



Information Booklet

Call for Expressions of Interest from Expert Pharmacist

Witnesses for Fitness to Practise Inquiries

29 January 2024

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A. Introduction - About PSI, the Pharmacy Regulator

The [Pharmaceutical Society of Ireland \(PSI\)](#) is a public body established in law to protect the health, safety and wellbeing of patients and the public by regulating pharmacists and pharmacies.

As the pharmacy regulator, we set the standard for pharmacists' education and training in Ireland and create the standards and supports to promote good professional practice in pharmacy. We register pharmacists, pharmaceutical assistants, and pharmacies, carry out inspections of pharmacies and are tasked with the function of managing statutory complaints about a pharmacist or pharmacy under Part 6 of the Pharmacy Act 2007. Our functions are set out in the [Pharmacy Act 2007 \("the Act"\)](#).

In Ireland, it is estimated that two million visits are made to pharmacies each month. Most people have high levels of trust and confidence in their pharmacist and pharmacy, but errors do happen. Medicines are complex, and concerns can arise about the care or treatment that is received from a pharmacist or pharmacy. Where complaints are made under the Pharmacy Act 2007 about a pharmacist or a pharmacy the PSI is responsible for managing those complaints through a "fitness to practise" process in accordance with the statutory requirements as set out in Part 6 of the Act.

Complaints are heard before statutory Disciplinary Committees, comprising pharmacists and non-pharmacists involving a lay majority. Each Committee usually sits with an independent Legal Assessor who provides independent legal advice to the Committee in relation to the complaints and/or inquiry process, the statutory functions and powers of the Committee, and the law pertaining thereto. Where complaints are referred for a statutory Inquiry, the evidence in respect of the complaint is presented by legal representatives instructed by the Registrar of the PSI. Evidence is often given before the two Committees of Inquiry, the Professional Conduct Committee and Health Committee, by pharmacists who act as "expert witnesses", instructed by the Registrar of the PSI, to provide an independent and impartial opinion as to whether the conduct complained of and reflected in a Notice of Inquiry containing the allegations grounding the complaint, amounts to professional misconduct or poor professional performance (two of the grounds against which complaints can be made) within the meaning of the Pharmacy Act 2007. The expert witness, therefore, is not a decision-maker, but provides an independent expert opinion to the Committee on the allegations before it, utilising their specialist knowledge, and professional judgment based on their experience as a pharmacist.

More information on the complaints process, including access to [guidance documents](#) is on the PSI website and in Part 6 of the [Pharmacy Act 2007 \(as amended\)](#). For more information on the role of an Expert Witness Pharmacist, see Appendix 1.

B. Expression of Interest

We are now inviting suitably qualified pharmacists to express their interest in being appointed as Expert Witnesses to a Panel from which pharmacists will be instructed to provide expert opinions on the allegations set out in a Notice of Inquiry, and whether these amount to professional misconduct and/or poor professional performance. That opinion will be provided through a written report prepared in advance of the Inquiry. In most cases, the expert witness instructed will be required to appear before the Committee to give sworn oral evidence in relation to the report and its findings. Although instructed by the Registrar of the PSI, who is responsible for investigating complaints and presenting allegations before the Committee of Inquiry, the role of the expert witness is fully independent, and the duty is to the Committee of Inquiry and the inquiry process. Whilst the Registrar leads the evidence the expert witness may be cross-examined by the Registrant's legal representatives and the Committee may ask the expert witness questions.

The PSI is seeking to make up to 10 appointments to a Panel, but depending on the volume of applicants, may extend this limit.

If you are interested in public service and committed to protecting patient health and safety by contributing to the promotion of and improvement in professional standards in pharmacy practise, you may consider applying for a role as an Expert Witness to a Committee of Inquiry. For additional information on the role of an Expert Witness, please see Appendices 1 and 3 in particular, and use the Application Form to apply.

The PSI is committed to diversity and inclusion in our appointments.

C. Eligibility

To be eligible for appointment as an Expert Witnesses to the Panel applicants must:

- i. be a pharmacist registered¹ with Pharmaceutical Society of Ireland with a minimum of least 10 years post qualification experience,
- ii. demonstrate evidence of meeting the competencies set out in Appendix 3, and
- iii. have no known conflict of interest or reason why they should not be appointed to the Panel of Expert Witness²

It is desirable, but not mandatory, that applicants also:

¹ Applicants not currently on the PSI register may apply, but appointment to the Panel will be conditional on successful subsequent registration to the PSI register of pharmacists.

