

# 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, known as 'Community Pharmacy <Local>' 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 Community Pharmacy England 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 Community Pharmacy England 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 owners within its area – an area that is defined in the constitution by which Local Authority Health and Wellbeing Board(s) areas are covered. The LPC is an independent and representative committee with statutory rights. Community Pharmacy England has [a document on the powers of the LPC](#) which can be found in the LPC area of the Community Pharmacy England website in the LPC Resources Centre ([cpe.org.uk/lpcs](http://cpe.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 unincorporated “not for profit” entities formed in accordance with the Section 167 of the NHS Act 2006, but as an unincorporated entity has no legal identity.

LPCs are recognised by the National Commissioning Board (the terminology in legislation), which is now usually known as NHS England, from April 2023 recognition has been delegated from NHS



England to NHS Integrated Care Boards (ICBs). There are 42 ICBs in England and the majority of 54 LPCs in England from July are co-terminous or contained within an ICB area.

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.

## Unincorporated associations and liability for committee members

There is no statutory definition of an unincorporated association, but it is generally considered to be an association of persons bound together by identifiable rules (the constitution) and having an identifiable membership. Committee members who have duties and liabilities to each other that stem from the rules of the association.

An unincorporated association lacks the separate legal personality required to enter into contracts in their own name, any contracts are normally entered into by the managing committee members in their personal capacity, on behalf of the association. The LPC does not offer 'limited liability' to those managing the organisation, in the same way that a company does.



In reality, what this means is that employees or third parties are unable to bring a claim against the LPC as it is not a corporate entity. Instead, claims will be brought directly against LPC members, who will be unable to limit their liability should the claim be successful.

It is therefore important that LPCs have effective controls, governance, and ensure proper procedures are followed, especially in the area of employment law and finance. Further support is available in the LPC Finance Guide and in an advice note on risk of personal liability, available in the appendix.

## Model LPC Constitution

As a recognised representative organisation, each LPC must have a constitution. The current Community Pharmacy England [model LPC constitution](#) for England is set out at Appendix 1 and can be accessed via the LPC area of the Community Pharmacy England Website.

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:

- help you to understand the functions and duties of your LPC
- membership of the committee
- duties including governance
- NHS 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 Community Pharmacy England regarding membership
- the requirement for an annual report and AGM
- the procedure for amending the constitution
- LPC finance
- Fit and proper persons

The majority of LPCs in England (96%) have adopted in full the model LPC constitution recommended by Community Pharmacy England. A small number of LPCs have slightly different constitutions to the model. If you have a question for Community Pharmacy England 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 Chief Officer.

## 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 set out in the 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 an operating 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 NHS and Local Authority commissioners, other local representative committees e.g. Local Medical Committees (LMCs), 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, Community Pharmacy England provides evaluation tools 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 that performance is reviewed regularly – if you are not happy with progress, make sure the committee addresses the issues. The self-evaluation tool is being refreshed for new LPCs and will be available in the LPC area of the Community Pharmacy England website and is a useful checklist of what the LPC should and could be achieving. Completed LPC Self Evaluations may also be uploaded to the LPC website so that contractors can see it.

## LPC meetings

LPCs should meet at agreed regular intervals, (usually 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. A few LPCs hold their meetings on a weekday evening, but many LPCs have full daytime meetings, which Community Pharmacy England would recommend, to be inclusive and allow sufficient time for the committee to conduct business. Meetings can take place online.

Between meetings the Chairman and 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 Chief Officer and other team members.



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 Chief Officer 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 the NHS as the body representative of contractors and you must ensure that you represent their interests properly and keep them fully informed.

Communication with pharmacy owners and their teams 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 new model constitution requires the LPC to adhere to the [LPC Finance Guide](#); this is essential reading for LPC members.

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



## Summary of the Role

- Agreeing and demonstrating vision, mission and values of the LPC
- Provides leadership and vision for community pharmacy contractors in the area on local matters, alongside fellow committee members, setting strategic direction and policy
- Looking after the interests of the general body of contractors in the area and to bring insight and accurately and fairly represent views of contractors at the committee and to local commissioners
- Develops policy and guidance on matters affecting community pharmacy in the area, working closely the LPC Chief Officer and other staff
- Contributes to the development of strategies for communication with and support for, contractors in the area
- Takes joint responsibility for the output and results of the LPC
- Builds good working relationships with LPC staff, colleagues and any other relevant stakeholders
- Leads on specific areas of the LPC, including advisory and governing subcommittees, audit or appointments panels and negotiating team as appointed
- Be involved in discussions on community pharmacy related issues with local commissioners where appropriate
- Provides governance and oversight of the following areas:
  - Strategy and work plan
  - Monitoring and evaluation against agreed goals
  - Financial scrutiny and value and level of service to contractors
  - To provide help and advice, act as a soundboard for the CEO and executive team

## 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. Community Pharmacy England 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.

Committee members are required to make decisions in the best interest of the general body of community pharmacy contractors in the area. In doing so, individuals should:

- Think strategically
- Be able to understand the environment in which community pharmacy operates, see the bigger picture, understand the implications of changing circumstances, and able to use this knowledge to provide strategic direction for the sector.

- Represent the interests of community pharmacy contractors
- Be able to consistently understand and represent the needs and interests of community pharmacy contractors.
- Seek out relevant and critical information
- Be prepared to apply knowledge broadly and have the confidence to ask the difficult or challenging questions to enable objective judgements to be made.
- Solve problems and make decisions
- Thoroughly prepare for each meeting and evaluate committee papers and proposals to make decisions. Be self-aware, aware of the needs of others, able to observe and listen well, involve others in discussion and debate and ask questions in a non-threatening way.
- Work effectively with others
- Work constructively to build consensus, be able to regulate and adjust behaviour according to specific situations or contexts, and able to work with other LPC members, the LPC staff team.
- Uphold collective decision making
- Have high levels of integrity and honesty, be able to align own goals with the values and ambitions of the LPC. Recognise and respect diversity and use this knowledge to drive forward agreed organisational and sector goals, rather than personal agendas.
- Adhere to corporate governance principles and the code of conduct, set out in LPC governance papers.

