

AGENDA ITEM

REPORT TO HEALTH AND WELL BEING BOARD

10 DECEMBER 2015

REPORT OF DIRECTOR OF PUBLIC HEALTH

PHARMACEUTICAL NEEDS ASSESSMENT (PNA) 2015 – Statutory Maintenance

SUMMARY

This report is to provide assurance to the Board regarding statutory maintenance of the Stockton on Tees Pharmaceutical Needs Assessment (PNA) 2015.

RECOMMENDATIONS

1. The Stockton Health and Wellbeing Board is asked to receive the report for information and assurance regarding the responsibility of the HWB for maintenance of the PNA, including the need to
 - assess on-going changes which might impact on pharmaceutical need and the assessment thereof and
 - respond by initiating early review or publishing a Supplementary Statement to the 2015 PNA as required; in this case to note approval for publication of a supplementary statement to the PNA 2015 and updated map referencing the opening of a new pharmacy as described.
2. It is further recommended that the HWB
 - encourage member organisations to actively contribute intelligence on changes which might impact on the local needs for pharmaceutical services
 - continue the delegation of authority to DPH to
 - i. respond to requests for representations from NHS England in respect of pharmacy applications and
 - ii. make routine initial assessment with respect to the potential for Supplementary Statement or need for full review of the PNA.
3. The TVPHSS will continue to facilitate and advise on all issues related to the Regulations and the PNA on behalf of the HWB as noted above. Agenda items related to consultation, review, maintenance (including Supplementary Statements) and future publication of the Stockton on Tees PNA be received as required at future Board meetings.

DETAIL

Background

1. The Stockton on Tees Health and Wellbeing Board (HWB) published its first Pharmaceutical Needs Assessment (PNA) on 25 March 2015, in accordance with the statutory duty to do so by 1st April 2015.
2. The legislation that describes the HWB's duties in this regard is the **National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations**

2013¹ (as amended, and hereafter referred to as the 2013 Regulations). As well as describing what each PNA was required to take into account when they were first developed and published, these 2013 Regulations also describe how each local Assessment must be maintained by the HWB. It is important that the PNA continues to accurately reflect the pharmaceutical needs of our population when NHS England, and other commissioners, are using them to make decisions about the pharmaceutical services, or equivalent, available in our local area.

3. Part 2, Regulation 6 (1) of the 2013 Regulations clearly states that the HWB **must** publish a full new PNA by 26th March 2018, but it is important to acknowledge that Regulation 6 continues into paragraphs (2) and (3) that require the HWB to monitor pharmaceutical need in an on-going way within that time, to be assured of meeting these further statutory obligations².
4. Tees Valley Public Health Shared Service (TVPHSS) supports the five Health and Wellbeing Boards to do this and to meet other obligations related to the Market Entry processes of the 2013 Regulations. NHS England are required to communicate (to the TVPHSS on behalf of) the HWB changes to pharmaceutical services arising as a consequence of their execution of the 2013 Regulations in relation to Market Entry. Other Health and Wellbeing Board member organisations can help by actively contributing intelligence on changes which might impact on the local needs for pharmaceutical services.
5. This report provides an update on required maintenance of the Stockton on Tees HWB PNA 9 months post-publication.

Reporting changes to Pharmaceutical Services

6. **Opening of a new pharmacy.** When the PNA was published in March, it was known that there was an 'extant grant' for a new pharmacy in the Stockton on Tees area. It is not always the case that pharmacy contracts approved by NHS England proceed to completion e.g., with the opening of a new pharmacy. In this case, NHS England has advised the HWB that a pharmacy opened in [Parkfield and Oxbridge] ward on 2 March 2015 (N.B. notification received too late for inclusion in the PNA). This pharmacy application was made under the distance selling (internet) 'exempt' category. A pharmacy with a 'distance selling' exemption contract is not permitted to provide essential³ pharmaceutical services face to face on the premises.
7. This change can be used to illustrate the decision-making required to maintain the PNA within the context of the 2013 Regulations. Having regard to Part 2 (2) including sub-paragraphs (a) to (c) and the need for pharmaceutical services identified in the PNA, this change does not give rise to any consequent change (of a significant extent or otherwise) to the need for pharmaceutical services in the area. The Health

¹ Available at <http://www.legislation.gov.uk/uk/si/2013/349> and hereafter referred to as the Regulations

² Extract from the Regulations shown in Appendix 1.