² For example, being the subject of a regulatory complaint which has resulted in the making of findings or imposition of sanctions or having criminal convictions.

- i. have experience as a pharmacy owner, that is, a sole trader, or a director of or shareholder in a limited liability company, operating a retail pharmacy business,
- ii. have held a full-time or part-time appointment as a Supervising or Superintendent Pharmacist for at least 5 years³

D. Term of Appointment to the Panel

Successful applicants shall be appointed for an initial period of four years, with the option to be re-appointed for a further two years. Re-appointments are subject to:

- i. the expert's agreement;
- ii. the individual continuing to satisfy the conditions or qualifications for appointment which shall be completed through a new declaration and;
- iii. there being no grounds for non-renewal.

Grounds for non-renewal include but are not limited to:

- i. misbehaviour, which can include but is not limited to fraud, dishonesty, discriminatory behaviour and misconduct,
- ii. incapacity or impairment,
- iii. criminal convictions including for minor offences,
- iv. being the subject of findings or sanctions in relation to any complaint made against them under the Pharmacy Act 2007,
- v. failing to comply with CPD requirements as a registered pharmacist,
- vi. persistent failure to comply with sitting requirements (without good reason)
- vii. failure to comply with training requirements,
- viii. sustained failure to observe the standards reasonably expected of an expert witness,
- ix. operational requirements and/or structural changes to facilitate the effective discharge of the Committee's duties.

Applicants are expected to maintain their professional qualifications and registration with the PSI and keep abreast of the legislation and developments in the pharmacy sector, including meeting CPD requirements.

E. Time Commitment

Committee meetings and fitness to practise inquiry hearings are normally held at the offices of the PSI on [Fenian Street in Dublin](#) and expert witnesses are generally expected to attend in person to hear the evidence and then give their own evidence.

³ Experience gained acting as a Supervising or Superintendent Pharmacist may be included in the minimum requirement for 10 years PQE.

Expert witnesses are also expected to attend consultations whether in person or remotely, either in advance of or on the date of the hearing and are expected to be reasonably available to take phone calls and deal with any emails from the Registrar’s legal representatives as part of their instructions.

Reading-in time will depend on the volume of papers sent to the expert. Consideration should also be given to the time needed to read the papers and write the report which will vary from case to case. Inquiries may take several days to conclude but an expert will generally be required for no more than 2 days, and on occasion, may only be required for 1 day.

The PSI holds on average, around 12-15 inquiries per annum however in recent years, this number has shown a steady increase.

F. Fees and Expenses

See Appendix 4 for the rates. These are fixed rates, and can only be deviated from in exceptional circumstances, such as for example, a particularly complex complaint involving multiple Notices of Inquiry, and multiple respondents.

Induction training days are not remunerated, but refresher training is.

All reasonable vouched expenses in connection with attending PSI House for inquiries are discharged in line with the PSI’s Travel and Subsistence policy.

Expert Witnesses members who are public or civil servants do not qualify for remuneration in line with the One Salary One Payment scheme, but their reasonable vouched expenses will be met in line with the PSI’s travel and subsistence policy.

G. Assessment Process

All applications will be reviewed by an Assessment Panel consisting of three members, one of whom will be a senior pharmacist employed by PSI, one of whom will be a member of the Fitness to Practise and Legal Affairs team, and one of whom will be a non-PSI staff member such as a public servant. The Assessment Panel will:

- Assess all candidate applications against the eligibility criteria and competencies outlined in this document;
- Consider whether a brief meeting or telephone call is required to clarify any information or to help make a final decision in relation to that assessment,

- Consider whether any verification method is required over and above that set out in the Application Form (this may include the PSI requiring further information or statutory declarations from shortlisted applicants about their experience or qualifications gained outside Ireland);
- After conclusion of the assessment process, make its selection. The Panel may decide to select based on order of merit or may decide to deem all eligible applicants suitable for appointment.

H. Post Assessment

The PSI will notify all applicants as to whether they have been successful or not. Successful applicants will then be placed on the Expert Panel for Pharmacist Witnesses and will be instructed, if required, by the Registrar’s legal representatives, subject to their capacity to act and provided there are no conflicts of interest. No guarantee can be offered of any level of instruction, however, if appointed to the Panel, and if instructed, experts are expected to be available to accept at least one set of instructions per annum, if required.