## 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 pharmacy owners, then good practice would be:

- 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 their 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 within NHS 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 the NHS and other public bodies 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 Community Pharmacy England Governance Guide and sign a declaration of interest – this is good practice and all part of a healthy, well run LPC.

## LPCs and Community Pharmacy England

### Community Pharmacy England's Role

Community Pharmacy England is the representative body for all community pharmacy owners in England. We represent all 11,000+ community pharmacies in England.

We exist to represent all community pharmacies – our members – in negotiations with the Government and the NHS. We are responsible for negotiating the NHS Community Pharmacy Contractual Framework (CPCF), currently around £2.592 billion per year, under which all NHS community pharmacies operate.

We are recognised by the Secretary of State for Health and Social Care as the body that represents NHS pharmacy contractors. We work closely with Local Pharmaceutical Committees (LPCs) to support their role as the local NHS representative organisations.

Our goal is to develop the NHS community pharmacy service, to enable

e community pharmacies to offer an increased range of high quality and fully funded services that meet the needs of their local communities and provide value and good health outcomes for the NHS and the public.

For a full description of Community Pharmacy England's function see the Community Pharmacy England Constitution which can be found, along with further information about Community



Pharmacy England's membership and work plans, in the [Community Pharmacy England's Work](https://cpe.org.uk/our-work) section of the Community Pharmacy England website (cpe.org.uk/our-work).

## Community Pharmacy England Regional Representatives

There are 10 regional representatives for England who are elected to sit on Community Pharmacy England and who must be members of LPCs when they stand for election. This ensures that the views of LPCs are reflected at Community Pharmacy England meetings. Community Pharmacy England 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 [Community Pharmacy England's Work](https://cpe.org.uk/our-work) section of the Community Pharmacy England website (cpe.org.uk/our-work).

## The relationship of LPCs to Community Pharmacy England

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

The Community Pharmacy England 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 and development courses, which will restart again in September 2023;
- maintaining a database of local initiatives;
- advising LPCs on constitutional and other matters.

More details are available via your LPC Chief Officer and we describe the Community Pharmacy England support available to LPCs in more detail later in this document.

Community Pharmacy England monitors the reimbursement and remuneration processes applied by the pricing authorities including routine and special checks on pricing (which are copied to LPCs), and it responds to Drug Tariff and related enquiries.

Community Pharmacy England also produces a range of communications for LPCs and pharmacy owner members.

## Online Community Groups

Three community email groups (gagglemail) are hosted by Community Pharmacy England for LPC Chairs, Treasurers and Chief Officers respectively. They provide a forum to share information and learning and questions related to their role as an LPC Officer to enable greater peer exchange and support between other LPCs in England, and to provide our executive team with a dedicated communications channel to facilitate the distribution of relevant information and messages.



## Community Pharmacy England and LPC Operations Team

The [Community Pharmacy England/ LPC Operations Team](#), formerly known as PLOT, was formed on the 1st September 2020 to build on the Covid-19 Rapid Action Team's success, which saw Community Pharmacy England and the network of LPCs working more closely together during the pandemic.

Operationally, the group is focused on day-to-day work between Community Pharmacy England and LPC executives. Via fortnightly meetings between LPC Chief Officers from the 10 Community Pharmacy England regions and policy leads from our leadership team, the group helps coordinate Community Pharmacy England and LPC operations and communications, nationally and locally, and provides a focus for our joint collective efforts on emerging work on behalf of all contractors.

More information about the group can be found in the LPC area of the Community Pharmacy England website. The group meets once or twice each month online.

Aside from this group, each Community Pharmacy England region is represented by an elected Regional Representative. This person is responsible for representing the views and interests of contractors and LPCs in the Region on the main Community Pharmacy England committee.

## Conference of Representatives

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

During 2023/24 we will also Create a national forum of LPC contractor representatives, to help further advise PSNC on local matters, bring a stronger local voice to national work, and join up areas of mutual interest such as governance and levy setting.

## Events

Community Pharmacy England organises events two national meeting for LPCs an annual meeting of LPC Chairs and Chief Officers and the annual LPC Conference.

We frequently run one-day induction events for new LPCs members as part of a programme of training courses and seminars each year for LPCs. In previous years Community Pharmacy England 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.



Details of the latest Community Pharmacy England Conferences, LPC courses and seminars can be found on the [LPC Events](#) page of the Community Pharmacy England website ([cpe.org.uk/our-events](http://cpe.org.uk/our-events)).

## Contacting Community Pharmacy England

Community Pharmacy England has a small, dedicated team based at Community Pharmacy England'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 Community Pharmacy England staff can be found on the Community Pharmacy England website in the [Community Pharmacy England's Work](#) area ([cpe.org.uk/our-work/about-us/our-staff/](http://cpe.org.uk/our-work/about-us/our-staff/)).

## Not sure who to contact?

Your first port of call is:

### **James Wood**

Community Pharmacy England  
Director of Member and LPC Support  
Email : [james.wood@cpe.org.uk](mailto:james.wood@cpe.org.uk)  
Team email : [lpc.support@cpe.org.uk](mailto:lpc.support@cpe.org.uk)

## Keeping in touch – our database of LPC members

In order for Community Pharmacy England to contact LPC members and ensure that they receive the latest mailings and emails, Community Pharmacy England 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 Community Pharmacy England website](#) ([psnc.org.uk/lpcs/lpc-members-area/lpc-member-changes/](http://psnc.org.uk/lpcs/lpc-members-area/lpc-member-changes/)) so that we can get all the relevant information we need.

