Standard 1 not being met. We also considered this issue under Standards 15 and 16.

Equality, diversity and inclusion

The PSNI has made some progress in addressing the three main concerns we raised in our last report:

- **Data collection:** the PSNI used new ways to publicise its annual equality and diversity survey of its registrants. This year's response rate was lower than last year's, possibly due to survey fatigue, but the PSNI intends to consider ways of improving it.
- **Work arising from the analysis of the diversity data on its Associates:** the PSNI did not carry out any further work based on the data in respect of its Associates this year but has committed to revisiting its data analysis when preparing for the next round of Associate recruitment.
- **Use of, and reporting on, data:** the PSNI started publishing the factual findings from its annual equality and diversity survey and plans to further develop its use of this data over time.

We have previously reported that the PSNI does not collect diversity data about its Council members, and its reasons why. Even though the PSNI does not itself recruit or appoint its Council members, it is important that it understands the diversity of its key decision-makers; there is clear evidence that people's characteristics have an impact on decision-making. We therefore remain of the view that the PSNI should monitor the diversity of its Council members.

Having balanced this ongoing issue with the other work the PSNI has done in relation to equality, diversity and inclusion, we consider that the PSNI has slightly improved its performance. We are therefore satisfied that Standard 3 is met.

We are currently reviewing our approach to assessing Standard 3 as part of our own organisational [EDI action plan](#), and we will continue to engage with the PSNI on this.

Considering the implications of external developments and public inquiries

The PSNI continued monitoring and responding to external developments relevant to its work. It started preparing for:

- the regulation of pharmacy technicians in Northern Ireland¹
- new powers it received on 1 December 2022 to set rules and regulations for Chief Pharmacists, Responsible Pharmacists and Superintendent Pharmacists.²

Pharmacy closures

The PSNI published a statement³ in response to an open letter from the Pharmacists' Defence Association (PDA) on the public impact of pharmacy closures, particularly in rural and less affluent areas.⁴ The statement explains what the PSNI expects of pharmacists and pharmacies, but also the limits of the PSNI's remit in respect of the closures. The PSNI has committed to working with stakeholders and taking part in ongoing discussions about workforce matters.

Guidance and Standards

The PSNI met both Standards for Guidance and Standards this year.

The Code (Professional standards of conduct, ethics and performance for pharmacists in Northern Ireland)

The PSNI started reviewing *The Code*, which has been in place since March 2016. It issued a call for evidence and plans to launch a public consultation in May 2023, followed by publication of the new Code in August/September 2023. The PSNI will ensure that any changes are also relevant to pharmacy technicians.

Premises Standards

The PSNI is still waiting for a Commencement Order to give effect to its new *Premises Standards*.⁵ It communicates regularly with the Department on progress with the legislative agenda and in the meantime is developing indicators that the Medicines Regulatory Group (MRG)⁶ can use for the enforcement of the new Standards when they take effect.

Guidance

In response to the recommendations and action plan from the Department's Pharmacy Workforce Review 2020,⁷ the PSNI consulted on draft guidance on pharmacy staffing levels. It is due to report on the consultation next year, and we will monitor this work.

Online pharmacy services

Recent years have seen an increase in the use of online pharmacy services. The PSNI is alert to the risks relating to online pharmacy services and is updating its existing standards and guidance on internet pharmacy. It is important that the PSNI takes prompt action to ensure it understands, and is managing, the risks arising from online pharmacy, and we will monitor the work it is doing.

Education and Training

The PSNI met both Standards for Education and Training this year.

Education reform

The PSNI continued working on the phased implementation of the new *Standards for the initial education and training of pharmacists*.⁸ It chairs and hosts an Education Reform Implementation Group, which has representation from the Department, Northern Ireland Centre for Pharmacy Learning and Development (NICPLD), Queen's University

Belfast and Ulster University. Courses applying for accreditation after 2021 will need to meet the new Standards. The GPhC and PSNI will reaccredit existing courses in Northern Ireland against the new Standards in 2023/24. The new Standards will be fully implemented by 2025/26.

After a public consultation,⁹ the PSNI confirmed it will be changing the entry requirements for independent prescribing (IP) courses.¹⁰ The PSNI worked with the GPhC and other stakeholders to develop *Guidance to support the implementation of the standards for the education and training of pharmacist independent prescribers*, which was published in October 2022.