Prior to accepting any instructions, all successful applicants will receive training on the PSI fitness to practice process, the role of the expert witness in statutory complaints, and on giving evidence in a quasi-judicial setting. This training requirement shall equally apply to successful applicants who may already have prior experience of acting as an expert witness, in the interest of consistency and maintaining standards.

Successful applicants will also be required to sign a Letter of Engagement for each instruction from the Panel, which will cover the terms of that particular instruction and provide for matters such as remuneration, confidentiality and data protection.

I. Submitting your Interest

If you are interested in applying, please complete the Expression of Interest Application Form. Only applications made using this form will be accepted and CVs submitted separately will not be considered. Please return this form to the PSI no later than **26 February 2024** to eoexpertpharmacists@psi.ie.

The PSI will endeavour to convene the Assessment Panel to review applications in early March with a view to advising applicants of the outcome before end March. Appointments shall take effect from 01 April 2024 and induction training is currently scheduled to take place on **Friday 12th April 2024** at PSI House.

J. Confidentiality

The PSI takes its data protection obligations very seriously. The PSI will process any personal data in relation to your application in accordance with the Data Protection legislation. The data will be kept for no longer than is necessary for its purpose, and it shall be kept in a manner that ensures appropriate security of the data, including preventing against the unauthorised or unlawful processing of data. More information is available in our [Data Protection Statement](#).

Useful Links

- [Pharmacy Act 2007](#)
- [Guide for Complainants](#)
- [Guide for Pharmacists and Pharmacy Owners on the Inquiry Process](#)

Appendix 1

Main Duties and Responsibilities of Expert Witnesses

The Committees of Inquiry hear complaints into allegations of professional misconduct/and or poor professional performance and also deal with other grounds of complaints. The role of the expert pharmacist witnesses for the PSI is to provide an opinion to the Committee on the allegations raised and whether, if proven, they amount to professional misconduct and /or poor professional performance.

An Expert Witnesses is not a decision-maker, nor part of the Committee and is entirely independent. Although instructed by the Registrar of the PSI, there is no propriety in the expert pharmacist witness, whose duty is to the Committee and the process, and not to any individual party. Expert witnesses should behave with integrity, impartiality and respect and maintain the confidentiality of all information provided to them in the course of their work as an expert witness, both during and after the process.

The expert witness must when instructed, carefully consider each complaint and all documentation referred to them individually, drawing upon the full range of their professional experience and knowledge to provide their written report. Opinions expressed in the report must be supported by cogent and sound rationale and reasons. The expert report is a key element in the preparation for inquiry and the expert will almost always be required to attend the inquiry and give oral evidence in relation thereto.

Process of instruction and delivery of role

The expert witness will receive a brief from the Registrar's solicitors regarding the complaint, which includes all the relevant paperwork supporting the specified allegations.

The expert must then:

- review all the materials provided which may include draft allegations,
- identify any failings on the part of the pharmacist and whether those failings are serious;
- form an opinion as to whether the draft allegations, if proven, would amount to professional misconduct or poor professional performance,
- write a report setting out their views as an expert on each of the allegations raised, supported by rationale and reasons, using the template provided by PSI,
- be available to deal with any written requests for clarifications in relation to the report as raised by the Registrar's legal representatives, and/or attend on any telephone consultations, where necessary,
- attend for pre-inquiry consultations with the Registrar's legal representatives,
- attend the Inquiry hearing for the duration as requested by the Registrars' legal representatives and give evidence to the Committee.

Appendix 2

Information regarding the PSI Statutory Disciplinary Committees

There are three committees involved at different stages in the complaints process under Part 6 of the Act:

1. Preliminary Proceedings Committee

This committee reviews complaints at a “screening stage”. It advises the Council of the PSI on whether:

- the complaint should be referred to hearing before a Committee of Inquiry, or
- the complaint should be referred to mediation, or
- no further action should be taken in relation to the complaint.

Meetings of the Preliminary Proceedings Committee are held in private.

2. Committees of Inquiry

There are two Committees of Inquiry which can hear a complaint.

(a) Professional Conduct Committee: This committee hears complaints which have been referred to it primarily on grounds of professional misconduct and poor professional performance. A selection of committee members (normally three) sits when an inquiry is due to be heard. The hearings normally take place in public.

