

Minutes of meeting the Special Purposes Committee of the held on the 12th, August 2021, at 02:30pm. The meeting was convened on-line due to the COVID-19 Public Health Emergency

Agenda Item A - Attendees & Apologies

Name	Role	Present (Yes/No)
Ms. Muireann Ní Shúilleabháin	President	Yes
Mr. Rory O'Donnell	Vice-President	Yes
Mr. Graham Knowles	Chair of the Performance and Resources Committee	Yes
Dr. Paul Gorecki	Interim Chair of the Audit and Risk Committee	Yes
Members of PSI staff in attendance included:		
Mr. Niall Byrne	Registrar	
Ms. Caroline Murphy	Legal Affairs Manager (for part)	
Dr. Cheryl Stokes	Head of Governance and Programme Delivery	
Mr. Éanna Ó Lochlainn	Governance & Planning Officer	

Colour code: Red—for decision; Green—for discussion; Blue—for information

Agenda Item B – Declaration of Conflicts of Interest

Issue

Declaration of Interests by Members of Special Purposes Committee.

Information

Under item B of the Council Agenda, the President drew Council members' attention to their obligations under paragraph 9 of Schedule 1 to the Pharmacy Act 2007, which deals with the necessary disclosure of certain interests by members of the Council.

Decision Approved, and/or Action Requested

Dr. Paul Gorecki declared a conflict of interest with regard to item F on the agenda.

Agenda Item C – Approval of Minutes of Special Purposes Committee Meeting on the 3rd of June 2021

Issue

Draft Minutes of the Special Purposes Committee Meeting held on 3rd June 2021.

Information

The Chair noted that the draft minutes of the Committee meeting held on 3rd of June 2021, had been circulated to Committee members in advance of the meeting, and that no amendments had been received.

Decision Approved, and/or Action Requested

The Committee approved the minutes of the Special Purposes Committee meeting held on 3rd of June 2021, on the proposal of Mr. Graham Knowles, seconded by Mr. Rory O'Donnell.

Agenda Item D. - Recommendation to Council for its approval, of nomination of Council members to Advisory Committees of Council

Issue

Recommendation to Council for its approval, of nomination of Council members to Advisory Committees of Council.

Information

Following the election, and appointment of new members of Council, and the completion by Joanne Kissane of her term of office as President of Council, the Committee reviewed the expressions of interest it had received from the above persons, to serve on one of each of the PSI's three Advisory Committee, with due regard to the core competencies required by each Advisory Committee.

Decision Approved, and/or Action Requested

Decision Approved: The Committee agreed to recommend the following appointments to Council, for its approval by email:

- Ms Joanne Kissane and Ms. Gráinne Power to be appointed members of the Regulatory and Professional Policy Committee, for a term of two years, or until their respective memberships of Council ceases, whichever the sooner.
- Ms. Katherine Morrow, to be appointed a member of the Performance and Resources Committee, for a term of two years, or until her membership of Council ceases, whichever the sooner

- Mr. John Given to be appointed a member of the Audit and Risk Committee, for a term of two years, or until his membership of Council ceases, whichever the sooner.

on the proposal of Mr. Rory O'Donnell, seconded by Mr. Graham Knowles.

Agenda Item E - Recommendation to Council regarding Chair of the Audit and Risk Committee

Issue

Recommendation to Council for its approval, of nomination of Chair of the Audit and Risk Committee.

Information

Dr Paul Gorecki excused himself from the meeting for the duration of the discussion on this item. Dr. Gorecki had been serving as Interim Chair of the Audit and Risk Committee, since the former Chair, Ms. Veronica Treacy, had completed her term of office as a member of Council in June 2021. Dr Gorecki had submitted for review by the Committee, an expression of interest for the role of Chair of the Audit and Risk Committee. This was considered in addition to the core competencies required for the role of Chair of the Audit and Risk Committee.

Decision Approved, and/or Action Requested

Decision Approved: The Committee agreed to recommend to Council, for approval by email, that Dr. Paul Gorecki be appointed as Chair of the Audit and Risk Committee until his term of office on the Committee ends or his membership of Council ceases, whichever the sooner on the proposal of Mr. Rory O'Donnell, and seconded by Mr. Graham Knowles.

Agenda Item F - Recommendation to Council for its approval, of nomination for Chair of the Regulatory and Professional Policy Committee

Issue

Recommendation to Council for its approval, of nomination for Chair of the Regulatory and Professional Policy Committee.