Foundation Training Year (FTY)

This was the first year of the new FTY run by NICPLD, which replaced the PSNI's pre-registration training year. The PSNI retains management of quality assurance and the two organisations agreed transitional quality assurance arrangements for this first year with regular meetings and information exchanges taking place. We did not identify any concerns in relation to the new FTY.

Common Registration Assessment (CRA)

The first sitting of the CRA took place without incident in November 2021. However, a small number of candidates sitting in June 2022 experienced delays of 30 minutes or less before they could begin the assessment. (The GPhC had similar, but more severe, issues at test centres in England.) All candidates were in fact able to complete the assessment on the day, and candidates who successfully appealed their results because of the delays received free entry to the November 2022 sitting and were offered extended training placements. The PSNI and GPhC formed a working group to review the issues and put measures in place to ensure they did not occur again. No incidents were reported at the November 2022 sitting so the measures appear to have been effective, but we will continue to monitor how the CRA operates.

Registration

The PSNI met all four Standards for Registration this year.

Accuracy of the Register

The PSNI's temporary register was due to close on 30 September 2022 but has been extended for two years at the request of the Minister of Health in Northern Ireland. We saw no evidence of inaccuracies in the PSNI's main or temporary registers.

Processing applications for registration

The PSNI adapted its registration processes to ensure changes arising from the new FTY and first CRA did not cause undue delays to registration. Candidates who met all the necessary requirements were registered within five working days of the assessment results being released.

Continuing Professional Development (CPD)

This year saw the first submissions under the PSNI's new CPD framework.¹¹ One organisation told us there were technical issues with the CPD portal shortly before the deadline for submission but the PSNI resolved them promptly and extended the deadline to compensate for the issues.

The PSNI analysed data on compliance levels, pass rates and remediation. Although there was an increase in the number of pharmacists entering its initial remediation stage 1 compared to previous years, the PSNI told us there were no discernible trends in relation to the changes to the framework. The PSNI will continue to monitor the data and will take action if unwanted trends appear.

One stakeholder reported concerns to us about the PSNI's CPD process but we did not see evidence of any widespread issues. The PSNI plans to review its CPD processes. It will be seeking

stakeholders' views to inform the development of a Continuing Fitness to Practise strategy. We will monitor this work.

Fitness to Practise

The PSNI met all five Standards for Fitness to Practise this year.

Last year, the PSNI did not meet Standard 15 because:

- our audit of closed fitness to practise cases identified concerns about three particular aspects of its fitness to practise process
- it did not publish information about its interpretation of the powers of its Statutory Committee.

How did the PSNI address our concerns about its fitness to practise process?

Last year, our audit of closed fitness to practise cases identified concerns relating to:

- notifying registrants they were under investigation
- investigating serious cases without the complainant's consent to disclose their information
- conflicts of interest.

In response, the PSNI introduced three new policies setting out:

- when and how registrants will be notified that they are under investigation
- factors to consider when deciding whether a concern is sufficiently serious to warrant investigating without the complainant's consent to disclose their information
- when potential conflicts of interest (perceived or actual) will be identified and how they will be managed.

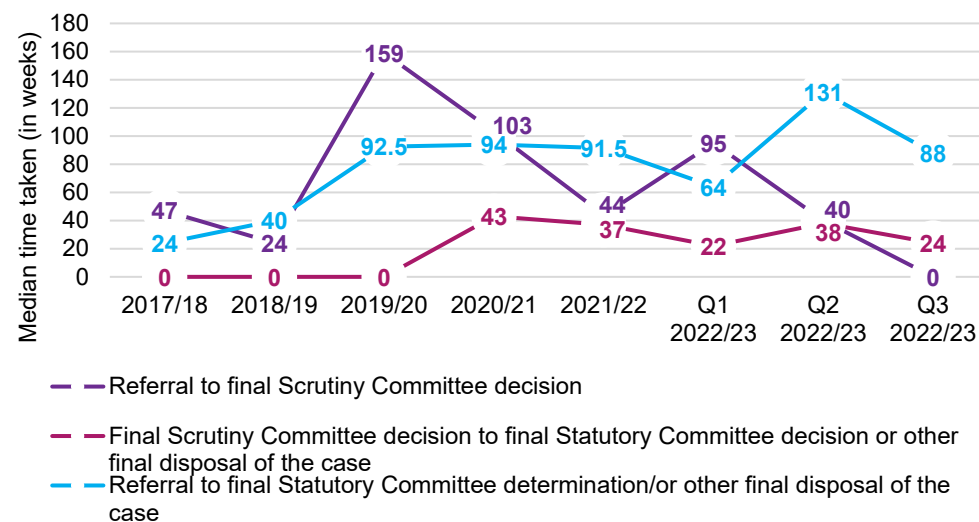
We welcome the action taken by the PSNI. In future performance reviews, we may look in more detail at how it is applying its new policies.

