

# Memorandum of Understanding between Save Face and the General Pharmaceutical Council

## Introduction

This memorandum relates to the areas of interface between the GPhC and Save Face, it clarifies respective roles and responsibilities and outlines mechanisms in place to promote effective liaison.

The purpose of this Memorandum of Understanding is to set out a framework between the General Pharmaceutical Council (GPhC) and Save Face to ensure that:

- Effective channels of communication and information sharing are established and maintained between the GPhC and Save Face, to promote patient safety and high-quality services for patients receiving non-surgical aesthetic treatments.
- Where appropriate and necessary, the processes and procedures adopted by Save Face and the GPhC, with regard to matters of 'fitness to practise' for prescribing pharmacists involved in the provision of non-surgical aesthetic treatments, are aligned to promote patient safety and public protection.
- The memorandum of understanding (MoU) outlines the basis of cooperation between Save Face and the GPhC, and supports the GPhC's role as the principal regulator responsible for inspections of registered pharmacies, and regulating pharmacy professionals.

The aims of this MoU are to:

- maintain patient safety and confidence in pharmacy services and pharmacy professionals
- support the sharing of information, intelligence, expertise and experience
- contribute to improving the regulatory oversight of pharmacy activities
- define the circumstances in which the two organisations will act independently

This MoU is a statement of principle; more detailed operational protocols and guidance will be developed, as and when these are required.

This MoU applies to Great Britain only and is intended to provide a framework to assist the joint working of the two organisations to ensure maximum effectiveness and efficiency when carrying out investigations. The MoU includes practical arrangements designed to ensure the relationship is effective and that together both organisations meet their aims and objectives, particularly when there are overlapping interests and responsibilities.

Although Save Face and the GPhC agree to adhere to the contents of this MoU, it is not intended to be a legally binding document. It does not override the statutory responsibilities

or functions of GPhC, nor infringe the autonomy and accountability of Save Face and the GPhC.

## Functions of the GPhC and Save Face

The GPhC is the independent regulator for pharmacists, pharmacy technicians and pharmacy premises in England, Scotland and Wales. Its role is to protect, promote and maintain the health, safety and wellbeing of patients and the public who use pharmacy services in England, Scotland and Wales by upholding standards and public trust in pharmacy.

The functions of the GPhC are set out in the Pharmacy Order 2010 and include:

- setting standards for the education and training of pharmacists and pharmacy technicians and approving and accrediting their qualifications and training
- maintaining a register of pharmacists, pharmacy technicians and pharmacies
- setting the standards of conduct, ethics and performance that pharmacy professionals have to meet throughout their careers
- setting the standards of continuing professional development that pharmacy professionals have to achieve throughout their careers
- investigating concerns that pharmacy professionals are not meeting the GPhC's standards, and taking action to restrict their ability to practise when this is necessary to protect patients and the public
- setting standards for registered pharmacies which require them to provide a safe and effective service to patients
- inspecting registered pharmacies to check if they are meeting our standards

Save Face is a voluntary regulator of registered doctors, nurses, midwives, dentists and prescribing pharmacists practising aesthetic medicine, accredited by The Professional Standards Authority.

The Functions of Save Face include;

- Save Face Sets standards of practice for regulated professionals, included on its register, specific to aesthetic practice. These specific standards are in addition to the standards required by the statutory registers.
- Save Face registrants are required to demonstrate, and be held accountable to the standards of practice and training set by Save Face in addition to the standards required by their statutory body.
- Save Face conducts an annual assessment of registrants through verification of required documentary evidence, practitioner interview and inspection of premises.
- Save Face provides information, guidelines, advice and support to registrants to ensure best practice standards and compliance with regulations to support public safety.

- Save Face provides a variety of resources including information, advice and support to members of the public interested in non-surgical cosmetic treatments.
- Save Face supports members of the public to make complaints and raise concerns to appropriate authorities.
- Save Face follows a published policy and procedure when complaints are made about practitioners on its register.
- Where professional standards may have been breached, Save Face will refer to the appropriate statutory regulator.
- Save Face collects data to identify risks in order to inform regulation.
- Save Face acts as a resource for members of the public, press and media, the police and regulators.
- Save Face places public protection and patient safety as the focus of its activities.

## Principles of co-operation

Save Face and the GPhC intend that their working relationship will be characterised by:

- making decisions that promote patient and public safety
- sharing information, intelligence, expertise and experience
- cooperating openly and transparently with the other organisation
- respecting each other's independent status
- using resources effectively and efficiently

## Key contacts

Details of key contacts within Save Face and the GPhC are contained in appendix A.

## Areas of cooperation

The Pharmacy Order 2010 sets out the GPhC's duty to protect the public who use pharmacy services and the services provided by pharmacy professionals. To facilitate this work, it is important that intelligence held by Save Face that could indicate that a pharmacy professional's fitness to practise is impaired or that a pharmacy's service(s) pose a risk to the people using pharmacy services and the public, is shared with the GPhC on a timely basis.

Where each organisation encounters any concern which it believes falls within the remit of the other, they will, at the earliest opportunity, convey the concern and relevant information to a named individual with relevant responsibility at the other organisation. In the interests of patient safety, the GPhC or Save Face will not wait to share concerns until their own investigation into registrant-related complaints has concluded.

