



Department
of Health &
Social Care

Rebalancing Medicines Legislation and Pharmacy Regulation

Consultation on draft Orders under section 60 of the
Health Act 1999

Pharmacy (Responsible Pharmacists,
Superintendent Pharmacists etc.) Order 2018

Equality Analysis

June 2018

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Title

Rebalancing Medicines Legislation and Pharmacy Regulation – further draft Order under section 60 of the Health Act 1999, entitled the draft “Pharmacy (Responsible Pharmacists, Superintendent Pharmacists etc.) Order 2018”

What are the intended outcomes of this work?

The primary aim of this draft Order is to clarify the role and responsibilities of Superintendent Pharmacists and Responsible Pharmacists on the face of primary legislation and allow for professional regulation/standards to define how the roles and responsibilities are to be fulfilled.

The key aims of this are to rebalance:

- criminal law and professional regulation, so that matters within the ambit of the pharmacy regulators, the General Pharmaceutical Council (GPhC) and the Pharmaceutical Society of Northern Ireland (PSNI), are dealt with by them and by registration sanctions, rather than by the criminal courts;
- Ministerial powers and the powers of the regulators, so that pharmacy practice matters are more appropriately set by pharmacy regulators and less by government Ministers;
- legislation and standards, so that pharmacy practice standards are set and enforced by regulators and less by inflexible legislation. Underpinning this is an “outcomes”-based approach: i.e. what the safe and effective practice of pharmacy should be rather than binding the professions to particular ways of doing things; and
- the relationship between pharmacy owners, Responsible Pharmacists and Superintendent Pharmacists to ensure safe and effective practice of pharmacy in a retail pharmacy context, making clear the accountability of:
 - the Responsible Pharmacists, who is in charge of a particular pharmacy on a given day;
 - the Superintendent Pharmacists, who is intended to be the professional lead within a company; and
 - the pharmacy owner.

Who will be affected?

Patients and the public generally will be affected, as this draft Order seeks to influence the organisational level governance of registered pharmacies – primarily pharmacies found in the community. Responsible Pharmacists and Superintendent Pharmacists have a role to play in ensuring the safe and effective running of an individual pharmacy premises and the overall pharmacy business, respectively. This system of governance ensures patient safety, and as such all patients and service users will be affected by this draft Order.

Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners will also be affected by the change, as they may see their job roles and responsibilities change as a result of this draft Order.

Evidence

What evidence have you considered?

We have not been able to find any evidence on this area of work concerning the impact of this policy on the general equality duty. Accordingly, we are requesting those being consulted to provide any evidence they may have of any differential impact.

Disability

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of ability. We are not aware of any differential impact these proposals will have specifically in relation to people who have disabilities. We will monitor whether the policy has such impact on people with disabilities, following implementation.

Sex

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their sex. The GPhC's *Registrant Survey 2013*¹ reports that, from those surveyed, approximately 53% of pharmacists working in a community pharmacy are female and 47% male. We are not aware of any impact these proposals will have specifically in relation to people of either sex. We will monitor whether the policy has differential impacts on people of either sex, following implementation.

Race

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their racial backgrounds. The GPhC's *Registrant Survey 2013*¹ reports that, from those surveyed, the two largest racial groups that pharmacists working in community pharmacies identified as are "White British" (43%) and "Asian" (34%). We are not aware of any impact these proposals will have specifically in relation to race. We will monitor whether the policy has differential impacts on people of different ethnic minority backgrounds, following implementation.

Age

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their age. The GPhC's *Registrant Survey 2013*¹ reports that, from those

surveyed, approximately 74% of pharmacists working in a community pharmacy are below the age of fifty years old.

Older people are more likely to have health conditions for which treatment with medicines is required. This group is therefore more likely to utilise the services of a registered pharmacy and benefit from these proposals. We will monitor whether the policy has differential impacts on people of different ages, following implementation.

Gender reassignment (including transgender)

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their gender. We are not aware of any differential impact these proposals will have specifically in relation to gender reassignment. However, we will monitor whether the policy has differential impacts on people of different genders, following implementation.

Sexual orientation

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their sexual orientation. We are not aware of any differential impact these proposals will have specifically in relation to sexual orientation. We will monitor whether the policy has differential impacts on people of different sexual orientations, following implementation.

