



March 2014

## LPC new members guide

### Introduction

Congratulations on your appointment, you are now a member of the committee that is recognised by NHS England as being the body that represents all community pharmacy contractors within your Local Pharmaceutical Committee (LPC) area. It is important that the LPC is seen as a leadership body: the focal point for community pharmacy, and an authoritative organisation leading discussion on community pharmacy related issues and negotiating local NHS services. As an LPC member, you have an important role in the development of local community pharmacy, representing and acting in the best interests of all your contractors.

This induction pack for new LPC members is provided by PSNC to help you to become an effective LPC member, and it aims to:

- help you to understand the functions and duties of your LPC
- explain your role as an LPC member
- inform you of PSNC support and contact details
- answer some of your questions

## LPC overview

The LPC is the local organisation for NHS community pharmacy funded by and representing all the community pharmacy contractors within its area – an area that is defined by Local Authority Health and Wellbeing Board(s). The LPC is an independent and representative committee with statutory rights. PSNC has a [document on the powers of the LPC](#) which can be found in the [LPC Members Area](#) of the PSNC website in the LPC Resources Centre ([psnc.org.uk/lpcs](http://psnc.org.uk/lpcs)).

### What is the legal status of an LPC?

The LPC is recognised and specifically referred to in NHS legislation - however it is not created by statute and is therefore not a statutory body. LPCs are not limited companies - they are unincorporated associations. LPCs are recognised by the National Commissioning Board (the terminology in legislation), which is now usually known as NHS England.

The LPC is established and draws its authority from:

*NHS Act 2006 s167 (1)*

*The National Commissioning Board may recognise a committee formed for an area, which it is satisfied is representative of –*

*... the persons providing pharmaceutical services from premises in the area for which the Committee is formed, or*

*[... an LPS Chemist who has notified the Board that he wishes to be represented by the committee and has not notified the Board that he wishes to cease being represented]*

This recognition gives certain rights and responsibilities:

*NHS Act 2006 s167 (6)*

*Regulations may require the Board, in the exercise of functions relating to pharmaceutical services or local pharmaceutical services, to consult committees recognised by it under this section on such occasions and to such extent as may be prescribed.*

*NHS Act 2006 s167 (9)*

*The Board may, on the request of any committee recognised under this section, allot to that committee such sums for defraying the committee's administrative expenses as may be determined by the Board.*

### Model LPC Constitution

As a recognised representative organisation, each LPC must have a constitution. The current PSNC [model LPC constitution](#) for England is set out at **Appendix 1** and can be accessed via the [LPC Members Area \(in the Resources Centre\)](#). Wales has a separate arrangement and constitution.

The LPC constitution is the source of the LPC's powers. LPCs can only act in accordance with the powers provided in the constitution. LPCs must properly discharge the duties and responsibilities required by the constitution. LPCs must not exceed the powers in their constitution and should always check that any action taken by the LPC is within the powers the constitution provides.

It is important that all LPC members are familiar with their constitution which defines:

- membership of the committee
- duties including governance
- NHS Commissioning Board recognition
- procedures for nominations and elections
- procedures for the appointment of officers and their duties
- the quorum for meetings
- the term of office of members
- procedures for the disqualification and retirement of members
- procedures for dealing with vacancies
- duties of officers
- management of the committee
- suspension/removal of members for breach of governance
- the information to be sent to NHS England and PSNC regarding membership
- the requirement for an annual report and AGM
- the procedure for amending the constitution
- LPC finance.

The majority of LPCs adopt in full the model LPC constitution recommended by PSNC. A small number of LPCs have slightly different constitutions to the model. If you have a question for PSNC staff on your LPC constitution and you are a member of one of those LPCs who have not adopted the model constitution, it is important that you tell us otherwise your question will be addressed in terms of the model constitution. If you are unsure, ask your LPC Secretary.

### Accountability of LPCs and LPC members

As an LPC member you must be aware of the constitutional duties of the committee and accept the responsibility to discharge those duties which are in section 3 in the attached constitution.

As an LPC member you are accountable to the contractors whose levies are collected by the LPC to fund its work. So you have a responsibility to ensure that the money is used properly and effectively, that the LPC has a business plan, and that it ensures that LPC staff are properly managed and working to that plan. The LPC has a role in promoting community pharmacy through building relationships with commissioners, other representative committees e.g. Local Medical Committees, and other stakeholders such as MPs, councillors and patient or community groups.

### LPC performance management

So that LPC members can make sure the LPC is in good shape, PSNC provides the LPC Self Evaluation Tool which identifies the key areas of work that contractors can expect from an LPC. As an LPC member charged with making sure the LPC is delivering best value for contractors, check the current status of the self-evaluation document and make sure it is reviewed regularly – if you are not happy with progress, make sure the committee addresses the issues. The self-evaluation tool can be found in the [LPC Members Area](#) of the PSNC website (in the Resources Centre) and is a useful checklist of what the LPC should and could be achieving. The completed LPC Self Evaluation Tool may also be uploaded to the LPC website so that contractors can see it.

### LPC meetings

LPCs should meet at agreed regular intervals, (usually monthly or bimonthly) to ensure that they are able to keep abreast of issues, monitor the LPC work plan and are able to exercise their functions properly. Some LPCs hold their meetings on a weekday evening, but many LPCs have full daytime meetings.

Between meetings the Chairman and Secretary/Chief Officer will deal with issues that arise, but your LPC as a whole is accountable for actions taken in the name of the LPC. This means that the LPC must ensure it meets sufficiently frequently to be able to set policy, consider important issues, and steer the work of the Secretary.

As an LPC member you should attend all meetings, as you are jointly accountable for the actions of the committee. To ensure that maximum attendance is possible the Secretary should arrange and notify members of meetings well in advance.

Before each LPC meeting all members should read the agenda and minutes of the previous meeting and be prepared to contribute, so that the meeting can be carried out efficiently. It is the quality of the input that is the critical factor!

The LPC must hold an Annual General Meeting to which all contractors are invited. This is an important opportunity for contractors to hear about and comment on the activities of the LPC.