³ As defined in the Regulations and associated national community pharmacy contractual framework

and Wellbeing Board does not need to publish a revised assessment and it would certainly be a disproportionate response to do so.

8. Patients requiring pharmaceutical services in the Stockton on Tees area may already choose to access an NHS distance selling pharmacy contracted and registered in any UK location; such is the nature of that pharmacy business. The opening of this new pharmacy provides additional access and choice to patients/ public in Stockton on Tees, where there was already sufficient choice of both provider and pharmaceutical services. The pharmacy is located in the S4: Stockton and Thornaby locality (as defined in the PNA) where there were already 21 pharmacies, 6 of which are open for 100 hours each week. (See Table 1, updated from Table 16 of the 2015 PNA).
9. Having regard to Part 2 (3), any change to pharmaceutical services might, in some future circumstance be relevant to the granting of applications referred to in section 129(2)(c)(i) or (ii) of the 2006 Act. Although it is not considered that this change alone would have significant impact with respect to the granting of applications in Stockton on Tees, the opening of an additional pharmacy is of relevance. As the Health and Wellbeing Board is satisfied that making a revised assessment would be a disproportionate response, a supplementary statement to the PNA will be published⁴ to notify this change, together with an updated map (Figure 7 in the PNA) which is also required by the Regulations.
10. **Change of supplementary hours.**
 - a. NHS England have advised a change in supplementary hours to be provided by the pharmacy (above) which opened on 2 March 2015; hours initially provided on a Saturday ceased to be provided from 2 December 2015.
 - b. NHS England also advised a change to supplementary hours for a pharmacy in S4: Stockton and Thornaby locality (effective from 16th March 2015) such that they will not now provide pharmaceutical services between 1.30 pm and 2pm on weekdays.
11. Neither of these changes will be reported as a supplementary statement as the change neither affects pharmaceutical need nor will the change be relevant to the granting of future applications.
12. **Relocation of a pharmacy.** NHS England notified the relocation on 23 March 2015 of a pharmacy in Stockton owned by L Rowland and Co Limited. Given the given the requirement for 'no significant change' for such a relocation to be approved, this change will not be reported as a supplementary statement as it neither affects pharmaceutical need nor will the change be relevant to the granting of future applications.
13. **Change of ownership.** NHS England has notified the HWB that four pharmacies have changed ownership since the publication of the PNA. Again, supplementary

⁴ With the PNA at www.teespublichealth.nhs.uk

statements are not required but where trading names have changed, these changes will be included on the legend associated with the updated map referred to in paragraph 9.

14. **Changes that provide, or potentially offer improvement or better access.** The PNA identified many opportunities for improvement or better access to the pharmaceutical services or locally contracted services that are offered, or could be offered by (i.e., commissioned from) existing community pharmacy contractors in Stockton on Tees. A number of changes which potentially increase the availability pharmaceutical services are currently underway. The recent introduction of a new Directed (advanced) community pharmacy service for flu vaccination, centrally funded and nationally commissioned by NHS England, is worthy of particular note. Progress, or otherwise, in other areas of pharmaceutical service provision will be monitored and any changes collated; impact may be reported at a later date. HWB member organisations should be mindful of the PNA with respect to their commissioning intentions and advised to actively contribute intelligence on changes which might impact on the local needs for pharmaceutical services.