## Sharing Information

Both organisations hold and use sensitive information about organisations and individuals to perform their core functions. It is vital that such information is on occasion, where it is lawful and in the public interest, shared between the organisations if they are to perform their functions effectively. The organisations recognise that this exchange of information needs to be carried out responsibly and within the guidelines set out in this MoU.

Both organisations are subject to the duty of confidentiality owed to those who provide them with confidential information and the confidentiality and security of this information will be respected. It is understood by both organisations that statutory and other constraints on the exchange of information will be fully respected, including the requirements of data protection legislation (including the Data Protection Act 2018 and the General Data Protection Regulation (EU 2016/679)), the Human Rights Act 1998 and the common law duty of confidentiality. Both parties agree to inform the other as soon as possible in the event that a breach of confidentiality is discovered.

Both organisations recognise their respective responsibilities as data controllers under data protection legislation. Where information shared under this MoU falls within the scope of a request for information under data protection legislation, the organisation receiving the request will consult with the other party before any disclosure of shared personal information is made.

The GPhC is a public body under the Freedom of Information Act 2000 (FOIA). The GPhC will consult with Save Face before any disclosure of shared information is made in response to a request for information under FOIA. Similarly, Save Face will consult with the GPhC before making other disclosures of shared information.

Both organisations are committed to the principle of using information more effectively to reduce the burden of administration and regulation.

Where it supports the effective delivery of their respective roles and responsibilities, and the aims of this MoU, both organisations will explore systematically and routinely sharing specific data sets to the extent possible by law. Where such data sets are identified, both organisations agree to develop a formal information sharing agreement.

The GPhC routinely publishes information about the sanctions it has imposed when pharmacists and pharmacy technicians are not fit to practise, and intends to publish its assessment of registered pharmacies' compliance with its standards.

The GPhC agrees to share more detailed information supporting its assessments where this is requested. Requests for information should be sent to the contact specified below.

## **Enforcement**

Where either organisation has taken or intends to take enforcement action, the outcome of which is relevant to the other organisation, details will be shared at the earliest possible opportunity.

## Communication

Areas of communication between the organisations include, but are not limited to:

- Sharing of expertise and experience
- Discussions about strategy and policy
- Discussions about individual pharmacy professionals, pharmacy owners and pharmacy premises, where it is in the interest of public safety
- Sharing experiences of investigations or trends
- Sharing information about potential media interest, or when the media have actively shown an interest, on an issue of relevance to both organisations
- Sharing views and information about how improved performance might be encouraged. Disclosures from either organisation to the other will be regularly monitored to ensure that arrangements are working effectively.

## Governance

The effectiveness of the working relationship between Save Face and the GPhC will be ensured through regular contact, both formally and informally, at all levels up to and including senior executives of the respective organisations.

The GPhC and Save Face will monitor and review information shared and the impact of the MoU on a regular basis. In future, this may include the production of periodic monitoring reports that cover the frequency, or number, of interactions, the nature of the shared information and joint working and the impact that the cooperation of the two organisations has had.

Should any difficulties arise between Save Face and the GPhC these will normally be resolved at the operational level. If this is not possible, unresolved issues may be referred upwards through those responsible for operating this MoU, up to and including the chief executive / managing director of each organisation, who will be jointly responsible for ensuring a mutually satisfactory resolution.


## Duration and review

This MoU is not time-limited and will continue to have effect until the principles described need to be altered or cease to be relevant. It will be reviewed annually but it may be reviewed more urgently at any time at the request of either party, or in the event that ownership of Save Face, or its accreditation with the PSA, changes.

Both organisations have identified a person responsible for the management of this MoU in Appendix A. They will liaise as required to ensure this MoU is kept up to date, identify any emerging issues and resolve any questions that arise in the working relationship between the two organisations.

Signed for and on behalf of

**General Pharmaceutical Council**

Signed 

Name Duncan Rudkin

Title Chief Executive and Registrar

Date 25/06/19

Signed for and on behalf of Save Face

Signed 

Name Ashton Collins

Title Director

Date 25/06/19

#### Appendix A: Contact details

<b>General Pharmaceutical Council</b> 25 Canada Square London E14 5LQ Telephone: 0203 713 8000	<b>Save Face</b> Unit 2 Talbot Green Business Park Talbot Green CF72 9FG Telephone: 01495 239261
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#### Named contacts for Save Face and the GPhC

<b>Chief Executive and Managing Director (internal escalating policies should be followed before referral to chief executive or managing director)</b>	
Duncan Rudkin Chief Executive and Registrar <b><u>duncan.rudkin@pharmacyregulation.org</u></b>	Ashton Collins Director <b><u>Ashton.collins@saveface.co.uk</u></b>
<b>MoU management</b>	
Julian Graville Head of Inspection <b><u>julian.Graville@pharmacyregulation.org</u></b>	Ashton Collins Director Ashton.collins@saveface.co.uk

**Other contacts**

Ambrose Paschalides Inspection Operations Manager <b><u>Ambrose.Paschalides@pharmacyregulation.org</u></b>	Emma Davies Clinical Director Emma.davies@saveface.co.uk
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Carole Gorman Governance & Assurance Manager Carole.Gorman@pharmacyregulation.org	
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