### What is your role?

Your role as an individual member of the LPC is to work with your colleagues on the committee to ensure that the voice of community pharmacy is heard within your LPC area. You must ensure that the business of the LPC is conducted appropriately by its members and officers and that the duties of the LPC are carried out satisfactorily.

The work of the LPC must be seen to be conducted openly, with good communication with all contractors in the LPC area. Remember that you are recognised by NHS England as the body representative of contractors and you must ensure that you represent their interests properly and keep them fully informed.

Communication with your contractors is an important part of the work of LPCs and again the LPC members need to ensure that there are effective arrangements in place. So ask yourself some questions: are you happy with the information the LPC provides to contractors? Does the LPC have an informative and well maintained website? As an LPC member are you satisfied that the website presents the LPC to visitors as a professional and business like organisation? Does the LPC issue a regular newsletter? Does the LPC keep contractors informed of discussions with local commissioners, matters discussed at the LPC meetings and national issues?

In terms of probity, the LPC should be vigilant in all its financial dealings. NHS England has a legitimate interest in the financial management of LPC levies, and LPCs must be satisfied that all their expenditure is defensible as being in the interest of contractors. LPC members should scrutinise the accounts and ensure they are properly maintained and audited.

The LPC will also promote local pharmacy and endeavour to negotiate locally funded enhanced and other services. PSNC provides information, guidance, and training to support LPCs in this role; see below for more details on PSNC support that is available for LPC members.

### Competencies for LPC Membership

LPC members should have a good understanding, not only of community pharmacy, but also of the health needs of the local community and local and national NHS priorities, and they should be committed to promoting the role of pharmacies in delivering services. PSNC provides frequent briefings and resources for LPCs and LPC secretaries.

Other competencies that are useful include financial skills, familiarity with wider government health policy, local government experience, and membership of special interest groups relevant to pharmacy and education; but the key requirements are an enthusiasm for pharmacy, a willingness to contribute and being a team player.

## LPC governance

It is important to remember that the LPC is a body charged with representing community pharmacy contractors in its area. LPC business has a significant effect on those it represents in terms of contractors' businesses and development opportunities. Essentially, good governance is all about making sure that appropriate rules and procedures are in place at the LPC to ensure that it is conducting itself in a proper manner. There are a number of principles, sometimes referred to as the Nolan principles, which define how people in public life should conduct themselves. The following principles reflect the application of the Nolan principles to the conduct of LPC members:

- **Selflessness:** LPC members should take decisions solely in terms of the interests of all those contractors they represent and not to gain financial or material benefits for themselves, their family or their friends.
- **Integrity:** Members must not put themselves under any obligations that might influence their performance on the LPC or their ability to reflect the interests of the contractors who elected or appointed them.
- **Objectivity:** In making decisions and in carrying out the business of the LPC, members should act within the constitution and make decisions only on merit.
- **Accountability:** LPC members are accountable for their decisions and actions to the contractors they serve and the public and must therefore submit themselves to scrutiny.
- **Openness:** Members should be as open as possible about all the decisions and actions they take. They should give reasons for their decisions, and restrict information only where the wider public interest clearly demands this. However, in being open, LPCs must take care when dealing with confidential or sensitive information.
- **Honesty:** Members have a clear duty to declare any private interests relating to their LPC duties, and to take steps to resolve any conflicts arising. A written declaration of interests, properly updated for all LPC members, should be in place and conflicts of interest at meetings should be declared and be recorded in the minutes.
- **Leadership:** Members should promote and support good governance by leadership and example.

These are amended versions of principles that apply to any individual in a public office - breach of the principles can have serious implications for both the individual and for the organisation. Of course as the LPC is a body of pharmacy contractors, each member has an interest as a contractor, and that general self-interest is understood.

### Some other governance issues to consider

If the LPC is going to be open and transparent to its contractors, then consideration should be given to:

- allowing access to Agendas and Minutes of LPC meetings (subject to dealing with confidential issues);
- giving notice to contractors likely to be affected by any issues to be discussed at a meeting; and
- when appropriate consulting contractors before a decision is taken.

Corporate responsibility means publicly standing by the decisions of the LPC. If a matter is discussed at an LPC meeting and an individual puts forward a view that is not supported by the majority in a vote after a full discussion, that individual must support the collective decision of the LPC. Any member who publicly disagrees with an LPC decision or undermines it should consider his or her position.

Where power is delegated to individual members of the Committee to carry out a particular function, then the LPC should clearly set the boundaries of the delegated power. Individuals should be aware that they only receive their power from the LPC and cannot go beyond it.

LPCs represent all contractors within their area and there should be no bias or public statements that indicate anything other than complete equity. This means that statements indicating a dislike of a particular group of contractors or favouritism towards others must be ruled out completely. Failure to do so could result in action against the LPC by the aggrieved individual.

There may be occasions when you have an interest in a matter being discussed by the LPC - a conflict of interest - for example a contract with which you are involved. It is important that you declare your interest at the start of the meeting and the Chairman will take the appropriate action - this may mean that you are asked to leave the room while the item is discussed. It will also be important for the Secretary to minute that you declared an interest and the action that was taken.

Clearly LPCs will, on occasions, receive privileged information and such information should not be used to an individual LPC member's advantage. LPCs are under a duty to respect confidential information and despite the requirement for transparency and openness, they must deal with confidential information in an appropriate manner.

Corporate governance is an important area; local NHS bodies in particular have very stringent corporate governance requirements – reflecting the above principles – and there is always someone at Primary Care Organisations (PCOs) and commissioning organisations who is responsible for governance. It would be worth making contact with those people to look at how their corporate governance is structured. With such pressure on PCOs to have sound corporate governance, they can be expected to ensure that those with whom they do business – such as LPCs – also have good governance procedures in place.

As a new member your LPC may ask you to read the PSNC Governance Guide and sign a declaration of interest - this is good practice and all part of a healthy, well run LPC.

