

RULES OF THE  
PHARMACEUTICAL SERVICES NEGOTIATING COMMITTEE

1 SUB-COMMITTEES OF THE PSNC

- 1.1 The sub-committees of PSNC, as set out in the Constitution are:
  - 1.1.1 Funding and Contract sub-committee;
  - 1.1.2 Resource Development and Finance sub-committee;
  - 1.1.3 Service Development sub-committee;
  - 1.1.4 LPC and Implementation Support sub-committee.
- 1.2 Each of the sub-committees shall have a different chairman elected by ballot in May 2010 and biennially thereafter.
- 1.3 Sub-committees of PSNC appointed from May 2010 onwards, shall have a term of office of two years.
- 1.4 The chairman of a sub-committee shall have the right to attend and speak but not to vote at any meeting of any sub-committee of which he is not a member.
- 1.5 The Chairman of PSNC shall have the right to attend and speak at all meetings of such sub-committees, but shall not have the right to vote at such sub-committee meetings.
- 1.6 The Vice Chairman of PSNC shall have the right to attend all meetings of sub-committees of which he is not a member, but shall not have the right to vote at such sub-committee meetings.
- 1.7 The member of PSNC appointed under 6.2.3 of the Constitution shall have the right to attend all meetings of sub-committees, other than Resource Development and Finance sub-committee, but shall not have the right to vote at such sub-committee meetings.
- 1.8 The Chief Executive Officer of Community Pharmacy Wales may attend any meeting of a sub-committee, subject to the discretion of the chair of the sub-committee
- 1.9 Every member of PSNC shall either be elected as chairman of a sub-committee or be appointed to a sub-committee as set out below.
- 1.10 No provision shall be made for a deputy to attend a sub-committee on behalf of a sub-committee member who is unavailable.

2 Funding and Contract Sub-Committee

- 2.1 The functions of the Funding and Contract sub-committee shall include reimbursement and Drug Tariff, remuneration, contractual service framework and monitoring of prices and income.
- 2.2 The Funding and Contract sub-committee shall comprise the following members:
  - 2.2.1 the chairman of the sub-committee elected in accordance with Paragraph 1.2;

2.2.2 Nine other members, appointed as follows:

2.2.2.1 The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of five of their members on the sub-committee; and

2.2.2.2 The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of five of their members on the sub-committee, of which at least one shall be a Multiple Chemist representative.

3 Resource Development and Finance sub-committee

3.1 The functions of the Resource Development and Finance sub-committee shall be to establish and develop the human, financial, physical and systems resources of the PSNC; and identification of the training and development needs of staff and PSNC members.

3.2 The Resource Development and Finance sub-committee shall comprise:

3.2.1 the chairman of the sub-committee, elected in accordance with Rule 1.2;

3.2.2 the chairman of the Funding and Contract sub-committee;

3.2.3 the chairman of the Service Development sub-committee;

3.2.4 the chairman of the LPC and Implementation Support sub-committee;

3.2.5 Four other members, appointed as follows:

3.2.5.1 The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee; and

3.2.5.2 The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee.

4 Service Development sub-committee

4.1 The functions of the Service Development sub-committee shall include monitoring of services, development of proposals for new services, Information Technology and regulatory matters.

4.2 The Service Development sub-committee shall comprise:

4.2.1 the chairman of the sub-committee, elected in accordance with Rule 1.2;

4.2.2 Seven other members, appointed as follows:

4.2.2.1 The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee; and

- 4.2.2.2 The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee.

## 5 LPC and Implementation Support sub-committee

- 5.1 The functions of the LPC and Implementation Support sub-committee shall include providing services and support for Local Pharmaceutical Committees and Chemists, and National Prescription Research Centre (NPRC).
- 5.2 The LPC and Implementation Support sub-committee shall comprise:
  - 5.2.1 the chairman of the sub-committee, elected in accordance with Rule 1.2;
  - 5.2.2 Seven other members, appointed as follows:
    - 5.2.2.1 The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee; and
    - 5.2.2.2 The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee.

## 6 PANELS OF THE PSNC

- 6.1 The panels of the PSNC as set out in the Constitution are:
  - 6.1.1 Review and Audit Panel;
  - 6.1.2 Appointments Panel.
- 6.2 The Panels of PSNC shall be appointed or elected by ballot in May 2010 and biennially thereafter.
- 6.3 Panels of PSNC, elected or appointed from May 2010 onwards shall have a term of office of two years.