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 Community Pharmacy England and it includes news and updates that will be of interest to LPCs as well as information about the latest Community Pharmacy England 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 Community Pharmacy England's database.

## 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. This is because LPCs are funded by the contractors they represent and are accountable to those contractors for the work that they do on their behalf and for the effective use of LPC funds. LPCs collectively receive annually circa £11m of income to represent 11,000 community pharmacies. Pharmacy owners expect high standards of financial governance in their LPC.

An LPC Finance Guide is available and should be read as part of your induction. This guide has been prepared working in partnership with experts, incorporating feedback from contractors and LPC Treasurers to bring together relevant financial advice for LPCs and standardised templates. All LPCs that adopted the model constitution are required to use the templates to give consistency to contractors and help Community Pharmacy England provide better management data to LPC treasurers.

The guide aims to set out the following:

- To explain the framework within which LPCs exist and operate
- To set out LPC reporting requirements and obligations
- To identify particular financial issues facing LPCs
- To outline a suitable internal control structure for an LPC
- To introduce a standardised form of budgeting and financial reporting.
- To suggest where LPCs might seek guidance on all or any of the above.
- This pack sets out a minimum standard for LPCs. Some LPCs already meet or exceed this standard and they are encouraged to continue operating to those higher standards.

Read the [LPC Finance Guide](#).

The Community Pharmacy England guideline for the LPC's finances is that up to 50% of the next year's expenditure should be in reserves at 31st 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 Chief Officer.

#### (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 31st March each year. These should be approved by the LPC after they have been audited by a finance professional with a practicing certificate.

The audited accounts should be circulated to contractors and to Community Pharmacy England by 31st October each year and should be formally approved at the LPC's Annual General Meeting.

LPCs should follow these standard templates only:

[LPC budget template](#) (editable MS Excel)

[LPC monthly management accounts template](#) (editable MS Excel)

[LPC annual accounts template](#) – for accountants to use (editable MS Word)

[Accountants assurance report template](#) – for accountants to use (editable MS Word)

## Other financial matters

#### (i) 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.

A template [LPC expenses policy](#) is available in the LPC area of the Community Pharmacy England website.

## LPC Employment Matters

Community Pharmacy England has commissioned Clyde and Co. LLP to provide all LPCs in England with an employment law portal “ClydeScope”, containing:

- Business as usual templates including a staff handbook with all policies and employment procedures, contract of employment, consultancy agreement and a settlement Agreement.
- A bespoke advice note on the potential liability of individuals on the committee on employment matters due to unincorporated association status.
- A Bespoke advice note to LPC’s on “Rights and Risks relating to restructuring and redundancies in LPC’s” including advice relating to an overview of the requirements and process of a fair and non-discriminatory individual redundancy consultation (including common pitfalls and timescales) including how employees can be supported proactively and employment status (and associated rights for each) – who should be included in any redundancy process?
- A bespoke suite of LPC individual redundancy consultation template documents, including a series of template letters including an “at risk” letter, selection materials, and invite to consultation meetings, outcome letters and dismissal letter and meeting guides for the consultation meetings.
- A recorded version of PSNC’s and Clyde and Co’s recent webinar and briefing for LPC Members and Officer’s on employment law matters.

[Access the Clyde and Co. employment law advice portal](#) – Note: All LPC Officers (Chairs, Vice-Chairs, Treasurers and Chief Officers) have been granted access to the portal and have been sent unique login credential and they will provide new LPC members with a legally privileged briefing note on liability of LPC members.

Beyond this, Clyde and Co. LLP offer two exclusive packages of HR and employment law support to LPCs. A breakdown of each of these can be found below. Further detail also here [The updated proposal for the provision of employment law advice can be found here.](#)





## Further Support for LPC Members

If you have queries on this Community Pharmacy England guide or you require more information please contact please contact the Member and LPC Support Team by email [lpc.support@cpe.org.uk](mailto:lpc.support@cpe.org.uk).

June 2023

## Appendix 1: Competition Guidance for LPC Meetings

### Competition Guidelines for Meetings



The LPC, being a representative body for pharmacy contractors in the area brings together a number of parties, many of whom are competitors. This can give rise to competition law concerns should any commercially sensitive information be disclosed or discussed at any meeting.

To avoid any competition law concerns, all participants at any LPC meeting (whether it be a formal committee or sub-committee meeting or more informal occasion) should take care in any discussions with other participants who are or who may become competitors. The guidelines below provide a framework for such discussions and, where appropriate (for instance the use of an agenda or minutes would not be appropriate during an informal social gathering), should be adhered to at all times.

### Objectives of the meeting

A clearly listed agenda should be prepared before the meeting identifying the topics for discussion the agenda should be used to provide the framework for the discussion and the meeting should not stray beyond those items listed to be discussed.

Topics for discussion should be limited to the activities and responsibilities of the LPC, as well as general industry matters. Examples of LPC activities and responsibilities and general industry matters would include:

- The detailed functions and roles of the LPC including (but not limited to):
- liaising with the PCT and other National Health Service bodies on behalf of chemists;
- the negotiation, as representative of the chemists, with the PCT and NHS bodies on the conditions of service and remuneration for the provision of Enhanced services;
- Responding to control of entry applications;
- the provision of an advisory service to chemists on local NHS matters.
- Current or proposed legislation or regulation – for example:
  - Liaising with PSNC on defects in existing legislation/regulation and difficulties faced by the sector in complying with such legislation/regulation;
  - responses to local and national consultations;
  - impact of current or proposed legislation/regulation (without disclosing any commercial information relevant to a member);
  - General developments or trends in the sector;
  - Collection or review of chemist data (but any data that contains commercially sensitive information should be historic, generalised and made anonymous prior to being disclosed to other members); and
  - Educational or training events for members.