## LPCs and PSNC

### PSNC's Role

PSNC represents community pharmacies at national level. It negotiates funding and services to be provided under the national community pharmacy contract, as well as funding for specific elements such as pre-registration training grants, specific fees and allowances, and all aspects of the Drug Tariff. PSNC scrutinises closely all proposed regulations affecting NHS community pharmacy services and works with the Department of Health to ensure that they are acceptable for contractors. For a full description of PSNC's function see the [PSNC Constitution](#) which can be found, along with further information about PSNC's membership and work plans, in the [PSNC's Work](#) section of the PSNC website ([psnc.org.uk/psncs-work](http://psnc.org.uk/psncs-work)).

## PSNC Regional Representatives

There are 13 regional representatives for England who are elected to sit on PSNC and who must be members of LPCs when they stand for election. This ensures that the views of LPCs are reflected at PSNC meetings. PSNC regional representatives also hold regional meetings for their LPCs and attend LPC meetings in their regions. You can find more information about regional representatives, including contact details for your local representative, in the [PSNC's Work](#) section of the PSNC website ([psnc.org.uk/psncs-work](http://psnc.org.uk/psncs-work)).

## The relationship of LPCs to PSNC

LPCs and PSNC work very closely. PSNC is supported financially by contractors, that funding being collected by LPCs with the LPC levy.

The PSNC provides a wide range of services, support and training for LPCs to help them in their work at local level. These include:

- guidance, briefings and other resources;
- training courses,
- maintaining a database of local initiatives;
- advising LPCs on constitutional and other matters;

More details are available via your LPC Secretary and we describe the PSNC support available to LPCs in more detail later in this document.

PSNC monitors the reimbursement and remuneration processes applied by the pricing authorities including routine and special checks on pricing, and it responds to Drug Tariff and related enquiries. PSNC also produces a range of communications for LPCs and contractors including a monthly publication, *Community Pharmacy News*, and the website at [psnc.org.uk](http://psnc.org.uk). A Yahoo group restricted to LPC Secretaries is also hosted by PSNC.

The relationship between LPCs and PSNC is cemented through the Annual LPC Conference and the stipulation that Regional Representatives on PSNC must be elected members or officers of an LPC.

## Contacting PSNC

PSNC has a small, dedicated team based at PSNC's central London office. The team are able to provide information and support to all LPC members on a wide range of NHS community pharmacy matters including regulations, local service commissioning, the community pharmacy contractual framework, communications and the Drug Tariff. The contact details of PSNC staff can be found be on the PSNC website in the [PSNC's Work](#) area ([psnc.org.uk/psncs-work/about-psnc/psnc-staff](http://psnc.org.uk/psncs-work/about-psnc/psnc-staff)).

## Not sure who to contact?

Your first port of call is:

### Mike King

PSNC Head of LPC and Contractor Support  
Pharmaceutical Services Negotiating Committee  
Times House 5 Bravingtons Walk London N1 9AW

E-mail [mike.king@psnc.org.uk](mailto:mike.king@psnc.org.uk)

Direct 0203 1220 815    Mobile 07885 614865



## PSNC database of LPC members

In order for PSNC to contact LPC members and ensure that they receive the latest mailings and emails, PSNC have set up a database of contact details for all LPCs. When there are changes to members' contact details or changes to LPC officers please use the [form on the PSNC website](https://psnc.org.uk/lpcs/lpc-members-area/lpc-member-changes/) (psnc.org.uk/lpcs/lpc-members-area/lpc-member-changes/) so that we can get all the relevant information we need.

## PSNC support for LPC members

### LPOSS

In response to the changing demands and increasing challenges LPCs are facing in the reformed NHS environment, PSNC worked with LPCs to ensure that the support we offer meets their needs and last year we launched the [Local Pharmacy Organisation Support Services \(LPOSS\)](https://psnc.org.uk/lpcs/lposs/) prospectus (psnc.org.uk/lpcs/lposs/).

LPOSS brought together the full range of existing PSNC resources with updated services and a range of new support options for LPCs. The directory is integrated with the new PSNC website making it easier for LPCs to navigate and access the full range of PSNC support services.

To make LPOSS as accessible as possible, we have split the services we offer into 6 key areas:

- Core services
- Local Commissioning Support
- Business Services
- Specialist Advice
- Training
- PSNC Events

Within each service area in the directory, LPCs will find details of the PSNC support available to them along with links to the relevant PSNC resources and external websites. The resources range from downloadable template documents, briefings and presentations to practical training days and contacts for providers of other professional services. They include a wide variety of practical tools and resources to help LPCs to carry out their functions, to understand the changing commissioning environment and to successfully represent their contractors, as well as specialist information and advice on all matters related to NHS community pharmacy services.

The prospectus is a continually evolving source of information as our resources, training events and services are developed and more support is added, making it a hub for LPC support.

LPOSS can be accessed on line and downloaded from the LPC area of the PSNC website.

We strongly recommend that all new LPC members familiarise themselves with LPOSS to ensure that their LPCs are making most of all of the PSNC support available to them. It is also worth checking the prospectus regularly as it will be updated as we launch new services and resources for LPCs.

### LPC training and events

During the year, PSNC organises events for both LPC Members and community pharmacy contractors. Highlights include the Community Pharmacy Conference, which is generally held in the spring, and the LPC Conference, which is usually in November.



This year we are holding a one-day induction event for new LPCs members in April which is designed to give newly elected LPC members a chance to meet the PSNC team, learn more about the committee and attend training sessions that will provide a good foundation for undertaking their new roles.

PSNC also runs a programme of training courses and seminars each year for LPCs.

In previous years PSNC these have covered a huge range of topics including negotiation skills, presentation skills, preparing bids for funding, media training, chairing and meeting skills, strategic planning, leadership, IT skills, performance management and appraisal for LPC chairs, team building, business planning to name but a few.

PSNC also organises a meeting for all LPC Chairs and Secretaries every year.

Details of the latest PSNC Conferences, LPC courses and seminars can be found on the [LPC Events](#) page of the LPC members section of the PSNC website ([psnc.org.uk/lpcs/lpc-members-area/lpc-events](http://psnc.org.uk/lpcs/lpc-members-area/lpc-events)). This section also includes guidance notes, summaries, briefings and resource packs from some of the events.

