

RULES OF THE
PHARMACEUTICAL SERVICES NEGOTIATING COMMITTEE (PSNC)

1. SUB-COMMITTEES OF THE PSNC

1.1. The sub-committees of PSNC, as set out in the Constitution are:

- 1.1.1. Funding and Contract sub-committee;
- 1.1.2. Resource Development and Finance sub-committee;
- 1.1.3. Service Development sub-committee;
- 1.1.4. LPC and Contractor Support sub-committee;
- 1.1.5. Legislation and Regulatory Affairs sub-committee;
- 1.1.6. Communications and Public Affairs sub-committee.

1.2. Each of the sub-committees shall have a different chairman elected biennially. In the event that the chairman of a sub-committee ceases to be a member of PSNC, a ballot shall take place to elect a new chairman of the sub-committee for the remaining portion of the term of office.

1.3. Sub-committees of PSNC shall have a term of office of two years. In the event that a member of a sub-committee ceases to be a member of PSNC, the Regional Representatives and the members appointed by the National Pharmacy Association or The Company Chemists' Association members and Multiple Chemist representatives as appropriate shall reconsider the membership of the sub-committees, and appoint members in accordance with paragraphs 2 to 5 below, for the remaining portion of the term of office.

1.4. The chairman of a sub-committee shall have the right to attend and speak but not to vote at any meeting of any sub-committee of which he is not a member.

1.5. The Chairman of PSNC shall have the right to attend and speak at all meetings of such sub-committees, but shall not have the right to vote at such sub-committee meetings.

1.6. The Vice Chairman of PSNC shall have the right to attend and speak at all meetings of sub-committees of which he is not a member, but shall not have the right to vote at such sub-committee meetings.

1.7. All members of PSNC may attend any meeting of a subcommittee of which they are not a member (other than Resource Development and Finance subcommittee) and may speak with the permission of the Chairman of the meeting but shall not have the right to vote.

1.8. The Chief Executive Officer of Community Pharmacy Wales may attend any meeting of a sub-committee, subject to the discretion of the chair of the sub-committee

1.9. Every member of PSNC other than the member appointed under paragraph 6.3 of the Constitution shall either be elected as chairman of a sub-committee or be appointed to a sub-committee as set out below.

2. Funding and Contract Sub-Committee

2.1. The functions of the Funding and Contract sub-committee shall include reimbursement and Drug Tariff, remuneration, contractual service framework and monitoring of prices and income.

2.2. The Funding and Contract sub-committee shall comprise the following members:

2.2.1. the chairman of the sub-committee elected in accordance with Paragraph 1.2;

2.2.2. Nine other members, appointed as follows:

2.2.2.1. The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of five of their members on the sub-committee; and

2.2.2.2. The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of five of their members on the sub-committee, of which at least one shall be a Multiple Chemist representative.

3. Resource Development and Finance sub-committee

3.1. The functions of the Resource Development and Finance sub-committee shall be to establish and develop the human, financial, physical and systems resources of the PSNC including the Pricing Audit Centre (PAC); and identification of the training and development needs of staff and PSNC members.

3.2. The Resource Development and Finance sub-committee shall comprise:

3.2.1. the chairman of the sub-committee, elected in accordance with Rule 1.2;

3.2.2. the chairman of the Funding and Contract sub-committee;

3.2.3. the chairman of the Service Development sub-committee;

3.2.4. the chairman of the LPC and Contractor Support sub-committee;

3.2.5. the chairman of the Legislation and Regulatory Affairs sub-committee;

3.2.6. the Chairman of the Communications and Public Affairs sub-committee;

3.2.7. the Chairman of PSNC.

3.3. The Committee may co-opt an additional member or members of PSNC to the sub-committee, if there is imbalance between the independent and multiple sectors on the sub-committee.

4. Service Development sub-committee

4.1. The functions of the Service Development sub-committee shall include monitoring of services, development of proposals for new services, and Information Technology.

4.2. The Service Development sub-committee shall comprise:

4.2.1. the chairman of the sub-committee, elected in accordance with Rule 1.2;

4.2.2. Five other members, appointed as follows:

4.2.2.1. The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of three of their members on the sub-committee; and

4.2.2.2. The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of three of their members on the sub-committee.

5. LPC and Contractor Support sub-committee

5.1. The functions of the LPC and Contractor Support sub-committee shall include providing services and support for Local Pharmaceutical Committees and Chemists.

