

May 2021

## PSNC Briefing 010/21: Guidance on Delaying LPC Elections 2022

The term of office for LPC members expires on 31st March 2022 and for the LPC to continue, elections must be held to form a new committee to take effect from 1st April 2022.

LPCs may wish to delay the elections because of the timeline indicated by the Review Steering Group (RSG) about the programme to deliver the future vision of contractor representation and support. PSNC recently agreed to postpone PSNC elections, so that the current committee continues until 31st March 2023 and recommends to LPCs that they also delay elections using the same timing.

This guidance note explains the background to the decision and what LPCs need to do to operationalise a delay in LPC elections. It only applies to LPCs that have adopted the PSNC model LPC constitution and the dates only apply to those on a 4-yearly election timetable like PSNC. LPCs that follow this election cycle established new committees in April 2014 and 2018.

### Background

The Wright Review – an independent review into contractor representation and support commissioned by PSNC and LPCs – was published in June 2020. In late 2020, the Review Steering Group (RSG) was set up, again by PSNC and LPCs to take forward the findings of the independent review and steer and commission a programme of work – and put proposals to contractors.

To assist with this, the RSG has appointed The Berkeley Partnership LLP to create a high-level programme structure with an overview of governance, resource, financial and external support/expertise requirements. The RSG proposed timeline for the recommended change options suggests:

- A. *Design options for a future model of national and local representative & support organisations (key input into the proposal that contractors will vote on) (May to mid-October 2021); and,*
- B. *Contractor vote (mid-November to mid-December 2021).*

As regards the election cycle, the RSG has indicated that:

*The RSG is aware of factors like this and will ensure that key dates such as LPC elections and the proposed changes to NHS structures, along with other key implications and dependencies, are explored and considered when taking the work programme forward. (RSG FAQs <https://pharmacy-review.org/frequently-asked-questions/>)*

There are three main reasons for delaying the elections:

1. To avoid contractor confusion and annoyance and wasted time and effort. It is counter-intuitive to hold routine elections for the existing bodies, LPCs and PSNC, for the appointment of new members for the next 4 years - at the same time as there may be a contractor vote for major transformational reform of these bodies;

2. To avoid the unnecessary use of PSNC and LPC resources to elect new members whose terms of office are reasonably expected to end after a short period of time and who are then likely to have to go through more elections soon afterwards – for new LPC and PSNC structures; and
3. To prevent routine elections for LPCs and PSNC taking time and effort away from the work around the proposed transitional reform of contractor representation.

## The process of delaying elections

The LPC Constitution needs to be amended to give the LPC the power to delay elections. It is recommended that this be considered from June 2021 onwards.

1. The LPC should consider this guidance and the recommendation from PSNC to delay the elections, because of the timeline indicated by the RSG about the programme to deliver the future vision of contractor representation and support.
2. This should be done at a meeting of the full committee and the discussion and decision clearly minuted.
3. The LPC decision to call a special meeting of contractors to amend the constitution must be carried by two thirds of the members of the Committee.
4. Summon a special general meeting of the contractors following the procedure set out in the constitution (extract below).
5. To reduce the burden on contractors and LPCs, PSNC suggests that the special meeting and voting be aligned with the Annual General Meeting (AGM) of the LPC, wherever possible.
6. The procedure for amending the Model Constitution is set out in the Constitution itself and is as follows:

### Amending the LPC Constitution (Section 19):

- 19.1. This constitution may be amended **only** in accordance with the procedure in this section.
- 19.2. The Chief Officer shall, if requested so to do by not less than two-thirds of the members of the Committee or one-third of the pharmacy contractors summon a special general meeting of the contractors and shall give not less than seven clear days' notice to each pharmacy contractor, stating the time and place of the meeting and the proposed amendments of the Constitution for which it has been summoned.
- 19.3. The meeting summons will also include a voting form to allow the contractor to register a vote on the amendment by returning the form to the LPC Chief Officer at any time before the vote is taken at the meeting.
- 19.4. In this paragraph a pharmacy contractor is to be interpreted as one contractor for each of the pharmacy contractor premises he owns in the area for which the Committee is formed.
- 19.5. Any amendment to the constitution must be carried by a two-thirds majority of the total votes cast.

19.6. The Chief Officer shall at the same time as issuing the summons under Paragraph 19.2, notify the Chief Executive Officer of the Pharmaceutical Services Negotiating Committee (PSNC) of any proposed amendment to the constitution, and shall include a copy of the summons.

**At the time contractors are given notice of the meeting it is suggested that a statement along the lines of the following should be incorporated:**

This special meeting of contractors is being called to amend the LPC Constitution to allow the Committee to delay the elections for LPC membership by one year. Currently Members Term of Office expire on 31st March 2022. However, proposals for change about the future model of local and national contractor representation and support, are likely to be put to a contractor vote within the next year. For this reason, the Committee considers that the elections should be delayed until later in the year when the new model of support has been determined by the sector. To achieve this, we propose to amend the Constitution of the <enter name> LPC as follows:

Existing Clause – 13. Term of Office

- Subject to paragraphs 14 and 16, members of the Committee shall hold office from 1 April in the year of the election or appointment for a period of 4 years.

New Clause – 13. Term of Office

- Subject to paragraphs 14 and 16, members of the Committee shall hold office from 1 April in the year of the election or appointment for a period of 4 years. **[Except that the term of office starting on 1 April 2022 shall be postponed until 1 April 2023 and current LPC members shall hold office for a period of 5 years.]**

## Further information

If you have queries on this guide or you require more information, please contact:

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