Information

Dr. Paul Gorecki returned to the meeting. Following the election of Ms. Muireann Ní Shúilleabháin as President of Council, a vacancy has arisen for the role of Chair of the Regulatory and Professional Policy Committee. The Committee reviewed an expression of interest it had received for the role from Ms. Joanne Kissane and considered the core competencies required for the position. The Committee noted the continuing importance of succession planning with regard to Advisory Committee Chairs and the need for this to be explored further as part of the Review of

the Effectiveness of the Advisory Committees conducted by Better Boards. The Committee was advised that the outputs from this review will be discussed with Council as part of a workshop on the 7th of October, and this might provide an opportunity to discuss this in more detail with all of Council.

Decision Approved, and/or Action Requested

Decision Approved: The Committee agreed to recommend to Council, for approval by email, that Ms. Joanne Kissane be appointed as Chair of the Regulatory and Professional Policy Committee for a period of two years, or until her membership of Council ceases, whichever the sooner, on the proposal of Mr. Graham Knowles, and seconded by Dr. Paul Gorecki.

Agenda Item G – Recommendation to Council for its approval, of nomination of Council member to Professional Conduct Committee

Issue

Recommendation to Council for its approval, of nomination of a Council member to the Professional Conduct Committee

Information

A vacancy has arisen for a Council member on the Professional Conduct Committee, following the election of Ms. Muireann Ní Shúilleabháin as President of Council. At the Council meeting on the 24th of June, the Council approved that Graham Knowles would fulfil this vacancy on an interim basis pending the conclusion of an expression of interest process with Council. The Committee reviewed an expression of interest it had received for the role, from Mr. John Given and considered the core competencies required for the role.

Decision Approved, and/or Action Requested

Decision Approved: The Committee agreed to recommend to Council, for approval by email, that Mr. John Given be appointed a member of the Professional Conduct Committee for the duration of his term of office on Council, on the proposal of Mr. Graham Knowles, and seconded by Mr. Rory O'Donnell.

Agenda Item H – Update on Procedures for Sanctions Hearings before Council

Issue

Update on Procedures for Sanctions Hearings before Council

Information

The Registrar provided the Committee with an update on the progress being made regarding proposals for procedures to be put in place to manage Sanction Hearings more effectively. These had been drafted by Senior Counsel with significant input from the Executive. The Committee was now being asked for its feedback in relation to the current draft, noting that some commentary had already been received via email from the President, Graham Knowles and Paul Gorecki. The Committee discussed the draft proposed procedures in detail. Specific attention was given to the issue of compliance with the procedures. The Registrar commented that these procedures, not being statutory rules, would not allow the Council the same powers as those under legislative rule. However, the procedures might best be seen as akin to Practice Directions as used in the courts and other quasi-judicial bodies with the aim of helping the administration of business before those bodies, and that legal representatives, in particular, would be used to respecting such procedures. He hoped that the parties involved in Sanctions Hearings before the Council under these procedures, would view them in a similar way and this was the view also of the Counsel who had assisted in their drafting. He also emphasised the importance of getting the balance right, between the need of Council to manage its proceedings, and the rights of respondents, complainants, and legal representatives.

Following the discussion, the Registrar informed the Committee that the updated draft would now be submitted to relevant stakeholders such as legal representatives who regularly appeared before Council acting on behalf of both the PSI and its registrants, by way of targeted consultation in order to seek their feedback. The objective of this is to ensure engagement and buy-in for this new approach from the parties who will be involved in its operation, and to achieve the desired outcome of a final set of draft procedures which are both fair, and workable. The Registrar confirmed that the intention is to bring a close-to-final draft set of procedures for review and agreement by the Committee around mid-September, before presenting the final procedures to Council for approval on 7th October at its next public meeting. The President thanked the Executive for the work they had done with regard to moving the matter forward.

Decision Approved, and/or Action Requested

The Executive agreed to return to the Committee with a final draft set of procedures in September for it to review, with a view to tabling them for approval by Council at its October meeting.

Agenda Item I – Update on Disciplinary Committees

Issue

Update on Disciplinary Committees

Information

1. Appointment of Council members (process of appointment, rationale for appointment and number of Council members required to sit on each Committee)

The Committee discussed the current process for appointing Council members to Disciplinary Committees vis a vis the responsibilities of the Performance and Resources Committee and those of the Special Purpose Committee. The Committee discussed whether the most appropriate mechanism to achieve procedural clarity in this area was by way of statutory rules. It was also identified that following the review of Advisory Committees, carried out by Better Boards, that the

terms of reference of all of the Advisory Committees would be examined and further consideration given to which Committee should have responsibility for considering appointments to Disciplinary Committees.