### **PSNC Website**

Updated daily, the [PSNC website](#) ([psnc.org.uk](http://psnc.org.uk)) is the place for the latest authoritative NHS community pharmacy news, information and resources. The website was redesigned last year and contains a wealth of information, resources and guidance for both LPCs and contractors. All LPC members are allocated a 'user name' and 'password' to access additional resources in the LPC Members Area of the site. If you have not yet received your user name and password, please contact [info@psnc.org.uk](mailto:info@psnc.org.uk).

### **Community Pharmacy News (CPN)**

Community Pharmacy News is PSNC's monthly newsletter focused on issues of importance to NHS community pharmacy contractors. It is circulated monthly to over 13,000 health professionals and can be downloaded in full (in PDF Format) or read digitally on the [Resources page](#) of the PSNC website ([psnc.org.uk/psncs-work/resources](http://psnc.org.uk/psncs-work/resources)). If you do not currently receive a copy of Community Pharmacy News, please email your contact details to [info@psnc.org.uk](mailto:info@psnc.org.uk).

### **PSNC Briefings**

As part of the support services it offers, PSNC often sends out briefings to LPCs and pharmacy contractors. These briefings range from presentations to help LPCs and pharmacies to understand key areas of PSNC's work or to engage with local commissioners, to updates and guidance on the new NHS environment and regulations. The [PSNC Briefings](#) page of the website ([psnc.org.uk/briefings](http://psnc.org.uk/briefings)) lists all recent briefings by both date and topic to help LPCs and contractors to find the information they need.

### **LPC and PSNC News**

In addition to PSNC Briefings, PSNC produces a weekly email newsletter which contains updates from our website, giving subscribers details and links to the most relevant news articles added to our site in that week. The newsletter covers a range of topics relating to NHS community pharmacy such as changes to contractual requirements, Drug Tariff updates and funding arrangements, as well as updates on the wider healthcare landscape. Special newsletters are also sent out when PSNC has particularly urgent news for contractors. LPC members and others can subscribe to these newsletters at [psnc.org.uk/email](http://psnc.org.uk/email).

There is also an LPC News email sent to all LPC members and officers with news on LPC specific issues. This is the key communication for LPCs from PSNC and it includes news and updates that will be of interest to LPCs as well as information about the latest PSNC resources, training and support. There is no need to subscribe to these LPC newsletters as they are sent automatically to all LPC members listed on PSNC's database.

### Local Services Database

[PSNC's Community Pharmacy Services Database](https://psnc.org.uk/services-commissioning/services-database) has been redesigned and will be available live on PSNC's website very soon (at [psnc.org.uk/services-commissioning/services-database](https://psnc.org.uk/services-commissioning/services-database)). The database provides details of local services and is updated regularly to allow LPC members and pharmacy contractors across the country access to information on leading edge projects and examples of good practice.

LPC members can submit information on local initiatives by using the online form or by contacting Barbara Parsons, [PSNC Head of Pharmacy Practice](mailto:barbara.parsons@psnc.org.uk) ([barbara.parsons@psnc.org.uk](mailto:barbara.parsons@psnc.org.uk)).

### LPC finance

As an LPC member you should have a general knowledge of your LPC's finances and annual accounts, even though they will be the prime responsibility of the LPC Treasurer.

The PSNC guideline for the LPC's finances is that 50% of the next year's expenditure should be in reserves at 31<sup>st</sup> March each year. If the level of reserves is too high then the LPC should consider adjusting the amount of levy collected until the reserves are back to normal. If the level of reserves is too low then the LPC needs to consider the following measures:-

- (a) review the levy income
- (b) review the LPC expenditure
- (c) if necessary, consider a levy increase

- (a) review the levy income

The LPC Treasurer should check the receipts from the NHS BSA, in particular whether the number of contractors from whom a levy has been deducted equals the number of contractors in the LPC area.

If the LPC is one of the small number still collecting voluntary levies then the LPC Secretary or Treasurer needs to chase up any missing mandate forms which must be signed and processed before the levy can be collected. This can involve considerable extra work keeping up with changes in ownership and dealing with non-payers.

It is important that LPCs ensure that the required levy is collected from all their contractors and this does require constant vigilance especially on the part of the Treasurer and Secretary.

- (b) review the LPC expenditure

When the Treasurer presents his budget for the next financial year all LPC members have a duty to satisfy themselves that the proposed expenditure is necessarily incurred for the benefit of the LPC's contractors. These same criteria should be used to judge the

actual expenditure incurred as contained within the LPC's accounts when they are regularly presented to the LPC.

(c) levy increase

If having reviewed the level of reserves, levy income, and LPC expenditure funding is insufficient then the LPC will have to consider an increase in their levy on contractors. This will require a full discussion at an LPC meeting and due notice of the decision to contractors and the PPA.

### LPC accounts

The LPC's constitution requires it to prepare annual accounts to 31<sup>st</sup> March each year. These should be approved by the LPC after they have been audited by a finance professional with a practising certificate.

The audited accounts should be circulated to contractors and to PSNC by 31<sup>st</sup> October each year and should be formally approved at the LPC's Annual General Meeting.

A point on governance: to avoid conflict of interest, the posts of Secretary and Treasurer should be held by different people.

### Other financial matters

(i) Corporation Tax

An LPC is only liable to corporation tax on its interest income. However, an LPC is still required to file a corporation tax return unless it is granted a written exemption by HM Revenue & Customs.

(ii) Allowances to LPC Members

LPCs can reimburse bona fide locum costs incurred by LPC members when attending day meetings on LPC business.

In addition LPC members may claim reasonable travelling and subsistence costs incurred in attending meetings on behalf of the LPC.

Some LPCs also pay a small attendance allowance for attending LPC meetings. Where this is paid the LPC should inform the LPC member in writing that the member is responsible for any tax liability arising on the profit element within the allowance.

(iii) LPC Secretaries Salaries or Honoraria

The LPC is responsible for deduction of Income Tax and National Insurance contributions on the salary / honoraria paid to the LPC Secretary / Chief Officer or other officials, unless the LPC receives written confirmation from HM Revenue & Customs that the person is self-employed.