## 7 REVIEW AND AUDIT PANEL

- 7.1 The purpose of the Review and Audit Panel shall be to review the work of the PSNC and its operational structures at specific intervals; to assure efficient pursuit of the PSNC's strategic and internal objectives; to ensure resource management is effective; to encourage improving quality and performance at all levels; to manage the performance of any co-opted members of the PSNC, and to assure corporate governance.
- 7.2 Five members of PSNC shall be elected by ballot to the Review and Audit Panel.
- 7.3 The chairmen of the sub-committees and the Vice Chairman of PSNC shall not be eligible for election to the Review and Audit Panel.
- 7.4 The members of the Panel may co-opt an additional member from members of PSNC, this power being exercised only if it is necessary to ensure that the Panel includes representation of both the independent and multiple sectors.

- 7.5 The members of the Panel shall appoint from amongst the members of the Panel, a chairman, who may not be a member of the Resource Development and Finance sub-committee.

## 8 APPOINTMENTS PANEL

- 8.1 The purpose of the Appointments Panel is to propose to the PSNC a candidate for appointment as Chairman of the PSNC.
- 8.2 The Appointments Panel shall consist of two members of PSNC elected by ballot to the Panel together with the chairman of each sub-committee.
- 8.3 If the Chairman is eligible for a further term of office, then the Appointments Panel must consider whether to recommend he be reappointed without considering other possible candidates.
- 8.4 The Appointments Panel may seek candidates by any means they think fit.
- 8.5 The Appointments Panel shall present its proposal for approval by the PSNC.
- 8.6 A candidate approved by the PSNC shall be offered the position for a period of two years.

## 9 CHAIRMAN OF THE PSNC

- 9.1 The Chairman's term of office shall be two years and he shall be eligible to be reappointed for two further terms only.
- 9.2 The Chairman shall have a vote which may be exercised only as a casting vote in the event of a tied vote by the other members of the PSNC.

## 10 VICE CHAIRMAN OF PSNC

- 10.1 The role of the Vice Chairman shall include deputising for the Chairman, attending meetings with Ministers with the Chairman, and provision of advice and information to assist the Chairman.
- 10.2 The Vice Chairman shall be elected in May 2011 to serve a term of one year only, and notwithstanding the provisions of paragraph 10.3, the Vice Chairman of PSNC elected in May 2009 shall be eligible to be elected to serve that term. Thereafter the term of office shall be two years.
- 10.3 The Vice Chairman shall be eligible to serve no more than two terms.
- 10.4 The Vice Chairman is eligible for election as a Chairman of a sub-committee, and may be elected or appointed to any sub-committee.

## 11 REGIONAL REPRESENTATIVES

### 11.1 Election of Regional Representatives

The election for the Regional Representatives shall be by Ballot from the Independent Chemists in England to be taken as soon as may be practicable after the first day of January and in any case not later than the last day of March in each year when an election is held.

## 11.2 Returning Officer

The function of Returning Officer shall be undertaken by one or more members of staff of PSNC, under the direction of the Chief Executive.

## 11.3 Regions of PSNC

11.3.1 The PSNC has 13 regions each of which includes the area covered by one or more Strategic Health Authorities in England, as they were constituted on 14 October 2009, and set out in the Annex to these Rules.

11.3.2 Each Strategic Health Authority area may include one or more Local Pharmaceutical Committees recognised by the Primary Care Trusts in that area (each PCT may recognise only one LPC).

11.3.3 One representative may be elected in each of the PSNC regions.

## 11.4 Candidates for election as regional representative

11.4.1 Candidates for election as a regional representative must, at the time of nomination, be pharmacists and members or officers of an LPC in that region.

11.4.2 A person shall be eligible for election as regional representative only if he personally, is an Independent Chemist (either individually or in partnership), or he is a director and a substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children) in a body corporate which is an Independent Chemist.

11.4.3 No person who is a member or officer of a Local Pharmaceutical Committee shall be eligible for nomination as a regional representative where the levy due from that Local Pharmaceutical Committee pursuant to Paragraph 14.4 of the Constitution is outstanding, and has been outstanding for six months or more.

## 11.5 Nominations

11.5.1 The Returning Officer shall write to each member or officer of an LPC of whose appointment he has been informed in the Region or Regions in which an election is to be held to invite them to declare whether any of them would be willing and eligible to accept nomination as representative for that Region.