### Conducting the meeting

Minutes should be made recording all discussions during the meeting.



If a member wishes to clarify (for competition law compliance purposes) whether he/she can or cannot discuss a particular topic, or if any member has any doubts about an issue it would like to raise for discussion, this should be raised with the Chairman of the meeting outside of the meeting prior to the issue being raised.

If any of the issues listed below are raised, the discussion should be terminated immediately.

### Discussions during the meeting

Where members (at the meeting) include actual or potential competitors, they should not discuss their own or their competitors' commercial strategy or any matter which would be considered commercially sensitive. Subjects to avoid are:

- Individual commercial policies of those companies present – this includes historical, current or future policy where it is not in the public domain and participants should not question other participants about such policy;
- Any commercial difficulties faced by the participants other than in very general terms – for example, members may express their general concern at rising costs or overheads but should not disclose the impact of those costs on their profit margins or other financial figures;
- Any proposal discussing any coordinated commercial conduct between participants (for instance relating to pricing, distribution or arrangements with customers);
- Any request made by one participant (or discussion) asking other members to stop any particular commercial conduct or relationships;
- The sharing of commercially sensitive information (verbally and in writing) – including (but is not limited to);
  - Pricing terms;
  - Current terms and conditions of supply trade;
  - Details of the commercial arrangements with customers or suppliers;
  - Sales information; and
  - Making any allegation as to the commercial conduct of others.

To the extent that any information is shared between participants, such information should be general, non-specific and where appropriate, should be historical and made anonymous to ensure that the information is not commercially sensitive and cannot be attributed to any participants.

### Outcomes of the meeting

Minutes of the meeting should be prepared and circulated to attendees. However, remember that any decision or recommendation made at a LPC meeting, however informal, can be subject to competition law and could constitute a potentially anti-competitive agreement and thus the minutes should be carefully reviewed prior to circulation.

## Appendix 2: Model LPC Constitution and Rules (Effective 25th



November 2023)

**CONSTITUTION of the xxxxxxxxxxxxxx  
LOCAL PHARMACEUTICAL COMMITTEE  
Known as COMMUNITY PHARMACY xxxxxxxxxxxxxx**

## **1. Definitions**

In this Constitution –

“The Act” means the National Health Service Act 2006, as amended.

“Approved Governance” means the governance practices and procedures advised by Community Pharmacy England and as amended from time to time in accordance with paragraph 14.

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

“Community Pharmacy England” means the Pharmaceutical Services Negotiating Committee or PSNC, the body referred to in section 165 (1) (a) of the National Health Service Act 2006, which the Secretary of State recognises as the representative of NHS community pharmacy contractors in England (from 1 April 2023, this is the name by which the Pharmaceutical Services Negotiating Committee is known).

“The Committee” and “LPC” mean the Local Pharmaceutical Committee recognised by NHS England 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 or any successor organisation with a similar function for the area or part of the area of the LPC.

“Integrated Care Board” (“ICB”) means the Integrated Care Board established by NHS England in accordance with the Health and Care Act 2022, or any successor organisation, with the function of arranging for the provision of services for the purposes of the health service in England.

“NHS England” (“NHSE”) means the body established under the Act and the Health and Care Act 2022, formerly known as the NHS Commissioning Board (NHSCB), or any successor organisation, by which the Committee is recognised under the provisions of section 167 of the Act; or, as appropriate, ICBs to which relevant duties have been delegated.

“NHS Matters” includes NHS Pharmaceutical Services commissioned by NHS England and NHS services commissioned under arrangements made with Local Authorities.

“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 NHS England in the area for which the Committee is formed, and where the person has notified NHS England of a request to be represented by the Committee (and has not notified NHS England of a request 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.

“Representative” means a person who has agreed with a pharmacy contractor to stand as a member of an LPC on behalf of the pharmacy contractor.

“Rules” means the Rules established by the LPC and as amended from time to time in accordance with paragraph 14.

“The Secretary of State” means the Secretary of State for Health and Social Care.

## **2. Name of Committee**

The Committee shall be the “..... Local Pharmaceutical Committee” (as required by the NHS Act 2006) and [from 1 April 2023, or the date of the next Committee] known as ‘Community Pharmacy XXX’ [unless the name has been changed already].

## **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 preparing and publishing an annual budget, and complying with the principles set out in ‘Guidance on LPC Governance’ or ‘Approved Governance’ and the ‘LPC Finance Guide’ published by Community Pharmacy England.
- 3.1.2. The Committee shall ensure that the appropriate structures and resources are in place to discharge its duties efficiently and effectively and the Committee may set up subcommittees of the Committee for this purpose. The structures and resources may be part of pooled arrangements with one or more other Committees.
- 3.1.3. In considering whether the structures and resources mentioned in paragraph 3.1.2 are appropriate, the Committee shall consider whether this may be achieved by collaboration with other Committees as mentioned in 3.4.3.
- 3.1.4. The Committee shall maintain appropriate management and administrative structures to ensure the Committee’s business is carried out efficiently and effectively. The management and administrative structures may be part of pooled arrangements with one or more other Committees.
- 3.1.5. 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, as appropriate, to report to all contractors represented by the Committee.
- 3.1.6. The Committee shall request NHS England 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 NHS England, the ICB and the 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 on behalf of a pharmacy contractor in the area of any of the ICBs or HWBs listed in paragraph 4, the Committee shall ensure that there are adequate arrangements to ensure the representation of pharmacy contractors in those ICB or 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 NHS England, the ICB and the HWB on matters of importance to pharmacy contractors.
- 3.2.6. The Committee shall make representations to the Regional Representative of Community Pharmacy England 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 commissioning of NHS services.
  - 3.3.2. The Committee shall use its best endeavours 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 may establish or assist in the establishment of a body corporate formed for the sole purpose of supporting the interests of pharmacy contractors, provided that the memorandum and articles of the body corporate are agreed at a general meeting of the Committee by a two thirds majority of the total votes cast (including any postal or electronic votes). The Committee's assistance of such a body corporate shall include reasonable efforts to assist another LPC to support the interests of its contractors.
  - 3.3.5. The Committee's assistance of such a body corporate as mentioned in 3.3.4 above shall be withdrawn if requested by a majority of the pharmacy contractors voting (including by postal or electronic vote) at a general meeting.
  - 3.3.6. The Committee shall consider any complaint made by any pharmacy contractor against another pharmacy contractor (in the area for which the Committee is formed) 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 commissioners and other bodies concerned with the National Health Service in the area for which it is formed.
- 3.4.2. The Committee shall respond to requests to investigate complaints made by such bodies alleging breaches of governance by members or officers of the Committee.
- 3.4.3. The Committee shall have a duty to consider collaborating with other Committees, where this may benefit pharmacy contractors.
- 3.4.4. The Committee shall collaborate, as appropriate, with Community Pharmacy England on all matters relating to the provision of pharmaceutical services and local pharmaceutical services.
- 3.4.5. The Committee shall aim to collaborate with other pharmaceutical bodies and other non-pharmaceutical bodies to the benefit of pharmacy contractors.