As mentioned under the General Standards (page 2), the PSNI has not published its interpretation of the powers of its Statutory Committee this year. This did not impact any cases this year or last year, but we urge the PSNI to re-consider its position before it becomes a live issue. It is important that processes are transparent for all parties and controls are properly documented.

Time taken to progress cases

Figure 1 shows that the PSNI's performance against our key timeliness measures improved in 2021/22. The subsequent quarterly data shows fluctuations in timeliness. We often see this in the quarterly data because of the PSNI's small caseload. We are not concerned by the data at this time.

Fig 1. Key timeliness measures for fitness to practise investigations



The number of older cases in the PSNI's caseload remains relatively stable and does not give rise to concerns. The PSNI does not appear to have developed a backlog of cases since the pandemic.

We are satisfied that Standard 15 is met this year because the PSNI addressed most of our concerns from last year, it continues to progress investigations in a timely manner and we have no concerns about the quality of its investigations.

Interim orders extended by the High Court

The PSNI reviewed and updated its FTP Manual this year, which involved an internal analysis, feedback from the legally qualified chairs of its FTP committees and extensive engagement with external legal experts. The review identified that the PSNI had misinterpreted the legislation relating to interim orders extended by the High Court. The PSNI had understood that the High Court retained jurisdiction if it extended an interim order so the PSNI's Statutory Committee was not required to carry out any further reviews. This was incorrect.

The PSNI has updated its FTP Manual to reflect the current position and all reviews are now taking place in accordance with the legislation. The PSNI told us that, by reviewing and updating its FTP Manual, it is assured that all of its fitness to practise processes are now operating fully in line with its legislation. FTP procedures and compliance will continue to form part of the PSNI's internal audit schedule.

We were concerned by the PSNI's misinterpretation of its legislation, particularly in an area that relates to high-risk cases. However, we were satisfied that no risk of harm to the public arose because no interim orders lapsed. We also recognise that the PSNI identified the issue for itself and took prompt steps to rectify it. We are therefore satisfied that Standard 17 is met.



Quick links/find out more

- ▶ Find out more about our performance review process
- ▶ Read the PSNI's 2020/21 performance review
- ▶ Read our Standards of Good Regulation

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¹ Work is now progressing for the PSNI to regulate this profession in Northern Ireland; <https://www.health-ni.gov.uk/news/regulation-pharmacy-technicians-northern-ireland-moves-forward>

² <https://www.psni.org.uk/news/changes-to-the-responsibilities-of-responsible-and-superintendent-pharmacists/>

³ <https://www.psni.org.uk/wp-content/uploads/2022/10/Pharmacy-Closures-Statement-PSNI-14.09.22.pdf>

⁴ <https://www.the-pda.org/open-letter-pharmacy-closures/>

⁵ The PSNI approved new *Premises Standards* in June 2018 but they will not come into effect until the introduction of a Commencement Order to bring The Pharmacy (Premises Standards, Information Obligations, etc.) Order 2016 into operation.

⁶ The MRG sits within the Department and holds responsibility for inspecting and investigating concerns about pharmacies.

⁷ <https://www.health-ni.gov.uk/sites/default/files/publications/health/doh-pharmacy-workforce-review.pdf>

⁸ These new Standards were launched by the GPhC, and adopted by the PSNI, in January 2021.

⁹ The public consultation ran for eight weeks from April to May 2022. <https://www.psni.org.uk/publications/consultations/>

¹⁰ The changes arise from the wider education reforms because IP training will now be incorporated into the five-year training programme rather than being a standalone course that is completed post-qualification.

¹¹ After delays caused by the pandemic, the PSNI introduced its new CPD framework in June 2021.