5.2. The LPC and Implementation Support sub-committee shall comprise:

5.2.1. the chairman of the sub-committee, elected in accordance with Rule 1.2;

5.2.2. Seven other members, appointed as follows:

5.2.2.1. The Regional Representatives and the members appointed by the National Pharmacy Association shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee; and

5.2.2.2. The Company Chemists' Association members and Multiple Chemist representatives shall collectively appoint members to the sub-committee, such that there shall be a total of four of their members on the sub-committee.

6. Legislation and Regulatory Affairs sub-committee

6.1. The functions of the Legislation and Regulatory Affairs sub-committee shall include considering legal, regulatory and data protection issues and developments relevant to NHS pharmacy services.

6.2. The Legislation and Regulatory Affairs sub-committee shall comprise:

6.2.1. the chairman of the sub-committee, elected in accordance with Rule 1.2;
and

6.2.2. four other members, who have not been elected or appointed to any other Subcommittee (other than the Communications and Public Affairs sub-committee).

7. Communications and Public Affairs sub-committee

7.1. The functions of the Communications and Public Affairs sub-committee shall include considering strategy and support for communications with internal and external stakeholders and public affairs issues relevant to NHS pharmacy services.

7.2. The Communications and Public Affairs sub-committee shall comprise:

7.2.1. the chairman of the sub-committee, elected in accordance with Rule 1.2; and

7.2.2. seven other members appointed to achieve an independent and multiple sector representative from each of the Funding and Contract, Service Development, LPC and Contractor Support, and Legislation and Regulatory Affairs sub-committees.

8. PANELS OF THE PSNC

8.1. The panels of the PSNC as set out in the Constitution are:

8.1.1. Review and Audit Panel;

8.1.2. Appointments Panel.

8.2. The Panels of PSNC shall be appointed or elected by ballot biennially .

8.3. Panels of PSNC, elected or appointed shall have a term of office of two years.

9. NEGOTIATING TEAM

9.1. The purpose of the Negotiating Team is to represent the views and interests of PSNC and the contractors whose interests PSNC serves, in agreeing the detail of negotiations with NHS England and the Department of Health and Social Care. In view of this responsibility, it is essential that the Negotiating Team acts as a single team.

9.2. The Negotiating Team shall comprise:

9.2.1. Chairs of the Funding and Contract, and Service Development sub-committees;

9.2.2. Four other members appointed to achieve representation of three members from each of the independent and multiple sectors; and

9.2.3. The PSNC Chief Executive Officer and Directors of Pharmacy Funding, NHS Services, Operations and Support, and Communications and Public Affairs.

9.2.4. The Committee may co-opt an additional member or members of PSNC to the sub-committee

10. REVIEW AND AUDIT PANEL

10.1. The purpose of the Review and Audit Panel shall be to review the work of the PSNC and its operational structures at specific intervals; to assure efficient pursuit of the PSNC's strategic and internal objectives; to ensure resource management is effective; to encourage improving quality and performance at all levels; to manage the performance of any co-opted members of the PSNC, and to assure corporate governance.

10.2. Five members of PSNC shall be elected by ballot to the Review and Audit Panel.

10.3. In the event that a Review and Audit Panel member ceases to be a member of PSNC, a ballot shall take place to elect a Review and Audit Panel member for the remaining portion of the term of office.

10.4. The chairmen of the sub-committees and the Vice Chairman of PSNC shall not be eligible for election to the Review and Audit Panel.

10.5. The members of the Panel may co-opt an additional member from members of PSNC, this power being exercised only if it is necessary to ensure that the Panel includes representation of both the independent and multiple sectors.

10.6. The members of the Panel shall appoint a chairman from amongst the members of the Panel.

11. APPOINTMENTS PANEL

11.1. The purpose of the Appointments Panel is to propose to the PSNC a candidate for appointment as Chairman of the PSNC.

11.2. The Appointments Panel shall consist of two members of PSNC elected by ballot to the Panel together with the chairman of each sub-committee.

11.3. In the event that an elected Appointments Panel member ceases to be a member of PSNC, a ballot shall take place to elect Appointments Panel elected member for the remaining portion of the term of office.

11.4. If the Chairman is eligible for a further term of office, then the Appointments Panel must consider whether to recommend he be reappointed without considering other possible candidates.

11.5. The Appointments Panel may seek candidates by any means they think fit.

11.6. The Appointments Panel shall present its proposal for approval by the PSNC.

12. CHAIRMAN OF THE PSNC

12.1. The Chairman's term of office shall be three years and he shall be eligible to be reappointed for one further term only.

12.2. The Chairman shall have a vote which may be exercised only as a casting vote in the event of a tied vote by the other members of the PSNC.