#### **4. Recognition of the Committee**

- 4.1. The Committee is recognised by NHS England under the provisions of section 167 of the Act as representative of the pharmacy contractors in the area(s) of the following Integrated Care Boards and Health and Wellbeing Boards: **[LIST ICBs and HWBs]**
- 4.2. The Committee is recognised by NHS England in relation to pharmaceutical services (which are commissioned by NHS England). As the services that can be provided by pharmacy extend to those that may be commissioned by other commissioners including Local Authorities, the Committee will seek to gain recognition as the representative body for pharmacy contractors by building strong relationships with these other organisations.

#### **5. Membership**

- 5.1. The Committee shall determine the number of members of the Committee as 10, 11 or 12 members, provided that this properly represents the contractors in the area for which the LPC is formed.
- 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 other 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 the 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 other members.



- 5.5. A pharmacy contractor other than a member company of the CCA or AIMp owning several pharmacies in the area for which the Committee is formed shall be entitled to appoint members to the Committee in proportion to the number of its pharmacy contractor premises in the area for which the Committee is formed. If such a pharmacy contractor does appoint members, it shall not be eligible to participate in the election of other members.
- 5.6. In this paragraph, where appointments are made in proportion to the number of contractor premises, the entitlement to appoint the first member will arise only if the total number of contractor premises of the appointing body equals or exceeds the number that results from dividing the total number of contractor premises in the area of the LPC by the number of members of the Committee determined under paragraph 5.1.
- 5.7. Pharmacy contractors other than multiples that appoint members under 5.5 above, the CCA and AIMp contractors appointing members, shall be entitled to elect members to the Committee in accordance with the Rules.
- 5.8. For members subsequent to the first, the number of members appointed shall be in proportion to the number of contractor premises owned within the appointing body, applying rounding rules as determined by the LPC. If the proportion of the CCA or AIMp pharmacy contractors is insufficient to appoint a member, each pharmacy contractor may vote in an election as provided by Paragraph 5.7 but may not be a candidate in that election.
- 5.9. 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 ICB or HWBs listed in paragraph 4, the Committee should, when appointing members under the provisions of paragraph 11.2, ensure where possible and proportionate that there is at least one member in each ICB or HWB area.
- 5.10. The regional representative of Community Pharmacy England, in whose region the Committee is located, shall be entitled to attend and speak at any meeting of the Committee, but may not vote unless a member of the Committee. The regional representative of Community Pharmacy England, 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 a pharmacy contractor in the area for which the Committee is formed.
- 5.11. The Committee may invite observers to attend meetings of the Committee.
- 5.12. 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 contractors as soon as practicable, and in any event with three months of any vacancy arising
- 6.2. The AIMp shall notify the Committee of the identity of the members it wishes to be appointed to represent the AIMp contractors as soon as practicable, and in any event with three months of any vacancy arising.
- 6.3. A pharmacy contractor entitled to appoint members under paragraph 5.5 shall, prior to any election, notify the Returning Officer whether the contractor wishes to appoint members, and if so, include the number of members the contractor wishes to appoint to the Committee, up to the entitlement calculated in accordance with paragraph 5.5 above; and shall notify the Committee of the identity of the members to be appointed as soon as practicable, and in any event not later than three months after the date of the vacancy arising.

## **7. Meetings of the Committee**

- 7.1. 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.
- 7.2. The Chief Officer shall give not less than seven days' notice to the members of the Committee of the time and place of any meetings of the Committee.
- 7.3. A member who is unable to attend a meeting of the Committee may appoint another member of the Committee as proxy to vote on that Member's behalf at any such meeting provided that the proxy is declared at the commencement of the meeting.
- 7.4. Between meetings, urgent matters that require the decision of the Committee may be dealt with by electronic communications (including electronic voting), if appropriate, provided that the Chief Officer and Chair are satisfied that arrangements can be made for discussions, and voting where necessary can be carried out securely.
- 7.5. The Chief Officer shall, if requested so to do by the Committee, summon a general meeting of the contractors, and shall give not less than seven clear days' notice to each pharmacy contractor, stating the time and place of the meeting and the objects for which it has been summoned.

## **8. Quorum**

- 8.1. The number of members of the Committee who shall form a quorum of the Committee shall be a simple majority of the total membership.

- 8.2. For the purpose of this paragraph, the total membership of the Committee shall not include the members whose appointment under paragraph 6 has not yet been made.
- 8.3. If neither the Chair nor the Vice Chair of the Committee is 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.