Proposals

15. To publish a supplementary statement to the PNA 2015⁵ with respect to the opening of the new 'distance selling' pharmacy in the S4: Stockton and Thornaby locality, together with an updated map (Figure 7 in the PNA) as required by the Regulations. The map will also incorporate, as applicable, any changes to pharmacy trading name as a result of Changes of Ownership.
16. For the HWB to encourage member organisations to actively contribute intelligence on changes which might impact on the local needs for pharmaceutical services
17. The TVPHSS will continue to facilitate and advise on all issues related to the Regulations and the PNA on behalf of the HWB as noted above. The Director of Public Health provides the link to the Health and Wellbeing Board in this respect as advised by the TVPHSS.

FINANCIAL IMPLICATIONS

18. There are no financial implications for the Health and Wellbeing Board related to this report.

LEGAL IMPLICATIONS

19. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 SI 2013/349 describe statutory duties and responsibilities of the HWB in relation to the PNA. This report provides assurance to the Board that the PNAs are being maintained in accordance with the Regulations.

⁵ With the PNA at www.teespublichealth.nhs.uk

RISK ASSESSMENT

20. See legal implications above. In addition to the Regulatory requirement for NHS England to use the PNA in their decision-making regarding commissioned pharmaceutical services, the PNA should also be referenced when others in the local commissioning economy (e.g., the Stockton and Hartlepool CCG and even the Borough Council themselves) consider commissioning (or decommissioning) pharmaceutical services. The HWB has taken steps to advise potential commissioners of the existence and content of the PNA.
21. The Tees Valley Public Health Shared Service (TVPHSS) provides the expertise of a team which includes highly specialist Pharmacist Advisers and Public Health Intelligence Specialists offering Stockton on Tees HWB assurance of their capacity to deliver on these statutory duties.

SUSTAINABLE COMMUNITY STRATEGY IMPLICATIONS

22. The TVPHSS is advised that the Pharmaceutical Needs Assessment will take account of and should have a positive impact on both the Sustainable Community Strategy and Joint Health and Wellbeing Strategy themes.

CONSULTATION

23. Consultation is an integral part of the proscribed processes for development and publication of a complete PNA.
24. The processes by which NHS England manage individual pharmacy applications also involves statutory consultation with both the Health and Wellbeing Board (delegated to the Director of Public Health in consideration of timescales for response) and Healthwatch as a representative of the public view.

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APPENDIX 1. Extract from National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 No.349

PART 2, Regulation 6

Subsequent assessments

6.—(1) After it has published its first pharmaceutical needs assessment, each HWB must publish a statement of its revised assessment within 3 years of its previous publication of a pharmaceutical needs assessment.

(2) A HWB must make a revised assessment as soon as is reasonably practicable after identifying changes since the previous assessment, which are of a significant extent, to the need for pharmaceutical services in its area, having regard in particular to changes to—

- (a) the number of people in its area who require pharmaceutical services;
- (b) the demography of its area; and
- (c) the risks to the health or well-being of people in its area,

unless it is satisfied that making a revised assessment would be a disproportionate response to those changes.

(3) Pending the publication of a statement of a revised assessment, a HWB may publish a supplementary statement explaining changes to the availability of pharmaceutical services since the publication of its or a Primary Care Trust's pharmaceutical needs assessment (and any such supplementary statement becomes part of that assessment), where—

(a) the changes are relevant to the granting of applications referred to in section 129(2)(c)(i) or (ii) of the 2006 Act; and

(b) the HWB—

(i) is satisfied that making its first or a revised assessment would be a disproportionate response to those changes, or

(ii) is in the course of making its first or a revised assessment and is satisfied that immediate modification of its pharmaceutical needs assessment is essential in order to prevent significant detriment to the provision of pharmaceutical services in its area.

Table 1. (Updated extract from Table 15 in the Stockton on Tees PNA 2105). Pharmacies in each Stockton on Tees locality and number of those pharmacies that open for more than 100 hours per week

PNA Locality or area	Number of pharmacies	Number that open 100 hours per week
Yarm and area	9	1
Stockton Parishes	1	0
Norton and Billingham	10	2
Stockton and Thornaby	22	6
Stockton-on-Tees HWB	42	9
Tees Valley	146	28