13. VICE CHAIRMAN OF PSNC

13.1. The role of the Vice Chairman shall include deputising for the Chairman, attending meetings with Ministers with the Chairman, and provision of advice and information to assist the Chairman.

13.2. The term of office of the Vice Chairman shall be two year periods, coinciding with the term of office of the Subcommittees, and he shall be eligible to serve no more than two terms.

13.3. In the event that the Vice Chairman ceases to be a member of PSNC, a ballot shall take place to elect a new Vice Chairman for the remaining portion of the term of office.

13.4. The Vice Chairman is eligible for election as a Chairman of a sub-committee, and may be elected or appointed to any sub-committee.

14. REGIONAL REPRESENTATIVES

14.1. Election of Regional Representatives

The election for the Regional Representatives shall be by Ballot from the Independent Chemists in England to be taken as soon as may be practicable after the first day of January and in any case not later than the last day of March in each year when an election is held.

14.2. Returning Officer

The function of Returning Officer shall be undertaken by one or more members of staff of PSNC, under the direction of the Chief Executive.

14.3. Regions of PSNC

14.3.1. The PSNC has 13 regions.

14.3.2. PSNC shall determine the LPCs that form each region.

14.3.3. The regions and their respective LPCs will be published by PSNC.

14.3.4. One representative may be elected in each of the PSNC regions.

14.4. Candidates for election as regional representative

14.4.1. Candidates for election as a regional representative must, at the time of nomination, be pharmacists and members or officers of an LPC in that region.

14.4.2. A person shall be eligible for election as regional representative only if he personally, is an Independent Chemist (either individually or in partnership), or he is a director and a substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children) in a body corporate which is an Independent Chemist.

14.4.3. A person shall not be eligible for election as regional representative if he has substantial ownership (either personally, in partnership or through shares owned by members of his immediate family, i.e. parents, spouse or children) in more than nine pharmacies in England.

14.4.4. No person who is a member or officer of a Local Pharmaceutical Committee shall be eligible for nomination as a regional representative where the levy due from that Local Pharmaceutical Committee pursuant to Paragraph 14.4 of the Constitution is outstanding, and has been outstanding for six months or more.

14.5. Nominations

14.5.1. The Returning Officer shall contact in writing or by email each member or officer of an LPC of whose appointment he has been informed in the Region or Regions in which an election is to be held to invite them to declare whether any of them would be willing and eligible to accept nomination as representative for that Region.

14.5.2. On receipt of declarations the Returning Officer shall give email or written notice of the election to the members and officers of the Local Pharmaceutical Committees in the Region including details of the members or officers in the Region who have expressed willingness to accept nomination and shall invite written nominations.

14.5.3. Candidates for election shall be nominated in writing, and the nomination shall state his full name; address of one pharmacy premises in the region at which he is the Independent Chemist (either individually or in partnership) or a director and substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children), of a body corporate carrying on the business of an Independent Chemist at those premises; his correspondence address; and telephone number. In the case of a body corporate, the candidate shall submit confirmation that he is a director and a substantial shareholder by means of the last annual return made to Companies House, and where changes have occurred since the last Companies House submission, a statement from the Company Secretary stating that the person is a director, and the details of his shareholding (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children), and the date on which the change took place. The candidate should state whether he additionally holds an interest in a Multiple Chemist business, and if so, identify the name of that Multiple Chemist business.

14.5.4. The nomination form shall be signed by or on behalf of six electors in the Region, and shall be despatched so as to be delivered at the address of the Returning Officer not later than midday on the 15th day after the invitation to nominate is posted.

14.5.5. In those Regions where more than one candidate has been nominated a ballot will be held.

14.5.6. The Returning Officer will invite candidates who are to participate in the ballot to submit a policy statement not exceeding 500 words. The statement must avoid any direct reference to other candidates.

14.5.7. The Returning Officer shall distribute any policy statement received not later than 14 days after the invitation is sent by the Returning Officer.

14.6. Electorate

14.6.1. Except as specified in 11.6.2 below, every Independent Chemist shall be entitled to one vote for each of its premises in the Region.

14.6.2. Independent Chemists in a Local Pharmaceutical Committee area where the levy due from that Local Pharmaceutical Committee pursuant to Paragraph 14.4 of the Constitution is outstanding, and has been outstanding for six months or more shall not be eligible to take part in the election of regional representatives.

14.7. Election

The Returning Officer will send a ballot form to each elector, which shall specify the last day and hour for the receipt of votes and shall be sent so as to be delivered to the elector not less than fourteen clear days before the day specified thereon. If the Returning Officer is satisfied that arrangements can be made for secure electronic ballot, the ballot may be conducted electronically.