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

[Mike King, Head of LPC and Contractor Support.](#)

CONSTITUTION of the **XXXXXXXXXXXXXX**

LOCAL PHARMACEUTICAL COMMITTEE

**1. Definitions**

In this Constitution –

“The Act” means the National Health Service Act 2006 “The Committee” and “LPC” mean the Local Pharmaceutical Committee recognised by the NHS Commissioning Board (NHSCB) under the provisions of the Act as representative of the persons providing pharmaceutical services and persons providing local pharmaceutical services from premises in the area for which the Committee is formed.

“Health and Wellbeing Board” (“HWB”), means the Local Authority’s Health and Wellbeing Board for the area or part of the area of the LPC.

“NHS Matters” includes NHS Pharmaceutical Services commissioned by the NHSCB and NHS services commissioned under arrangements made with Local Authorities or Clinical Commissioning Groups.

“Persons providing pharmaceutical services” means persons whose names are included in a pharmaceutical list who provide pharmaceutical services in the area of the LPC, excluding suppliers of appliances only. “Persons providing local pharmaceutical services” means persons who are providing local pharmaceutical services (LPS) under an LPS scheme or under a pilot scheme made with the NHSCB in the area for which the Committee is formed, and where the person has notified the NHSCB that he wishes to be represented by the Committee (and has not notified it that he wishes to cease to be so represented). “Pharmacy contractor” means a person providing pharmaceutical services or a person providing local pharmaceutical services from registered pharmacy premises in the area for which the Committee is formed.

“Primary Care Trust” and “PCT” mean a Primary Care Trust established by the Secretary of State under the Act.

“Representative” means a person who has agreed with pharmacy contractor or contractors to represent the business interests of the pharmacy contractors at meetings of the Committee. The representative need not be employed by the pharmacy contractors, but should have sufficient knowledge of the pharmacy business to be able to undertake this role competently.

“Secretary” means the person employed or engaged by the Committee as its Secretary, Chief Officer or Chief Executive Officer.

“The Secretary of State” means the Secretary of State for Health.

**2. Name of Committee**

The Committee shall be known as the “**XXXXXXXXXXXXXX** Local Pharmaceutical Committee”.

**3. Duties**

**3.1. Governance and Finance**

3.1.1. The Committee shall conduct its affairs in accordance with accepted principles of good governance, in particular the principles set out in Guidance.

3.1.2. The Committee shall ensure that the appropriate structures and resources are in place to discharge its duties in a proper manner and the Committee may set up subcommittees of the Committee for this purpose.

3.1.3. The Committee shall maintain appropriate management and administrative structures to ensure the Committee's business is carried out efficiently and effectively.

3.1.4. The Committee shall respond to any request for an inquiry by a contractor who believes that the Committee or an officer of the Committee has acted unconstitutionally, by holding a meeting of the Committee to deal with the matter and to report to all contractors represented by the Committee.

3.1.5. The Committee shall request the NHSCB to allot to the Committee such sums as are required to defray the Committee's administrative expenses and for any sums so allotted to be taken from the monies available for the remuneration of pharmacy contractors.

### 3.2. Representation of pharmacy contractors

3.2.1. The Committee shall receive, and where appropriate respond to, consultations by the NHSCB and HWB on behalf of the pharmacy contractors in the area for which the Committee is formed.

3.2.2. If there is no member of the Committee working in or representing a pharmacy contractor in the area of any of the HWB listed in paragraph 4, the Committee shall ensure that there are adequate arrangements to ensure the representation of pharmacy contractors in those HWB areas is not compromised.

3.2.3. The Committee shall, where appropriate, respond to other national or local consultations which are relevant to the pharmacy contractors in the area for which the Committee is formed.

3.2.4. The Committee shall appoint or nominate representatives to any committee, subcommittee, working group or other body on which representation of pharmacy contractors is required.

3.2.5. The Committee shall make representations to the NHSCB and HWB on matters of importance to pharmacy contractors.

3.2.6. The Committee shall make representations to the Pharmaceutical Services Negotiating Committee (PSNC) on matters of importance to pharmacy contractors.

### 3.3. Support for pharmacy contractors

3.3.1. The Committee shall ensure transparency and equality of information and opportunity for all pharmacy contractors in matters relating to the local purchasing of pharmaceutical services.

3.3.2. The Committee shall ensure appropriate arrangements are in place to advise any pharmacy contractor who needs help or assistance on NHS matters. The LPC is not however, able to provide legal advice as this must be given by a qualified solicitor or by counsel. In cases where legal advice may be needed on matters relating generally to the LPC's contractors, rather than relating to an individual contractor, the LPC may at its discretion, assist with funding such legal advice.

3.3.3. The Committee shall provide appropriate levels of guidance and support to pharmacy contractors or groups of pharmacy contractors in the formulation of bids for funds held at any level and advise on submissions for LPS and local commissioning.

3.3.4. The Committee shall consider any complaint made by any pharmacy contractor against another pharmacy contractor involving any question of the efficiency of the Pharmaceutical Services as empowered by Regulations.

#### 3.4. Relationships with other bodies, in the interests of pharmacy contractors

3.4.1. The Committee shall aim to establish effective liaison with other bodies concerned with the National Health Service in the area of the Health and Wellbeing Board.

3.4.2. The Committee shall collaborate as appropriate with PSNC on all matters relating to the provision of pharmaceutical services and local pharmaceutical services.

3.4.3. The Committee shall aim to collaborate with other pharmaceutical bodies including LPCs and other non-pharmaceutical bodies to the benefit of pharmacy contractors.

#### 4. NHS Commissioning Board Recognition

The Committee is recognised by the NHS Commissioning Board under the provisions of the Act as representative of the pharmacy contractors in the area(s) of the following Health and Wellbeing Boards:-

[LIST HWBs]

#### 5. Membership

5.1. The Committee shall determine the number of members of the Committee.

5.2. The members shall be pharmacy contractors or representatives of pharmacy contractors and shall be elected or appointed in accordance with the following paragraphs.

