

Wiltshire Council

Health and Wellbeing Board

12 September 2013

Pharmaceutical Needs Assessments : right service in the right place

Executive Summary

The National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) (Amendment) Regulations 2013 sets out that all Health and Wellbeing Boards have a statutory duty to develop and publish a Pharmaceutical Needs Assessment (PNA) by 1 April 2015.

The report sets out proposals on the approach the Board should undertake in this respect.

Proposal(s)

The Board is asked to consider the recommendations as outlined in paragraph 24.

Reason for Proposal

To ensure the obligations of the Health and Wellbeing Board are met.

**Maggie Rae
Corporate Director
Wiltshire Council**

Pharmaceutical Needs Assessments : right service in the right place

Introduction

1. All Health and Wellbeing Board have a statutory duty to develop and publish a Pharmaceutical Needs Assessment (PNA) by 1st April 2015. This requirement is set out by the *National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) (Amendment) Regulations 2013*
2. Formerly published by primary care trusts (PCTs) the PNA is a key tool for identifying what is needed at a local level to support the commissioning intentions for pharmaceutical services and other services that could be delivered by community pharmacies and other providers. It will enable appropriate commissioning and regulatory functions in relation to the provision of high quality pharmaceutical services for its population. The PNA maps current provision, assesses local need and identifies any gaps in provision.

Purpose of PNAs

3. PNAs will be key documents for the NHS England, and commissioners including the CCG and Public Health. The PNA will inform NHS Englands decisions on applications to open new pharmacies and dispensing appliance contractor premises.
4. PNAs will also inform the commissioning of enhanced services from pharmacies by the NHS England. Enhanced services are services such as anti-coagulation monitoring, the provision of advice and support to residents and staff in care homes in connection with drugs and appliances, on demand availability of specialist drugs, and out-of-hours services.

Who uses PNAs

5. The NHS England will rely on the PNA when making decisions on applications to open new pharmacies and dispensing appliance contractor premises. Such decisions are appealable and decisions made on appeal can be challenged through the courts.
6. The PNA will also be used by commissioners of Health Services including local authority public health teams and CCGs.

7. Robust, up-to-date evidence is important to ensure that community pharmacy services are provided in the right place and that the public health services commissioned by the local authority meet the needs of the communities they serve.

Implications of the NHS Pharmaceutical Services and Local Pharmaceutical Services Regulations 2013

8. The new regulations require each HWB to:
 - HWB need to satisfy themselves that the inherited PNA is fit for purpose.
 - If necessary make a revised assessment as soon as is reasonably practicable after identifying changes to the need for pharmaceutical services which are of a significant extent and
 - The HWB should also be aware of the long planning cycle for PNAs, which might take 12 months and the statutory requirement for a 60-day stakeholder consultation and must publish its first PNA by 1 April 2015.
 - Failure to comply with the regulatory duties may lead to a legal challenge, for example where a party believes that they have been disadvantaged following the refusal by the NHS England of their application to open new premises. Nationally the risk of challenge is considered significant, HWBs are advised to add the PNA to the risk register.
9. Section 5 of this report considers these requirements in more detail

The Duties on the Health & Wellbeing Board

10. A small PNA working group has met to discuss the PNA requirements. This group comprises of the following members.

Cllr Keith Humphries, Cabinet Member, Wiltshire Council and HWB member
Steve Rowlands, Chairman NHS Wiltshire CCG and HWB member
Maggie Rae, Corporate Director, Wiltshire Council
Aimee Stimpson, Associate Director of Public Health, Wiltshire Council
Julie McCann, NHS England Area Team Pharmacist
Fiona Castle, Chief Officer, Wiltshire and Swindon LPC
Henryk Kwiatkowski, Prescribing Adviser, Medicines Management Team, NHS Wiltshire CCG
Tom Frost, Public Health Scientist, Wiltshire Council
11. In addition the PNA working group have agreed to contact Healthwatch and also include a contracts officer from NHS England.
12. This group met on the 1 August to consider the new regulations and requirements of HWB.

Current PNA

13. HWBs are now required by the regulations to publish a revised assessment where it identifies changes to the need for pharmaceutical services “which are of a significant extent”. The only exception is where the HWB is satisfied that making a revised assessment would be a disproportionate response.
14. The recommendation of the PNA working group is that the inherited PNA is fit for purpose and producing a new PNA would be disproportionate response to the new regulations, consequently no revised assessment is required.
15. The inherited PNA is available via the Wiltshire Intelligence Network site at the following link, <http://www.intelligencenetwork.org.uk/health/>

First HWB PNA planning cycle

16. The regulations place a further statutory duty on each HWB to develop and publish their first PNA by 1 April 2015. The regulations set out the minimum requirements for the first PNA produced under this duty, and these include such things as data on the health needs of the HWB’s population, current provision of pharmaceutical services, and gaps in current provision.
17. The time line below has been agreed by the PNA working group:
 - Commence the process in January 2014
 - Complete patient and contractor surveys in March 2014.
 - First draft for the HWB in July 2014
 - 60 days public consultation period between October and November 2014
 - Review consultation responses December and January 2015
 - Present PNA to HWB in February or March 2015 (dependent on meeting date)
 - Publish March 2015
18. HWBs will be required to undertake a consultation on their first PNA for a minimum of 60 days and the regulations list those persons and organisations that must be consulted e.g. the NHS England, the relevant local pharmaceutical committee and local medical committee, the local healthwatch and other patient and public groups. The PNA working group has identified a requirement to ensure effective consultation with hard to reach groups and younger population groups through social media and surveys. The group also hope to promote the consultation process through the JSA community events in early 2014.
19. The PNA will also consider the future provision of pharmaceutical services. The PNA will draw on information published in the JSA Wiltshire 2012-13 and community area JSAs 2013-15 (due to be published in early 2014).

20. Decisions on applications to open new premises may be appealed by certain persons to the NHS Litigation Authority's Family Health Services Appeal Unit (FHSAU), and may also be challenged via the courts.
21. The use of PNAs for the purpose of determining applications for new premises is relatively new. It is therefore expected that many decisions made by the NHS England will be appealed and that eventually there will be judicial reviews of decisions made by the FHSAU. It is therefore vitally important that PNAs comply with the requirements of the regulations, due process is followed in their development and that they are kept up-to-date.
22. Where a party believes that the HWB has not complied with the requirements of the regulations and that they have been unfairly disadvantaged as a result their only recourse will be via the courts.
23. The risk has been assessed by the Director of Public Health and added as a service risk.

Conclusion and Recommendations

24. The Board is asked to:
 - a. Accept the recommendation from the PNA group that the inherited PNA is fit for purpose
 - b. Agree the proposed timeline above for publishing the first HWB PNA and inclusion of the PNA on the forward plan for July 2014 and February / March 2015.
 - c. Delegate the PNA process and decisions to the PNA working group which includes 2 Health and Wellbeing Board members, Cllr Humphries and Steve Rowlands, Chairman of NHS Wiltshire CCG
 - d. Delegate the updating of PNA to the Director of Public Health and the Public Health lead

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Documents relied on in preparing this report:-

National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) (Amendment) Regulations 2013

<http://www.legislation.gov.uk/uksi/2013/349/contents/made>

Pharmaceutical needs assessment, information packs for local authority Health and Wellbeing Boards, Department of Health, May 2013

<https://www.gov.uk/government/publications/pharmaceutical-needs-assessments-information-pack>

Current Wiltshire PNA

<http://www.intelligencenetwork.org.uk/health/>