14.8. Co-option

A pharmacist shall be eligible to be co-opted by the PSNC only if he lives or works in the region for which co-option is being considered and is not a member or officer of a local pharmaceutical committee from which the levy due under paragraph 14.4 of the Constitution has not been received by PSNC within 6 months of the due date.

A pharmacist shall be eligible to be co-opted by the PSNC notwithstanding that he is not a member or officer of a local pharmaceutical committee.

A pharmacist shall be eligible to be co-opted by the PSNC only if he is an Independent Chemist (either individually or in partnership), or he is a director and a substantial shareholder (either personally, or through shares owned by members of his immediate family, i.e. parents, spouse or children) in a body corporate which is an Independent Chemist.

The PSNC, if it co-opts a pharmacist as regional representative, shall select a candidate who most closely meets the eligibility criteria for regional representatives.

15. MULTIPLE CHEMIST REPRESENTATIVES

15.1. Election of Multiple Chemist Representatives

The election for the Multiple Chemist Representatives shall be by Ballot from the Multiple Chemists in England to be taken as soon as may be practicable after the first day of January and in any case not later than the last day of March in each year when an election is held.

One of the elected Representatives must be a candidate nominated by a Multiple Chemist that has fewer than 30 premises on a pharmaceutical list in England, if one or more such candidates are nominated.

15.2. Returning Officer

The function of Returning Officer shall be undertaken by one or more members of staff of PSNC, under the direction of the Chief Executive.

15.3. Nominations

The Returning Officer shall write to the head office or other agreed correspondence address of each multiple chemist to invite them to nominate a candidate for election as Multiple Chemist Representative.

Candidates for election shall be nominated in writing, and the nomination shall state his full name; the name of the Multiple Chemist; his correspondence address; and telephone number; and a declaration that he is either the Multiple Chemist or employed by the Multiple Chemist. The nomination shall be signed by the owner of the Multiple Chemist, or in the case of a body corporate, by a director of the Multiple Chemist, stating his name and correspondence address and the number of premises on a pharmaceutical list in England operated by the Multiple Chemist. The nomination may be accompanied by a policy statement not exceeding 500 words, which must avoid any direct reference to other candidates.

The nomination form shall be despatched so as to be delivered at the address of the Returning Officer not later than midday on the 21st day after the invitation to nominate is posted.

Where there are more candidates for the Multiple Chemist Representatives than there are places a ballot will be held, and if there is only one candidate nominated by a Multiple Chemist that has fewer than 30 premises on a pharmaceutical list in England, that candidate is elected and the ballot held for the remaining candidates.

15.4. Electorate

Every Multiple Chemist shall be entitled to one vote for each of its premises which are on a pharmaceutical list in England.

15.5. Election

The Returning Officer will send a ballot form to each elector, which shall specify the last day and hour for the receipt of votes and shall be sent so as to be delivered to the elector not less than fourteen clear days before the day specified thereon.

16. Conference of Representatives of Local Pharmaceutical Committees

16.1. Annual Conference

A Conference of Local Pharmaceutical Committees shall be called by the PSNC normally at least once in each calendar year.

16.2. Special Conference of Representatives of Local Pharmaceutical Committees

The PSNC shall, if requested in writing, by not less than 25 Local Pharmaceutical Committees, call a Special Conference of Local Pharmaceutical Committee Representatives.

16.3. Representation

16.3.1. Subject to the provisions of paragraph 13.3.2 below, Local Pharmaceutical Committees shall be entitled to appoint representatives to attend Conferences of Local Pharmaceutical Committees as follows:

No of Chemists	Number of Representatives
up to 100	2
101 up to 200	3
201 up to 300	4

One additional representative may be appointed for every 100 or part thereof of Chemists in the Local Pharmaceutical Committee area.

16.3.2. A Local Pharmaceutical Committee shall not be entitled to appoint representatives to attend a Conference of Local Pharmaceutical Committee Representatives if at the date of the Conference, there are any amounts due under paragraph 14.3 that have been outstanding for more than six months.

16.4. Quorum

The number of Committees which shall form a quorum of a Conference of Representatives of Local Pharmaceutical Committees shall be 25 Local Pharmaceutical Committees.

16.5. Voting

If the number of Representatives attending the Conference on behalf of an LPC is fewer than the entitlement under 14.3.1 above, the Representatives attending will be entitled to submit votes in person and votes as a proxy totalling the number that would have been available had all Representatives attended the Conference.