5.3. The Company Chemists' Association (CCA) shall be entitled to appoint members to the Committee in proportion to the number of CCA member company pharmacy contractor premises in the area for which the Committee is formed. The CCA and member companies of the CCA shall not be eligible to participate in the election of members.

5.4. The Association of Independent Multiple Pharmacies (AIMp) shall be entitled to appoint members to the Committee in proportion to the number of AIMp member company pharmacy contractor premises in the area for which the Committee is formed. The AIMp and member companies of the AIMp shall not be eligible to participate in the election of members.

5.5. A pharmacy contractor other than a member company of the CCA or AIMp owning more than 8% of pharmacy contractor premises in the area for which the Committee is formed shall be entitled to appoint one member of the Committee. The pharmacy contractor shall be entitled to appoint additional members to the Committee so that the total number appointed by the pharmacy contractor is in proportion to the number of its pharmacy contractor premises in the area for which the Committee is formed. If a pharmacy contractor does appoint members, it shall not be eligible to participate in the election of members.

5.6. Between elections, the Committee may appoint members to maintain the appropriate number of members, and if doing so, shall where possible ensure the composition of the Committee reflects the mix of pharmacy contractors in the area for which the Committee is formed.

5.7. If there is no elected or appointed member of the Committee working in or representing a pharmacy contractor with premises in each of the areas of the HWBs listed in paragraph 4, the Committee should, when appointing members under the provisions of paragraph 5.5, ensure where possible that there is at least one member in each HWB area.

5.8. The regional representative of the Pharmaceutical Services Negotiating Committee in whose region the Committee is located shall be entitled to attend and speak at any meeting of the LPC, but may not vote unless he is a member of the LPC. The regional representative of the Pharmaceutical Services Negotiating Committee in whose region the Committee is located shall also be entitled to attend and speak at any meeting of pharmacy contractors called by the Committee, but may not vote unless he is a pharmacy contractor in the area for which the Committee is formed.

5.9. The Committee may invite observers to attend meetings of the Committee.

5.10 Observers may be allowed to speak at meetings of the Committee, but shall not have a right to vote.

#### **6. Appointment to the Committee**

6.1. The CCA shall notify the Committee of the identity of the members it wishes to be appointed to represent the CCA not later than three months after the date of the first meeting of the Committee.

6.2. The AIMp shall notify the Committee of the identity of the members it wishes to be appointed to represent the AIMp not later than three months after the date of the first meeting of the Committee.

6.3. Pharmacy contractors other than member companies of the CCA or AIMp owning more than 8% of pharmacy contractor premises in the area for which the Committee is formed shall, prior to any election, notify the Returning Officer whether it wishes to appoint members and if so, the number of members it wishes to appoint to the Committee, up to the entitlement calculated in accordance with paragraph 5.4 above, and shall notify the Committee of the identity of the members to be appointed not later than three months after the date of the first meeting of the Committee.

#### **7. Election to the Committee**

7.1. An election shall take place every four years to elect the balance of the members, having regard to the number of members appointed in paragraphs 6.1, 6.2 and 6.3 above.

7.2. The election shall be by postal vote to be taken as soon as may be after the 1st day of January in each year when an election is held.

#### **7.3. Electors**

7.3.1. Every pharmacy contractor other than members of the CCA or AIMp or those that have exercised their rights to appoint members under paragraph 6.3 above shall be an elector and shall be entitled to participate in the election.

7.3.2. Each elector shall be entitled to receive, and vote on, one voting paper for each of his pharmacy contractor premises in the area for which the Committee is formed.

#### **7.4. Returning Officer**



7.4.1. The Returning Officer shall be a person other than an elector appointed for the purpose by the Committee and in the event of his absence, or inability to act, he shall appoint some person, other than an elector to take his place.

7.4.2. The Returning Officer shall determine the total number of pharmacy contractor premises in the area for which it is formed; the number of pharmacy contractor premises owned by CCA member companies in the area for which the Committee is formed; AIMp member companies in the area for which the Committee is formed, and identify any other pharmacy contractor owning more than 8% of the pharmacy contractor premises in the area for which the Committee is formed, together with the number of its premises. The numbers shall be those existing on 31 October in the year preceding the election.

7.4.3. The Returning Officer shall notify the CCA of the number of places which it is entitled to appoint.

7.4.4 The CCA may, within 28 days from the date of despatch of the notice, inform the Returning Officer if it wishes to appoint fewer than the number of members to which it is entitled.

7.4.5. The Returning Officer shall notify the AIMp of the number of places which it is entitled to appoint.

7.4.6 The AIMp may, within 28 days from the date of despatch of the notice, inform the Returning Officer if it wishes to appoint fewer than the number of members to which it is entitled.

7.4.7. The Returning Officer shall notify any pharmacy contractor owning more than 8% of the pharmacy contractor premises in the area of the Committee, of the number of places which the pharmacy contractor is entitled to appoint.

7.4.8. The pharmacy contractor so notified may, within 28 days from the date of despatch of the notice, inform the Returning Officer of the number of persons it wishes to appoint. If the pharmacy contractor does not inform the Returning Officer that it is exercising its entitlement to appoint members to the Committee, the pharmacy contractor shall be eligible to participate in the election.

7.4.9. The Returning Officer shall then calculate the number of places to be filled by election.

7.4.10. In the event that the number of appointed members equals or exceeds the total size of the Committee, there shall be one additional place to be filled by election.

## 7.5. Nominations

7.5.1. The Returning Officer shall notify each elector of the number of members to be elected and invite nominations. The notice shall specify the last day and hour for the receipt of nominations and shall be sent so as to be delivered to the elector not less than fourteen days before the day specified thereon.

7.5.2. Candidates for election shall be nominated in writing on a form to include details of the candidates community pharmacy experience and skills.

7.5.3. The nomination shall be valid only if it is received by the Returning Officer before the date and time specified in the notice. The Returning Officer will acknowledge receipt of each nomination.