## **9. Term of Office**

- 9.1. Subject to paragraph 10 and the Rules, members of the Committee shall hold office from 1 April in the year of the election or appointment for a period of 4 years. [Except that the term of office starting on 1 April 2022 shall be postponed until 1 April 2023, or to the date of the Committee starting in 2023, and current LPC members shall hold office for a period of 5 years or more.] [Except that the term of office starting in 2023 shall end on 31 March 2027.]
- 9.2. The maximum period of office from 1 April 2023 for members of the Committee shall be 12 years, generally three terms of four years [To include all membership of the Committee after 1 April 2023, but no membership of the Committee before that date.]
- 9.3. In the event of a current or imminent pandemic disease that is a serious risk, or potentially a serious risk, to human health during the fourth year of a term of office, that period of office may be extended for a period of up to 12 months, if agreed by the Committee.

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

- 10.1. Where a member of the Committee was at the time of election a pharmacy contractor and then ceases to be a pharmacy contractor in the area for which the Committee is formed, the seat is vacated, although the person will be eligible for appointment by the Committee.
- 10.2. Where a member of the Committee was at the time of election or appointment acting on behalf of a pharmacy contractor and either the pharmacy contractor represented ceases to be a pharmacy contractor in the area for which the Committee is formed, or the pharmacy contractor on whose behalf the member is acting notifies the Committee that the member no longer acts on behalf of that pharmacy contractor, the seat is vacated, although the person will be eligible for appointment by the Committee.
- 10.3. Where a member of the Committee was at the time of appointment a representative of the CCA and the CCA notifies the Committee that the member no longer represents the CCA contractors, the seat is vacated.
- 10.4. Where a member of the Committee was at the time of appointment a representative of the AIMp and the AIMp notifies the Committee that the member no longer represents the AIMp contractors, the seat is vacated.

- 10.5. Where an elected or appointed member of the Committee has been absent from three consecutive ordinary meetings of the Committee to which the member was summoned, the Committee shall invite an explanation and declare the seat vacated, unless satisfied that the 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.
- 10.6. Notwithstanding paragraph 10.5 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 the seat vacated, unless satisfied that the 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.
- 10.7. A member of the Committee may, at any time, resign, by notice to the Chief Officer to the Committee.

## **11. Method of Filling Vacancies**

- 11.1. Whereby reason of the removal, resignation, death or disqualification of an elected or appointed member of the Committee, or a nominating body failing 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.
- 11.2. Between elections, the Committee may appoint members to maintain the appropriate number of members, and if doing so, shall where possible and proportionate ensure the composition of the Committee reflects the mix of pharmacy contractors in the area for which the Committee is formed.
- 11.3. If the person to be appointed is to be representative of the CCA contractors, the Chief Officer shall inform the CCA and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.
- 11.4. If the person to be appointed is to be representative of the AIMp contractors, the Chief Officer shall inform the AIMp and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.
- 11.5. If the person to be appointed is to be representative of a pharmacy contractor eligible to appoint members to the Committee under paragraph 5.5, the Chief Officer shall inform the pharmacy contractor and seek recommendations of the person to be appointed, and the Committee shall appoint such person recommended.
- 11.6. If the person to be appointed is to be representative of pharmacy contractors who are eligible to vote in an election, the Chief Officer 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 Chief Officer 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.

- 11.7. 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.
- 11.8. Pending any such appointment, the proceedings of the Committee shall not be invalid by reason of such vacancy.

## **12. Information to be sent to NHS England & Community Pharmacy England**

- 12.1. The Chief Officer shall, as soon as practical, inform NHS England and Community Pharmacy England of the names and addresses of the persons appointed to the Committee and of changes arising from vacancies in the membership of the Committee.
- 12.2. The Committee shall on request, send to NHS England a copy of the Committee's agendas and minutes of any meetings or parts of meetings that were 'open' (non-confidential), unless they are readily available on the Committee's website.
- 12.3. The Committee shall send to NHS England a copy of the Annual report prepared under paragraph 13.1 once it has been presented to the pharmacy contractors.
- 12.4. The Committee shall send to NHS England a copy of its agreed budget not later than one month prior to the beginning of the financial year for which the budget applies, and for which a request has been made to NHS England for the payment of the Committee's expenses under paragraph 3.1.6.

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

- 13.1. 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 practising certificate, and this report and statement of accounts shall be circulated to all pharmacy contractors and Community Pharmacy England within six months of the completion of the period to which the report relates.
- 13.2. 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 or electronic voting form to permit pharmacy contractors to cast a postal or electronic vote, whether to approve the accounts, will be provided in hard copy or be made available by email or on a website, as appropriate, should they be unable to attend the annual general meeting.
- 13.3. A postal or electronic vote shall be valid only if sent by the pharmacy contractor so as to be received by the Chief Officer not later than 48 hours before the date and time the annual general meeting is scheduled to begin.
- 13.4. A pharmacy contractor who has sent a postal or electronic vote may attend and vote at the annual general meeting but must notify the Chief Officer before casting any votes, the postal or electronic vote will then be invalid.

- 13.5. At the annual general meeting, the annual report will be presented and any other business as necessary conducted.
- 13.6. 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 or electronic vote exceed those votes cast opposing acceptance of the accounts, in person and by valid postal or electronic vote.
- 13.7. A pharmacy contractor voting by post or at any general meeting shall be entitled to cast one vote for each of the pharmacy contractor's premises in the area for which the Committee is formed.
- 13.8. In paragraph 13.1 'circulated' includes circulating of hard copies, or by email or by publishing on a website and bringing to the attention of the intended recipients the web address at which the recipients are able to access the report.