11.5.2 On receipt of declarations the Returning Officer shall give written notice of the election to the members and officers of the Local Pharmaceutical Committees in the Region including details of the members or officers in the Region who have expressed willingness to accept nomination and shall invite written nominations.

11.5.3 Candidates for election shall be nominated in writing, and the nomination shall state his full name; address of one pharmacy premises in the region at which he is the Independent Chemist (either individually or in partnership) or a director and substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children), of a body corporate carrying on the business of an Independent Chemist at those premises; his correspondence address; and telephone number. In the case of a body corporate, the

candidate shall submit confirmation that he is a director and a substantial shareholder by means of the last annual return made to Companies House, and where changes have occurred since the last Companies House submission, a statement from the Company Secretary stating that the person is a director, and the details of his shareholding (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children), and the date on which the change took place.

11.5.4 The nomination form shall be signed by or on behalf of six electors in the Region, and shall be despatched so as to be delivered at the address of the Returning Officer not later than midday on the 15th day after the invitation to nominate is posted.

11.5.5 In those Regions where more than one candidate has been nominated a ballot will be held.

11.5.6 The Returning Officer will invite candidates who are to participate in the ballot to submit a policy statement not exceeding 500 words. The statement must avoid any direct reference to other candidates.

11.5.7 The Returning Officer shall distribute any policy statement received not later than 14 days after the invitation is sent by the Returning Officer.

#### 11.6 Electorate

11.6.1 Except as specified in 11.6.2 below, every Independent Chemist shall be entitled to one vote for each of its premises in the Region.

11.6.2 Independent Chemists in a Local Pharmaceutical Committee area where the levy due from that Local Pharmaceutical Committee pursuant to Paragraph 14.4 of the Constitution is outstanding, and has been outstanding for six months or more shall not be eligible to take part in the election of regional representatives.

#### 11.7 Election

The Returning Officer will send a ballot form to each elector, which shall specify the last day and hour for the receipt of votes and shall be sent so as to be delivered to the elector not less than fourteen clear days before the day specified thereon.

#### 11.8 Co-option

11.8.1 A pharmacist shall be eligible to be co-opted by the PSNC only if he lives or works in the region for which co-option is being considered and is not a member or officer of a local pharmaceutical committee from which the levy due under paragraph 14.4 of the Constitution has not been received by PSNC within 6 months of the due date.

11.8.2 A pharmacist shall be eligible to be co-opted by the PSNC notwithstanding that he is not a member or officer of a local pharmaceutical committee.

11.8.3 A pharmacist shall be eligible to be co-opted by the PSNC only if he is an Independent Chemist (either individually or in partnership), or he is a director and a substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children) in a body corporate which is an Independent Chemist.

11.8.4 The PSNC, if it co-opts a pharmacist as regional representative, shall select a candidate who most closely meets the eligibility criteria for regional representatives.

## 11A MULTIPLE CHEMIST REPRESENTATIVES

### 11A.1 Election of Multiple Chemist Representatives

The election for the Multiple Chemist Representatives shall be by Ballot from the Multiple Chemists in England to be taken as soon as may be practicable after the first day of January and in any case not later than the last day of March in each year when an election is held.

### 11A.2 Returning Officer

The function of Returning Officer shall be undertaken by one or more members of staff of PSNC, under the direction of the Chief Executive.

### 11A 3 Nominations

11A 3.1 The Returning Officer shall write to the head office or other agreed correspondence address of each multiple chemist to invite them to nominate a candidate for election as Multiple Chemist Representative.

11A 3.2 Candidates for election shall be nominated in writing, and the nomination shall state his full name; the name of the Multiple Chemist; his correspondence address; and telephone number; and a declaration that he is either the Multiple Chemist or employed by the Multiple Chemist. The nomination shall be signed by the owner of the Multiple Chemist, or in the case of a body corporate, by a director of the Multiple Chemist, stating his name and correspondence address. The nomination may be accompanied by a policy statement not exceeding 500 words, which must avoid any direct reference to other candidates.

11A 3.3 The nomination form shall be despatched so as to be delivered at the address of the Returning Officer not later than midday on the 21st day after the invitation to nominate is posted.

11A 3.4 Where there are more candidates for the Multiple Chemist Representatives than there are places a ballot will be held.

### 11A 4 Electorate

Every Multiple Chemist shall be entitled to one vote for each of its premises which are on a pharmaceutical list in England.

### 11A 5 Election

The Returning Officer will send a ballot form to each elector, which shall specify the last day and hour for the receipt of votes and shall be sent so as to be delivered to the elector not less than fourteen clear days before the day specified thereon.