7.5.4. Where the number of valid nomination forms received does not exceed the number of vacancies, the Returning Officer shall declare those candidates elected, otherwise a postal ballot shall be held.

7.5.5. If any vacancies remain unfilled because an insufficient number of candidates have been nominated, the persons elected to the Committee may fill the vacancies by appointing additional members.

## 7.6. Ballot

7.6.1. The Returning Officer shall despatch by post to each elector a voting paper setting out the date and time for receipt of votes, which shall be not less than 14 days from the date of despatch of the voting paper.

7.6.2. The voting paper shall list the name of each candidate and specify the number of votes to be cast on the voting paper, which shall be equal to the number of vacancies.

7.6.3. The voting papers shall be accompanied by the information included in the shaded boxes of the nomination forms.

7.6.4. The elector may cast up to the number of votes specified, but may not cast more than one vote for any candidate on each voting paper.

7.6.5. The voting paper shall be valid only if it is returned to the Returning Officer so that it is received not later than the date and time specified on the voting paper.

7.6.6. The Returning Officer shall examine the voting papers, and after rejecting any that are invalid shall count the votes recorded on the remaining papers, and shall prepare a list of candidates in order of number of valid votes received.

7.6.7. The Returning Officer shall declare to be elected those persons who are highest on the list such that the vacancies are filled.

7.6.8. If the votes received by any two or more candidates are equal, additional places shall be assigned, if necessary, to avoid deciding by lot.

7.6.9. The Returning Officer shall give notice in writing of the result of the election to each of the persons elected and to all the candidates.

7.6.10. Where any document is, under this Constitution, required to be sent to an elector, it shall be deemed to have been duly sent if it has been delivered or posted direct to the address which is stated in the electors' list to be the address or the place of residence of the elector.

7.7. No election shall be invalid by reason of any misdescription or noncompliance with the provisions of this Constitution, or by reason of any miscounted or of the non-delivery, loss or miscarriage in the course of post of any document required or authorised by this Constitution to be dispatched by post if the election was conducted substantially in accordance with the provisions of the Constitution.

7.8. Any question as to the validity of any nomination form or voting paper or otherwise in connection with an election shall be determined by the Returning Officer.

## 8. First Meeting of Committee

If requested beforehand by the LPC, the Returning Officer shall give not less than seven days' notice to the Members of the Committee of the time and place of the first meeting.

## **9. Appointment of Officers**

- 9.1. The Committee shall appoint a Chairman who need not be a member of the Committee.
- 9.2. The Committee shall appoint a Vice – Chairman who need not be a member of the Committee.
- 9.3. The Committee shall appoint a Treasurer who need not be a member of the Committee.
- 9.4. The Committee shall appoint a Secretary, who need not be a member of the Committee.
- 9.5. The Secretary shall forthwith notify all such appointments to the NHSCB and to the Pharmaceutical Services Negotiating Committee.
- 9.6. In the event of the death, resignation or removal from office of the Chairman, Vice-Chairman, Treasurer or Secretary so appointed, the Committee shall appoint a person to act in his place.
- 9.7. The officers shall be paid such remuneration and expenses if any as the Committee deems appropriate.
- 9.8 The Officers other than those who are employed by the Committee shall be appointed annually, and shall be eligible for re-appointment.

## **10. Duties of Officers**

- 10.1. The duties of the Chairman are to chair meetings of the LPC and where appropriate to lead delegations in meetings with the NHSCB, HWB and other organisations as appropriate.
- 10.2. The duties of the Vice – Chairman are to deputise for the Chairman in case of absence or at the request of the Chairman.
- 10.3. The duties of the Treasurer are to be accountable for the proper management of all aspects of LPC finances and the payment of the PSNC levy.
- 10.4. The duties of the Secretary are determined by the LPC.

## **11. Management of the Committee**

- 11.1. The Committee shall ensure the proper management of the operation, in order to carry out effectively its duties as set out in Paragraph 3, and in compliance with the principles of good governance.
- 11.2. The Committee may ask the Pharmaceutical Services Negotiating Committee to mediate if problems cannot be resolved satisfactorily.

## **12. Quorum**

- 12.1. The number of members of the Committee who shall form a quorum of the Committee shall be a simple majority of the total membership.
- 12.2. If neither the Chair nor the Vice Chair of the Committee are present at the time that a meeting of the LPC is scheduled to commence, the members present may appoint an appropriate person to act as Chair for the duration of that meeting, or until the Chair or Vice Chair attends.

## **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

#### **14. Disqualification or Retirement of Members**

14.1. Where a member of the Committee was at the time of his election a pharmacy contractor and he ceases to be a pharmacy contractor in the area for which the Committee is formed, he shall vacate his seat, although he will be eligible for appointment by the Committee.

14.2. Where a member of the Committee was at the time of his election or appointment a representative of a pharmacy contractor and either the pharmacy contractor whom he represents ceases to be a pharmacy contractor in the area for which the Committee is formed, or the pharmacy contractor whom he represents notifies the Committee that the member no longer represents that pharmacy contractor, he shall vacate his seat, although he will be eligible for appointment by the Committee.

14.3. Where a member of the Committee was at the time of his appointment a representative of the CCA and the CCA notifies the Committee that the member no longer represents the CCA, he shall vacate his seat.

14.4. Where a member of the Committee was at the time of his appointment a representative of the AIM and the AIMp notifies the Committee that the member no longer represents the AIMp, he shall vacate his seat.

14.5. Where an elected or appointed member of the Committee has been absent from three consecutive ordinary meetings of the Committee to which he has been summoned, the Committee shall invite an explanation and declare his seat has been vacated unless satisfied that his absence was due to reasonable cause. A member disqualified for non attendance shall not be eligible to be appointed or elected to the Committee for the remainder of the Term of Office of the Committee.

14.6. Notwithstanding paragraph 14.5 above, where an elected or appointed member of the Committee has been absent from more than 50% of the ordinary meetings of the Committee to which he has been summoned in any 12 month period, the Committee shall invite an explanation and declare his seat has been vacated unless satisfied that his absence was due to reasonable cause. A member disqualified for non attendance shall not be eligible to be appointed or elected to the Committee for the remainder of the Term of Office of the Committee.