#### **14. Amendment of Constitution, Rules and Approved Governance**

- 14.1. This Constitution may be amended only in accordance with the procedure in this paragraph and (on a transitional basis) paragraph 16.
- 14.2. The Chief Officer shall, if requested so to do by not less than two-thirds of the members of the Committee or one-third of the pharmacy contractors, summon a special general meeting of the contractors, and shall give not less than seven clear days' notice to each pharmacy contractor, stating the time and place of the meeting and the proposed amendments of the Constitution for which it has been summoned.
- 14.3. The meeting summons will also include a voting form to allow the contractor to register a vote on the amendment by returning the completed form to the LPC Chief Officer at any time before the vote is taken at the meeting.
- 14.4. 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.
- 14.5. Any amendment to the Constitution must be carried by a two-thirds majority of the total votes cast.
- 14.6. The Rules and Approved Governance may be amended by the Committee by a two-thirds majority of the total votes cast, except that Rule 3 may be amended only as if it were a part of the Constitution (by contractor vote).
- 14.7. The Chief Officer shall at the same time as issuing the summons under Paragraph 14.2, notify the Chief Executive Officer of Community Pharmacy England of any proposed amendment to the Constitution, Rules or Approved Governance and shall include a copy of the revised document.

#### **15. Finance**

- 15.1. 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.
- 15.2. The expenses of the Committee and, through the Committee, of Community Pharmacy England, shall be met by contributions from pharmacy contractors in the area for which the Committee is formed. Payments to Community Pharmacy England shall be by automatic payment and the Committee shall ensure that contractors in the area for which the Committee is formed are made aware of the amount of such payments.
- 15.3. 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.
- 15.4. The Committee shall publish details of payments made under paragraph 15.3, any payments made for pooled resources under paragraph 3.1.4., and any loans used for the establishment or assistance of bodies corporate established under paragraph 3.3.4, with the Accounts presented with the Annual Report.
- 15.5. The Committee shall have authority to agree payment of remuneration and expenses to employees of the Committee.
- 15.6. The Committee shall have the authority to acquire any freehold or leasehold property for the purpose of carrying out any of its functions set out in paragraph 3.

## **16. Transitional provisions**

- 16.1. The Committee established prior to 1 January 2022 continues for the remainder of its term of office, and until a new committee is elected and appointed as provided for in the Constitution and Rules.
- 16.2. Amendments to the Constitution may be made by a two-thirds majority of the Committee, as part of implementing the Pharmacy Representation Review (RSG) recommendations approved by pharmacy contractors in England in 2022, provided that those proposed amendments have been agreed in advance by Community Pharmacy England, following consultation with LPCs generally.





RULES of the xxxxxxxxxxxx  
LOCAL PHARMACEUTICAL COMMITTEE  
Known as COMMUNITY PHARMACY xxxxxxxxxxxx

1. These Rules are the Rules agreed by the Committee in accordance with the Constitution and the definitions in the Constitution apply to the Rules.

## 2. Fit and Proper Person

- 2.1. A member or officer of the LPC is expected to be a fit and proper person, and shall at all times act in a way that preserves and protects the reputation of the Committee.
- 2.2. Members or officers may be elected or appointed to the Committee on their own account, or may be acting on behalf of a pharmacy contractor.
- 2.3. To ensure that the obligation in 2.1. is satisfied, the Committee may suspend or remove from membership any member or officer who personally or, where the member or officer is acting on behalf of a pharmacy contractor, that contractor–
  - 2.3.1. is suspended or removed from a pharmaceutical list;
  - 2.3.2. has been suspended or removed from a register by a professional or regulatory body;
  - 2.3.3. has been convicted of a criminal offence for which a penalty of imprisonment may be imposed;
  - 2.3.4. has been subject to any relevant sanction affecting fitness to be a member of the LPC or fitness to practise.
- 2.4. Before deciding whether to suspend or remove the member or officer from the Committee, the Committee shall ask the member or officer for an explanation, and may consider any written or verbal response, provided these have been provided within the reasonable timescales specified by the Committee.
- 2.5. Any period of suspension shall be kept under review, and shall be lifted if the Committee is satisfied that the reputation of the Committee will not be harmed.
- 2.6. A member or officer may be suspended from the Committee under paragraph 2. if subject to investigation by any relevant body and the subject of any interim order or relevant decision or determination.

- 2.7. A person removed from the Committee under paragraph 2. shall be ineligible for election or appointment to the Committee for the remainder of their term of office and the Committee may consider the person ineligible for the subsequent term of office.

### **3. Election to the Committee**

- 3.1. 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 of the Constitution.
- 3.2. The administration necessary to confirm the number of members that are to be appointed may be carried out at any time after 31 October in the year preceding the election, so that the process for identifying the candidates who will participate in the election (if any) can begin as soon as practicable after the 1st day of January in the year when an election is to be held.

#### **3.3. Electors**

- 3.3.1. Every pharmacy contractor (other than members that have exercised their rights to appoint members under paragraph 6.3 of the Constitution) shall be an elector and shall be entitled to participate in the election.
- 3.3.2. Each elector shall be entitled to one vote for each of the elector's pharmacy contractor premises in the area for which the Committee is formed, and be asked to complete a voting form for each such premises.

#### **3.4. Returning Officer**

- 3.4.1. The Returning Officer shall be a person other than an elector appointed for the purpose by the Committee and in the event of absence, or inability to act, shall appoint some person, other than an elector to take this place.
- 3.4.2. The Committee shall provide such support to the Returning Officer as is necessary to ensure the timely conclusion of the election. The Committee shall indemnify the Returning Officer for any reasonable costs howsoever arising, incurred by the Returning Officer acting in good faith in pursuance of the duties of the Returning Officer that are set out in this Constitution.
- 3.4.3. 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 the CCA member companies in the area for which the Committee is formed; the AIMp member companies in the area for which the Committee is formed, and identify any other pharmacy contractor owning a sufficient number of pharmacy contractor premises in the area for which the Committee is formed to be eligible to appoint members under paragraph 5.5 of the Constitution, together with the number of its premises. The numbers shall be those existing on 31 October in the year preceding the election, or an appropriate date.
- 3.4.4. The Returning Officer shall notify the CCA of the number of places which it is entitled to appoint.
- 3.4.5. 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.