## 12 PSNC PROPERTY LIMITED

12.1 The company PSNC Property Limited shall hold, as trustee, the property of 59 Buckingham Street, Aylesbury.

12.2 The directors of PSNC Property Limited shall be:

12.2.1 the Chairman of Resource Development and Finance sub-committee; and

12.2.2 the Chief Executive Officer of PSNC;

12.3 The shareholders of PSNC Property Limited shall be:

12.3.1 the Chairman of Resource Development and Finance sub-committee; and

12.3.2 the Chief Executive Officer of PSNC;

and the shares shall be held by them on trust for the beneficial interest of the Committee.

12.4 The Chairman of Resource Development and Finance sub-committee and the Chief Executive Officer shall be authorised to sign declarations of trust on behalf of the PSNC in relation to the company.



Annex

	<u>PSNC REGION</u>	<u>STRATEGIC HEALTH AUTHORITY (as constituted on 14 October 2009) &amp; LPC</u>
1	North Eastern	NORTH EAST STRATEGIC HA Cleveland LPC, County Durham and Darlington LPC, Gateshead & South Tyneside LPC, North Tyne LPC, Northumberland LPC, Sunderland LPC
2	Yorkshire and the Humber	YORKSHIRE AND THE HUMBER STRATEGIC HA Bradford LPC, Calderdale & Kirklees LPC, East Riding & Hull LPC, Leeds LPC, North Yorkshire LPC, South Humber LPC, Wakefield LPC
3	East Midlands and South Yorkshire	YORKSHIRE AND THE HUMBER STRATEGIC HA & EAST MIDLANDS STRATEGIC HA Barnsley LPC, Derbyshire LPC, Doncaster LPC, Leicestershire LPC, Lincolnshire LPC, Northamptonshire LPC, Nottinghamshire LPC, Rotherham LPC, Sheffield LPC
4	East Anglia	EAST OF ENGLAND STRATEGIC HA Norfolk LPC, Suffolk and Great Yarmouth LPC, Cambridgeshire and Peterborough LPC,
5	East	EAST OF ENGLAND STRATEGIC HA Bedfordshire LPC, Essex LPC, Hertfordshire LPC
6	London Thames N	LONDON STRATEGIC HA Barnet, Enfield & Haringey LPC, Brent & Harrow LPC, Camden & Islington LPC, City and Hackney LPC, Ealing, Hammersmith & Hounslow LPC, Hillingdon LPC, Kensington, Chelsea & Westminster LPC, North East London LPC
7	London Thames S	LONDON STRATEGIC HA Bexley, Bromley & Greenwich LPC, Croydon LPC, Kingston, Richmond & Twickenham LPC, Lambeth, Southwark & Lewisham LPC, Sutton, Merton & Wandsworth LPC
8	South East Coast	SOUTH EAST COAST STRATEGIC HA East Sussex LPC, Kent LPC, Surrey LPC, West Sussex LPC
9	South Central	SOUTH CENTRAL STRATEGIC HA Berkshire LPC, Buckinghamshire LPC, Hampshire & Isle of Wight LPC, Oxfordshire LPC
10	South Western	SOUTH WEST STRATEGIC HA Avon LPC, Cornwall & Isles of Scilly LPC, Devon LPC, Dorset LPC, Gloucestershire LPC, Somerset LPC, Swindon and Wiltshire LPC
11	West Midlands	WEST MIDLANDS STRATEGIC HA

	<u>PSNC REGION</u>	<u>STRATEGIC HEALTH AUTHORITY (as constituted on 14 October 2009) &amp; LPC</u>
		Birmingham LPC, Coventry LPC, Dudley LPC, Herefordshire LPC, North Staffordshire LPC, Sandwell LPC, Shropshire LPC, Solihull LPC, South Staffordshire LPC, Walsall LPC, Warwickshire LPC, Wolverhampton City LPC, Worcestershire LPC
12	Mersey	NORTH WEST STRATEGIC HA
		Liverpool LPC, North Cheshire, St Helens and Knowsley LPC, Sefton LPC, South Cheshire LPC, Wirral LPC
13	North West	NORTH WEST STRATEGIC HA
		Ashton, Leigh & Wigan LPC, Bolton LPC, Bury & Rochdale LPC, Central Lancashire LPC, Cumbria LPC, East Lancashire LPC, Manchester LPC, Oldham, Tameside & Glossop LPC, Salford & Trafford LPC, Stockport LPC