14.7. A member of the Committee may, at any time, by notice in writing signed by him and delivered to the Secretary to the Committee, resign his office.

#### **15. Method of Filling Vacancies**

15.1. Where by reason of the resignation, death or disqualification of an elected or appointed member of the Committee, or a nominating body fails to nominate within three months of the first meeting of the Committee a member to occupy a reserved place, a vacancy in the membership of the Committee occurs, the Committee may, within a reasonable period after its occurrence, appoint a person to fill the vacancy.

15.2. In appointing a person to fill a vacancy, the Committee will determine the contractor mix in the area for which it is formed and shall where possible appoint such a person as ensures the membership of the Committee reflects the current contractor profile.

15.3. If the person to be appointed is to be representative of the CCA, the Secretary shall inform the CCA and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.4. If the person to be appointed is to be representative of the AIMp, the Secretary shall inform the AIMp and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.5. If the person to be appointed is to be representative of a pharmacy contractor with more than 8% of the pharmacy contractor premises in the area for which the LPC is formed, the Secretary shall inform the pharmacy contractor and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.

15.6. If the person to be appointed is to be representative of pharmacy contractors who are eligible to vote in an election, the Secretary shall notify such pharmacy contractors of the vacancy, and invite expressions of interest. Expressions of interest will be considered if they are received by the Secretary within 7 days of despatch of the notice. The Committee shall appoint the person who, in its opinion, is the most suitable, without holding an election.

15.7. The person so appointed shall hold office for the remainder of the period for which the member in whose place he is appointed would have been entitled to hold office.

15.8. Pending any such appointment, the proceedings of the Committee shall not be invalid by reason of such vacancy.

#### **16. Information to be sent to the NHSCB & the Pharmaceutical Services Negotiating Committee**

The Secretary shall, as soon as practical, inform the NHSCB and the Pharmaceutical Services Negotiating Committee of the names and addresses of the persons appointed to the Committee and of changes arising from vacancies in the membership of the Committee.

#### **17. Suspension / removal of members for breach of governance**

17.1. Any member or officer of the Committee, or pharmacy contractor in the area for which the Committee is formed, may make a complaint to the Committee about an alleged breach of governance by any member or officer of the Committee.

17.2. The Chairman, or if the complaint concerns the Chairman, the Vice-Chairman shall make arrangements for any such allegation to be investigated, if appropriate by a member, officer or governance panel of another Local Pharmaceutical Committee, and a report of the investigation and its findings shall be prepared.

17.3. The member or officer shall be invited to provide an explanation or to comment to the investigator before the report is prepared.

17.4. On receipt of the report, the Committee shall decide whether the allegations appear to be substantiated and to decide whether the principles of good governance have been breached.

17.5. If the Committee decides that there has been such a breach, the Committee may decide:

17.5.1. To take no further action;

17.5.2. To issue a warning to the officer or member;

17.5.3. To suspend the member from the Committee for a specified period; or

17.5.4. To remove the officer or member from the Committee. In this case, the member shall not be eligible for election or appointment to the Committee for the current Term of the Committee.

17.6. In the event of a tied vote, the Chairman (or the Vice-Chairman if the case involves the Chairman) shall have a second, or casting vote.

## **18. Annual Report and Annual General Meeting**

18.1. The Committee shall prepare each year a report of its proceedings together with a statement of accounts which have been examined by an independent professionally qualified accountant who holds a practicing certificate and this report and statement of accounts shall be circulated to all pharmacy contractors and the Pharmaceutical Services Negotiating Committee within six months of the completion of the period to which the report relates.

18.2. The report shall include details of all remuneration, expenses and allowances paid to officers and members during the year.

18.3. Within six months of the end of the Committee's financial year an annual general meeting will be convened with at least 30 days notice given to contractors. The Notice shall be accompanied by the statement of accounts or shall include the web address on which the statement of accounts can be accessed. A postal voting form to permit pharmacy contractors to cast a postal vote whether to approve the accounts will be provided in hard copy or be made available by email or on a website, should they be unable to attend the annual general meeting.

18.4. A postal vote shall be valid only if sent by the pharmacy contractor so as to be received by the Secretary not later than 48 hours before the date and time the annual general meeting is scheduled to begin.

18.5. A pharmacy contractor who has sent a postal vote may attend and vote at the annual general meeting, but must notify the Secretary / Chief Officer of his presence at the meeting before he casts his vote, and his postal vote will then be invalid.

18.6. At the annual general meeting the annual report will be presented and any other business as necessary conducted.

18.7. The Committee shall seek the approval of the accounts at the annual general meeting by ballot of pharmacy contractors. The accounts shall be approved if the total votes cast in favour of approval, in person and by valid postal vote exceed those votes cast opposing acceptance of the accounts, in person and by valid postal vote.

18.8. A pharmacy contractor voting by post or at any general meeting shall be entitled to cast one vote for each of his pharmacy contractor premises in the area for which the Committee is formed.

18.9 In paragraph 18(1) 'circulated' includes circulating of hard copies, or by email or by publishing on a web site and bringing to the attention of the intended recipient the web address at which the recipient is able to access the Report.

## **19. Amendment of Constitution**

19.1. This constitution may be amended only in accordance with the procedure in this section.

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

## 20. Finance

20.1. The income and property of the LPC shall be applied solely towards the promotion of the functions set out in paragraph 3, and any surplus in any one year shall be carried forward into subsequent years.

20.2. The expenses of the Committee and, through the Committee, of the Pharmaceutical Services Negotiating Committee shall be met by contributions from pharmacy contractors in the area for which the Committee is formed.

20.3. The Committee shall have authority to agree payment of remuneration and expenses to officers of the Committee, and expenses and attendance allowances to members of the Committee engaged on Committee business, and shall publish details of these payments in the Annual Report.

20.4. The Committee shall have authority to agree payment of remuneration and expenses to employees of the Committee.

20.5. The LPC shall have the authority to acquire any freehold or leasehold property for the purpose of carrying out its functions set out in paragraph 3.