- 3.4.6. The Returning Officer shall notify the AIMp of the number of places which it is entitled to appoint.
- 3.4.7. 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.
- 3.4.8. The Returning Officer shall notify any pharmacy contractor eligible to appoint members under paragraph 5.5 of the Constitution of the number of places which the pharmacy contractor is entitled to appoint.
- 3.4.9. 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.
- 3.4.10. The Returning Officer shall then calculate the number of places to be filled by election.
- 3.4.11. 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.

### **3.5. Nominations**

- 3.5.1. 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.
- 3.5.2. Candidates for election shall be nominated in a form acceptable to the Returning Officer to include details of the candidate's community pharmacy experience and skills. Candidates for election may not be members of the AIMp, or have a beneficial ownership in any pharmacy multiple that has exercised its right to appoint members to the Committee under paragraph 6.3 of the Constitution.
- 3.5.3. Nomination forms shall be supported by two different electors (who shall not be the candidate, or electors in which the candidate has a business interest).
- 3.5.4. 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.
- 3.5.5. 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 or electronic ballot shall be held.
- 3.5.6. 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.

### **3.6. Ballot**

- 3.6.1. The Returning Officer shall despatch 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.
- 3.6.2. 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.

- 3.6.3. The voting papers shall be accompanied by the relevant information from the nomination forms.
- 3.6.4. 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.
- 3.6.5. 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.
- 3.6.6. 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.
- 3.6.7. The Returning Officer shall declare to be elected those persons who are highest on the list such that the vacancies are filled.
- 3.6.8. The LPC may decide that its policy is that if the votes received by any two or more candidates are equal, one additional place shall be assigned if that is sufficient to determine the outcome of the election. If the LPC does adopt this policy, it shall ensure that this is communicated to electors on the ballot forms. Otherwise, the ballot shall be decided by the drawing of lots for the tied candidates.
- 3.6.9. 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.
- 3.6.10. Where any document is, under the Constitution and Rules, 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.
- 3.6.11. If the Returning Officer is satisfied that arrangements can be made for secure electronic ballot, the ballot may be conducted electronically, with appropriate adjustment to the ballot procedure described above.
- 3.7. No election shall be invalid by reason of any misdescription or noncompliance with the provisions of the Constitution and Rules, 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 the Constitution and Rules to be dispatched by post if the election was conducted substantially in accordance with the provisions of the Constitution and Rules.
- 3.8. 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.

#### **4. Appointment of Officers**

- 4.1. The Committee shall appoint a Chair who need not be a member of the Committee.
- 4.2. The Committee shall appoint a Vice-Chair who need not be a member of the Committee.
- 4.3. The Committee shall appoint a Treasurer who need not be a member of the Committee.
- 4.4. The Committee shall appoint a Chief Officer, who need not be a member of the Committee.
- 4.5. The Chief Officer shall notify all such appointments to NHS England and to Community Pharmacy England.

- 4.6. In the event of the death, resignation or removal from office of the Chair, Vice-Chair, Treasurer or Chief Officer so appointed, the Committee shall appoint a person to act in that person's place.
- 4.7. The officers shall be paid such remuneration and expenses if any as the Committee deems appropriate.
- 4.8. The Officers other than those who are employed by or engaged under a contract for services to the Committee shall be appointed at the first meeting of the Committee and annually thereafter, and shall be eligible for re-appointment.

## **5. Duties of Officers**

- 5.1. The duties of the Chair are to chair meetings of the LPC and where appropriate to lead delegations in meetings with NHS England, the ICB and the HWB and other organisations as appropriate.
- 5.2. The duties of the Vice-Chair are to deputise for the Chair in case of absence or at the request of the Chair.
- 5.3. The duties of the Treasurer are to be accountable for the proper management of all aspects of LPC finances and the payment of the levy to Community Pharmacy England.
- 5.4. The duties of the Chief Officer are determined by the LPC.

## **6. Management of the Committee**

- 6.1. The Committee shall ensure the proper management of the business of the Committee, in order to carry out effectively its duties as set out in the Constitution and Rules, and in compliance with the principles of good governance.
- 6.2. The Committee may determine how it meets, which may include virtual meetings and, as appropriate, decisions may be made where there is virtual participation of members or the whole Committee meets virtually. Decisions may be made by e-mail, as appropriate.
- 6.3. The Committee may ask Community Pharmacy England to mediate if problems cannot be resolved satisfactorily.

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

- 7.1. 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.
- 7.2. The Chair, or if the complaint concerns the Chair, the Vice-Chair shall make arrangements for any such allegation or an allegation made under paragraph 3.4.2 of the Constitution to be investigated, if appropriate by a member, officer or governance panel of another LPC, and a report of the investigation and its findings shall be prepared.

- 7.3. The member or officer shall be invited to provide an explanation or to comment to the investigator before the report is prepared.
- 7.4. 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.
- 7.5. If the Committee decides that there has been such a breach, the Committee may decide:
  - 7.5.1. To take no further action;
  - 7.5.2. To issue a warning to the officer or member;
  - 7.5.3. To suspend the member from the Committee for a specified period; or
  - 7.5.4. 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 or 12 months, whichever is the greater.
- 7.6. In the event of a tied vote, the Chair (or the Vice-Chair if the case involves the Chair) shall have a second, or casting vote.

June 2023