The Committee also discussed whether one or two members of Council should sit on each Disciplinary Committee to reduce the risk of Committees not being constituted correctly, in compliance with the Pharmacy Act 2007. It was noted that previous advices from Senior Counsel indicated that at least one Council member is required to sit on each Disciplinary Committee and that the practice over time had changed between one or two Council members sitting on each Committee. The Committee acknowledged that a balance needed to be struck between the Committees being properly constituted and also ensuring sufficient Council members are available to attend private Council meetings for the purpose of obtaining a quorum, i.e., are not conflicted through having previously heard complaints through the Disciplinary Committees. It was also noted that the provision in the Act regarding quorum for a Disciplinary Committee considering a complaint, does not include a requirement that a Council member form part of that quorum.

1. Appointment of Chairs and Acting Chairs (process of appointment and whether Council members should fulfil these roles)

The Committee discussed the current process for appointing Chairs and Acting Chairs to Disciplinary Committees vis a vis the responsibilities of the Performance and Resources Committee, and those of the Special Purpose Committee and also the Committee considered whether Chairs and Acting Chairs should be Council members.

2. Expiry of term of office of sitting Committee member and requirement for Council approval

The Committee was provided with an update in relation a member of the Professional Conduct Committee, whose term of office came to an end before the conclusion of an active inquiry and that how best to respond to this matter had been considered by the Performance and Resources Committee.

Decision Approved, and/or Action Requested

Decision Approved: The Committee agreed that there was a rationale for appointments of Council members to Disciplinary Committees to be considered by the Special Purposes Committee and that further consideration should be given to which Advisory Committee should have responsibility for appointments to Disciplinary Committees as part of the review of the terms of reference of Advisory Committees, which would take place towards the end of the year. The Registrar agreed that the Executive would provide the Committee with a proposal and timeframe, with regard to the drafting and introduction of statutory rules governing appointments to the PSI's Disciplinary Committees.

The Committee considered it practical that there be two Council members appointed to each Disciplinary Committee in order to avoid a risk that if one member has to suddenly resign or fail to be in a position to continue to sit on the Committee, that there is no interruption to the conduct of Committee business, given that at least one member will remain, pending appointment of a replacement. On that basis, the Committee agreed that there should be a further call for expressions of interest from members of Council for membership of each of the three Disciplinary Committee, to ensure that two members of Council would sit on each of the Disciplinary

Committee at all times. With the agreement of the Chair of the Performance and Resources Committee, it was agreed that, given the process involved the consideration of EOIs from Council members, the expressions of interest received would be reviewed by the Special Purposes Committee, and recommendations for appointment made to Council from that Committee.

The Committee agreed that appointment of Chairs and Acting Chairs of the Disciplinary Committees should continue to be competency based, and that preference not be given to Council members over non-Council members, and that this particular issue should also be addressed in the proposed statutory rules being drafted by the Executive. It was agreed that the appointment of Chairs and Acting Chairs would continue to be reviewed by the Performance and Resources Committee, and recommendations for appointment made to Council from that Committee pending conclusion of the review of the terms of reference of the Advisory Committees.

The Committee noted that Ms. Fionnuala Cook's term of office on the Professional Conduct Committee had expired on the 18th of July having reached the maximum term allowed of 8 years but agreed that she should continue to sit on the Committee until the inquiry in which she was involved at the time of the expiration of her term had reached its conclusion. The Committee agreed that this recommendation be included for consideration by Council for approval by email based on the urgency of the matter.

Agenda Item J – Council Training

Issue

Council Training

Information

The Committee discussed the upcoming Council training day on October 21st and discussed potential training options. The Committee identified bias and decision making as a potential training area for Council that should be included on the day, if possible. The drawbacks of conducting Council meetings and training on-line, as was likely would continue to be the case in the short to medium-term, was noted by the Committee.

Decision Approved, and/or Action Requested

It was agreed that the Executive would take the matter forward and commence planning of the Council training programme and seek a provider to deliver training on bias and decision making.

Agenda Item K – Scheduling of Special Purposes Committee Meetings

Issue

The President proposed that a further three meetings of the Special Purposes Committee be scheduled in 2021/2022.

Information

The President and Committee members agreed that it would assist with their diary planning if a programme of Committee meeting dates were scheduled for 2021/2022 (November 2021, February 2022, and May 2022), with dates to be circulated for sign off. In the event that there were no issues for discussion as a scheduled meeting approached, the meeting in question could be cancelled nearer the date on which it was due to convene. The Committee noted that an additional meeting of the Committee may be required in September to discuss further the procedures for sanctions hearings before Council but acknowledged it may be possible to sign off on the document by email.

Decision Approved, and/or Action Requested

The Committee accepted the President’s proposal.

Agenda Item L – Any Other Business

Issue

None.

Information

None.

Decision Approved, and/or Action Requested

None.

The meeting concluded at: 4:40pm.

Signed by:

Chair

Date