

# Does the profession need a charter?

By Graham Phillips, former member of the Royal Pharmaceutical Society's Council

As I noted at the Royal Pharmaceutical Society's annual general meeting recently, much of the debate surrounding the establishment of a new professional body for pharmacy has centred on whether or not technicians should be allowed to be members. However, I believe there is a more fundamental question to be asked if we are to have a truly representative body, free from government interference: does the new professional body need to have a Royal charter?

The Society has been a chartered body since 1843. Is that the form we want for our future professional organisation? The Council has accepted that the functions of the future body should be agreed by the members. It is my strongly held view that it must be for the members (not the Society's Council) to decide the future organisation's form as well.

## Enforced changes

When I was a Council member, my first brush with the Privy Council (PC) was in 2004 when it imposed changes to the Royal Charter that effectively reduced members' control of the Society's Council. Following consultation among the members and the PC, these changes were enforced by the PC at the eleventh hour after members had agreed to the wording of our new charter. I was driven to remark (*PJ*, 25 September 2004, p446) that, as redrafted, the Charter was no longer an acceptable compromise. Although I was content to have increased PC scrutiny, the PC could not have it both ways. I said: "If they see a need for increased scrutiny by themselves, there is an equally increased need for the potential for scrutiny by the members. That was the reason that I stood for this Council, to ensure that the members had an appropriate say in their future in the constitution. It is an absolutely fundamental change to what we asked members to vote upon. I absolutely cannot accept it."

According to an article in the *PJ* (7 August 2004, p204), the PC is a part of Government that advises on the exercise of certain functions assigned to the Queen and itself by Act of Parliament. Appointment is normally for life, but only government ministers participate in its policy and operational work. Therefore, it is government ministers, advised by civil servants, who take PC decisions (see [www.privycouncil.org.uk](http://www.privycouncil.org.uk)). Far from being an independent, fair-minded and transparent scrutineer of Government policy, in my view the PC is simply a tool of Government, and an arcane and deeply undemocratic one at that.

The PC has a long and consistent history of interfering with pharmacy in areas wholly unrelated to regulation. The result has been to undermine the Society's role as a professional

body and damage its relationship with the members. If you search for "PC" on *PJOnline* you will find example after example of such unwarranted interference:

- The PC prevented the Society from introducing a reduced membership fee for pharmacists who had been on the Register for 50 or more years (*PJ*, 22 October 2005, p529).
- The PC forced the Society to include a technician on the English Pharmacy Board (*PJ*, 12 August 2006, p197). The change was enforced even after the members had been consulted upon, and had agreed, the board composition. (Hypocritically, no such change was enforced in Scotland.)
- The PC suggested that technicians should be eligible to chair the national boards (*PJ*, 23 September 2006, p375). The ensuing debate in Council shows that all members, including lay members, found the PC's actions unacceptable.
- On the basis that the Society is a regulator, the PC has imposed a maximum number of terms that any Council member can serve (*PJ*, 12 February 2005, p183). Of course the Society is a representative body, too, but that cuts no ice with the PC. Yet this imposition means that the profession has just lost the input of the Society's most experienced Council member, Hemant Patel, who consistently topped the poll at Society elections. Whither, then, democracy?
- To add insult to injury, the PC has also imposed a limit on the time national board members can serve, even though these have no regulatory remit.

A further aspect of chartered status is the requirement to have lay members on the Council. It was the behaviour of many, not all, of the Lay members that has been one of the most profound disappointments of my time on Council. Most pharmacists probably assume, as I did, that the presence of lay members must be "a good thing" — the voice of patients and the public, holding the profession to account. In truth they are unelected appointees, unaccountable to the profession but paid for at our expense. Unlike the elected pharmacist members of council, whom pharmacists can "sack" at the next election if they are underperforming, lay members cannot be removed by pharmacists at the end of their three-year terms. Members can see for themselves (*PJ*, 12 April, p446, and transcripts of the April Council meeting) the adverse reaction to a suggestion that lay members face open competition for their places rather than automatic reappointment. Far from being

transparent patient-advocates, many of the lay members I encountered involved themselves in professional issues of which they had scant understanding, showed no empathy for the difficult and stressful role that pharmacists perform, and made continual attempts to undermine the presidency, for example, by putting forward "tame" candidates to chair the key Council committees and fill the Treasurer, Vice-President and President's positions.

The Council of our future professional body will necessarily be small. The current Council is too large, too unwieldy and too conflicted to be effective. We need the flexibility to spend the money "saved" on lay members by being able to afford a small team of the highest calibre of staff to support the organisation, by having sufficient pharmacists on the Council and, most importantly, by beefing up patient and public participation in the organisation — for example, by taking on board the views of expert patients. We could benefit so much by the greater inclusion of patients' views in what we seek to do.

Lord Carter in his report on professional regulation and leadership in pharmacy made it clear that a simple rebadging of the Society, which has a notably poor relationship with the members, would be unacceptable. I see worrying signs that that "rebadging" is exactly what is happening. A change of form, away from a chartered body, would allow members to influence the culture. If the prevailing culture at Lambeth is propagated unchanged into the new body, who would want to join it?

## Alternatives

There are, of course, many alternatives to a body with a Royal charter. For example the National Pharmacy Association is a company limited by guarantee and the Pharmaceutical Services Negotiating Committee is an association. All of the options should be considered, a balanced briefing paper produced and the options debated and then voted upon by the members. I have great confidence in the ability of our graduate profession to make balanced judgements. Why is Lambeth apparently so reluctant to deny us the opportunity?

Consider this: how would pharmacists feel if, following consultation, we reject a Council comprised of technicians and lay members, but the PC then imposed this on us, at the 11th hour, as it has in the past. The whole purpose of the new body should be about representing pharmacists' professional interests, not technicians', not lay members' and not the Government's.

Our new body needs to be clear which master it is serving. We certainly do not want to replace one conflicted body with another.