

**AGENDA ITEM**  
**REPORT TO HEALTH AND WELL BEING BOARD**  
**20<sup>TH</sup> DECEMBER 2017**  
**REPORT OF THE IDIRECTOR OF PUBLIC HEALTH**

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

**SUMMARY**

This report is to update the Health and Wellbeing Board (HWB) on the status of the current review of the Stockton on Tees Pharmaceutical Needs Assessment (PNA), and in particular, to notify the Board of the statutory consultation which commenced November 2017.

**RECOMMENDATIONS**

The Stockton Health and Wellbeing Board are asked to:

- Receive the report as notification and assurance of the continuing development of the Stockton-on-Tees PNA
- Support the statutory consultation by responding to the consultation and sharing it amongst relevant stakeholders in line with legislation

**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 2013<sup>1</sup> (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. The legislation states that HWB Boards are required to undertake a statutory 60 day consultation on a draft of the PNA. This report serves to provide notice that the consultation is currently undergoing in-line with the Regulatory requirement.

**PHARMACEUTICAL NEEDS ASSESSMENT REVIEW**

4. The Public Health team are currently leading on engagement with stakeholders on the draft PNA for a minimum of 60 days.
5. As part of these processes, we would ask for the support of the HWB to encourage member organisations to actively contribute and support the statutory consultation process.
6. It should be noted that the PNA will be used by NHS England in their decision-making process' when applying the Regulations to the process of application to, and management of, the Pharmaceutical List. Therefore the document is highly technically reflective in the language used for legal purposes. This document therefore is not easy read and is not intended as a public facing document.

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

## **FINANCIAL IMPLICATIONS**

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

## **LEGAL IMPLICATIONS**

8. 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**

9. 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.
10. 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**

11. 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**

12. Sixty-day minimum consultation is an integral part of the proscribed processes for development and publication of a PNA.
13. 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.