(b) Health Committee: This committee hears complaints which have been referred to it, usually on the grounds of the inability of a pharmacist to practise due to health impairment. A selection of committee members (normally three) sits when an inquiry is due to be heard. It is usually held in private.

Hearings before both the Professional Conduct Committee or the Health Committee are similar to hearings before a court or tribunal. The committee hears evidence from the parties to a complaint. When the committee has considered the evidence, it decides whether there are findings to be made against the pharmacist or pharmacy. Where the committee makes findings against a pharmacist or pharmacy, it recommends to the PSI Council the sanction which it thinks should be applied to the pharmacist or pharmacy.

Who sits on the Health Committees?

The PSI’s Health Committees must include:

- Lay members (non-pharmacists);
- Registered pharmacists; and
- Registered pharmacists who are pharmacy owners (either a sole trader or a director of, or a shareholder in a corporate body which carries on a retail pharmacy business)

Appendix 3

Competencies required (skill, knowledge & abilities) for PSI Expert Pharmacist Witnesses

You do not need to have advised committees or public bodies previously. However, Expert Witnesses must bring appropriate experience, knowledge, and abilities to the role. Consider how you meet the competencies set out below.

No.	Core Competencies	Examples
1.	A clear understanding of the purpose of professional regulation and public protection	You will have an appreciation of, and commitment to protecting, promoting and maintaining the health, safety and well-being of patients and the public, a good understanding of the fitness to practise process and its purpose, and a strong knowledge of the Pharmacy Act and relevant medicines/veterinary medicines/pharmacy legislation.
2.	Understanding of or interest in regulatory/legislative environments or frameworks	<p>Working within a framework of legislation, rules, guidance and standards and understanding legal and procedural issues to achieve consistent determinations.</p> <p>Appreciating the PSI's obligation to protect the public and maintain public confidence in the profession and in the system of regulation.</p> <p>Respecting the right of a pharmacist or pharmacy the subject of a complaint to an objective hearing and fair procedures.</p> <p>Ability to learn and develop professionally and maintain up to date knowledge of issues relevant to the role.</p> <p>Ability to act independently and in good faith and to behave in a fair, balanced and non-discriminatory fashion.</p>
3.	Ability to analyse information and use effective judgement to make fair and reasoned decisions.	<p>Ability to reach objective, proportionate and reasoned decisions and accept responsibility for decisions.</p> <p>Identifying the relevant implications from what is being discussed and assessing the impact of a decision on all parties involved.</p> <p>Clearly explain how conclusions have been reached.</p>

No.	Core Competencies	Examples
		<p>Recognising when information is limited and where more information might be needed.</p> <p>Bringing independent and objective scrutiny.</p> <p>Ability to balance the need for proper and objective consideration of issues with the obligation to deal with matters in a prompt manner.</p>
4.	Ability to communicate effectively with good interpersonal skills	<p>Ability to communicate clearly and concisely – spoken and in writing.</p> <p>Being focused and succinct in your communication with good/active listening skills.</p> <p>Confident in expressing views and opinions in a group setting.</p> <p>Ability to communicate courteously with all participants in the disciplinary process.</p> <p>Ability to adapt your style appropriately for different situations.</p> <p>Satisfactory IT skills, able to access and communicate through email and use file sharing software e.g., iPads or other similar devices.</p>
5.	Understands and values diversity and fair treatment	<p>Shows awareness of the diversity of the communities which pharmacy professionals serve and an understanding of different needs.</p> <p>Commitment to equality, diversity and inclusion; impartiality and fair treatment.</p> <p>Aware of own biases and manages these appropriately.</p> <p>Listens with patience and courtesy.</p>

Appendix 4

Fees applicable

Fee Payable	Net of VAT and vouched expenses
Review of all materials, research and preparing written report including any clarifications	€150 per hour subject to a maximum overall charge per report of €2,000.
Supplemental or Follow Up Report	€150 per hour subject to a maximum overall charge per report of €750.
Fee for attending inquiry (daily rate) excluding travel time	€850
Fee for attending inquiry (half day – less than 4 hours) excluding travel time	€550
Fee for attending pre-inquiry consultation other than day of hearing	€250

Note: Deviations or increases to the set rates for preparing a report or supplement report will only be made in exceptional circumstances such as a particularly high level of allegations or technical evidence to consider.