

REPORT: PHARMACEUTICAL NEEDS ASSESSMENT (PNA) 2015 – STATUTORY REVIEW

SUMMARY

This report is to update the Health and Wellbeing Board (HWB) on responsibilities and actions related to the Stockton on Tees Pharmaceutical Needs Assessment (PNA), and in particular, to notify and provide assurance to the Board regarding the statutory review of the current PNA, dated 25 March 2015.

RECOMMENDATIONS

The Stockton Health and Wellbeing Board are asked to:

- Receive the report as notification and assurance regarding the responsibility of the HWB for maintenance of the PNA, including the current need to initiate a full review of the 2015 Pharmaceutical Needs Assessment.
- Agree the following statement to be published on the Local Authority Website notifying the relevant authorities of the review:

“Stockton on Tees Health and Wellbeing Board understands its statutory duties in relation to the Pharmaceutical Needs Assessment (PNA) and intends to publish its full review of the current PNA within the required timeframe. Notwithstanding any changes to pharmaceutical services and related NHS services that have taken place since first publication and without prejudice to the assessment of needs described in the existing PNA, the HWB for Stockton on Tees formally reports that the Pharmaceutical Needs Assessment for 2015 is under review i.e. the HWB has commenced a process leading to publication of a revised assessment / second PNA, with a publication date before 25 March 2018.”

- encourage member organisations to actively contribute intelligence on changes which might impact on the local needs for pharmaceutical services
- continue, or update the delegation of authority to DPH (in association with the Chair of the HWB) to undertake the necessary requirements with regards to publishing the PNA as outlined below

DETAIL

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. This followed the PNA published by the former Primary Care Trust in 2011.
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

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

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 (see Appendix 1) states that the HWB must publish a full revised assessment within 3 years of publication of a PNA, for Stockton on Tees, by 25th March 2018.
4. This report serves to provide notice that the 2015 PNA is currently undergoing review in-line with the Regulatory requirement and within the context of a regional best-practice approach initiated by NHS England.
5. Whilst the PNA review process is on-going, the HWB must continue to monitor any changes to availability of pharmaceutical services. The HWB will publish a Supplementary Statement on any changes (to availability) where it is satisfied that immediate modification of its PNA is essential in order to prevent significant detriment to the pharmaceutical services in its area.
6. In making an assessment of pharmaceutical need in its area, the HWB will have regard in particular to changes to the:
 - 6.1. number of people in its area who require pharmaceutical services;
 - 6.2. demography of its area; and
 - 6.3. risks to the health or well-being of people in its area

DELEGATED AUTHORITY

7. In support of on-going maintenance and use of the PNA, it is noted that authority should continue to be delegated to the Director of Public Health, in conjunction with the Chair of the HWB, to approve as required:
 - 7.1. Any response on behalf of the Stockton on Tees HWB to NHS England (42 day) consultation on applications to provide new or amended pharmaceutical services, based on the PNA; and
 - 7.2. Any initial determination with respect to the potential for either a Supplementary Statement or need for full review. Where required, any consequent Supplementary Statements to be ratified for publication by the HWB on a periodic basis, usually annually.
8. New delegated authority to the DPH and HWB Chair is requested for:
 - 8.1. Approval for publication of the Consultation Draft version of the PNA for Stockton on Tees for 2018 and
 - 8.2. Providing a response, on behalf of the HWB, when consulted by a neighbouring Health and Wellbeing Board on a draft of their PNA. In doing this, the HWB is required to consult with the Local Pharmaceutical Committee (LPC) and Local Medical Committee (LMC) for its area (unless the areas are served by the same LPC and/or LMC) and have regard for the representations from these committee(s) before making its own response to the consultation.
9. The HWB should also be aware of new duties in this regard. National funding for community pharmacy was recently reduced by 6% and it has been anticipated that pharmacies might close as a result. To encourage mergers or consolidations of closely located pharmacies, some new amendments to the Regulations² were introduced in December 2016. This would allow two pharmacies to make an application to merge and provide services from one of the two current premises.
10. As a result, HWB's have also now been given two new statutory duties:
 - 10.1. When NHS England notifies a HWB about an application to consolidate two pharmacies, the HWB must respond and make a statement or representation to NHS England within 45 days stating whether the consolidation would or would not create a gap in pharmaceutical

²The National Health Service (Pharmaceutical Services, Changes and Prescribing)(Amendment) Regulations 2016

- services provision. NHS England will then convene a panel to consider the application to consolidate the two pharmacies, taking into account the representation made by the HWB.
- 10.2. Once NHS England has made a determination on the application to consolidate two pharmacies, it will inform the HWB. The HWB must then:
 - 10.2.1. publish a supplementary statement reporting that removal of the pharmacy which is to close from the Pharmaceutical List will not create a gap in pharmaceutical services; and then
 - 10.2.2. update the map of premises where pharmaceutical services are provided (Regulation 4(2))

PHARMACEUTICAL NEEDS ASSESSMENT REVIEW

11. The Public Health team to convene a PNA Steering group which will direct the review of the existing PNA as per statutory requirements in line with 2013 regulations
12. The Public Health team to lead on engagement with stakeholders, including commissioners, providers, service users and residents and on the statutory responsibility to consult specific stakeholders on the draft PNA for a minimum of 60 days.
13. As part of these processes, for the HWB to encourage member organisations to actively contribute intelligence on changes which might impact on the local needs for pharmaceutical services and support the statutory consultation process.
14. The Public Health team 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 PNA Steering Group.
15. The Public Health team will 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 engagement, consultation and future publication of the revised Stockton on Tees PNA will be presented as required at future Board meetings.

FINANCIAL IMPLICATIONS

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

LEGAL IMPLICATIONS

17. 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.

RISK ASSESSMENT

18. 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.
19. The Public Health team will engage with 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

20. 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

21. Sixty-day minimum consultation is an integral part of the proscribed processes for development and publication of a PNA.

22. 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.

Name of Contact Officer: Sarah Bowman-Abouna
Post Title: Interim Director of Public Health
Email address: Sarah.Bowman-Abouna@stockton.gov.uk

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.