Religion or belief

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their religion or belief. We are not aware of any differential impact these proposals will have specifically in relation to religion or belief. We will monitor whether the policy has differential impacts on people of different religions or beliefs, following implementation.

Pregnancy and maternity

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all those working at or from, or using, a registered pharmacy regardless of their pregnancy or maternity status. We are not aware of any issues or concerns arising in relation to pregnancy or maternity. We will monitor whether the policy has an impact on pregnant women and those on maternity leave, following

implementation.

Carers

These proposals are designed to improve the organisational governance of registered pharmacies, clarifying the roles and responsibilities of Responsible Pharmacists, Superintendent Pharmacists and pharmacy owners to ensure the safe and effective running of registered pharmacies and pharmacy businesses. As such, this Order will benefit all using a registered pharmacy regardless of whether this is directly or on someone's behalf.

Carers of older people are more likely to utilise the services of a registered pharmacy and benefit from these proposals, as persons under their care are more likely to have health conditions for which treatment with medicines is required. We welcome information or feedback from carers as part of the public consultation, on whether they can identify any differential impacts. We will monitor whether the policy differentially impacts carers and the people they care for, following implementation.

Other identified groups

No other groups have been identified.

Engagement and involvement

Was this work subject to the requirements of the cross-government [Code of Practice on Consultation](#)? (Y/N)

How have you engaged stakeholders in gathering evidence or testing the evidence available?

We are consulting on these proposals and asking for comments on this Equality Analysis.

How have you engaged stakeholders in testing the policy or programme proposals?

Engagement with patient and public representatives during development of the policy via the Rebalancing Medicines Legislation and Pharmacy Regulation Programme Board and Board- associated Partners' Forum events. The equality analysis for the above Order has been reviewed and the assumptions will be tested through the public consultation.

For each engagement activity, please state who was involved, how and when they were engaged, and the key outputs:

Intended audience - Pharmacy professionals, providers of pharmacy services, including registered pharmacies, pharmacy regulatory bodies, pharmacy professional and representative bodies, unions, patients and the public, and health organisations.
A wide range of engagement has taken place between 2013 and 2018, via the Rebalancing Programme Board and associated Partners Forum. A Partners' Forum event taking place in December 2013 set out initial proposals to stakeholders and sought feedback, and following Partners' Forum events provided further engagement opportunity.

Summary of Analysis

Previous Departmental engagement with stakeholders on the topic has not led to the identification of any potential differential impact on any of the groups listed above in this document. This draft Order seeks to promote the safety of all patients strengthening the organisational governance of registered pharmacies, regardless of their characteristics.

The draft Order therefore contributes to advancing equal opportunity and promoting good relations between groups through providing the same impact on all affected, regardless of their characteristics/group.

Eliminate discrimination, harassment and victimisation

Overall, in its assessment of the impact on equality of this measure, the Department of Health and Social Care has concluded that the policy would not lead to any unlawful discrimination, harassment or victimisation of any particular group by gender, race, religion, ethnicity, sexuality, sexual orientation or disability.

Advance equality of opportunity

We believe this policy will have no impact on the advancement of equality of opportunity.

Promote good relations between groups

We believe this policy will have no impact on the promotion of good relations

between groups.

What is the overall impact?

We have not identified any factors arising from these proposals, which adversely impact on matters of equality, create barriers or introduce regional variation. The proposals are expected to benefit all equality groups equally, with the exception of older people and carers who are expected to benefit proportionally more in comparison to other groups. We will monitor with stakeholders the effects of this policy to ensure this remains the case.

Addressing the impact on equalities

No negative impacts have been identified.

Action planning for improvement

This equality analysis will be published alongside the planned consultation, which will be used to test the assumptions in this assessment. We will keep this under review and update the assessment in the light of consultation responses.

For the record

Name of person who carried out this assessment:

Reece Laird - Medicines and Pharmacy Directorate

Date assessment completed:

May 2018

ⁱ GPhC Registrant Survey 2013

https://www.pharmacyregulation.org/sites/default/files/gphc_registrant_survey_2013_main_report_by_natcen.pdf