

HEALTH AND WELLBEING BOARD

14 APRIL 2022

PHARMACEUTICAL NEEDS ASSESSMENT 2022-2025

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Summary

The provision of NHS pharmacy services is a controlled market. If someone wants to provide NHS pharmaceutical services, they are required to apply to the NHS to be included on a pharmaceutical list and must prove they are able to meet a pharmaceutical need.

The National Health Service England (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (SI 2013 No. 349) set out the system for market entry. Under these Regulations, Health and Wellbeing Boards are responsible for publishing a Pharmaceutical Needs Assessment (PNA). The PNA tells us what pharmaceutical services are currently available and where we are likely to need changes in the future because of demographic or other changes.

NHS England (the national body responsible for commissioning pharmaceutical services) relies on PNAs to inform decision making, specifically regarding whether existing pharmaceutical services meet local need. NHS England also uses the PNA to assess applications from applicants who want to modify existing services or deliver new pharmaceutical services within Medway.

This paper presents the Health and Wellbeing Board with the draft PNA that will go out for a 60-day consultation.

1. Budget and policy framework

- 1.1. The Health Act 2009 introduced a legal requirement for all Primary Care Trusts (PCTs) to publish a pharmaceutical needs assessment (PNA) by 1 February 2011. The Health and Social Care Act 2012 subsequently transferred the responsibility to Health and Wellbeing Boards. The NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 set out the legislative basis for developing and updating PNAs and can be found at: <http://www.dh.gov.uk/health/2013/02/pharmaceutical-services-regulations/>

2. Background

- 2.1. Each Health and Wellbeing Board was required to produce and publish its first pharmaceutical needs assessment in April 2015, with a requirement that a revised assessment must then be published within three years, or sooner in response to significant changes to the availability of pharmaceutical services. Medway published its PNAs in 2015 and 2018.
- 2.2. In May 2021, the Department of Health and Social Care (DHSC) initially determined that the requirement to publish renewed PNAs would be suspended for a year (to April 2022) in order to reduce unnecessary extra pressure on local authorities, Local Pharmaceutical Committees, pharmacy contractors and other stakeholders during the response to the COVID-19 pandemic.
- 2.3. Further to this, due to ongoing pressures across all sectors in managing the pandemic response, the requirement to publish renewed PNAs was suspended further until October 2022.
- 2.4. Therefore, in light of the announcement and following on from the publication of the PNA for Medway March 2018, an updated PNA has been drafted for publication on 1 October 2022.
- 2.5. A steering group guides the production of the PNA. The steering group includes representatives from the Local Pharmaceutical Committee, Local Medical Committee, Kent and Medway CCG, Medway Council, and the Chair of the Health and Wellbeing Board.
- 2.6. The PNA is a comprehensive assessment of the current and future pharmaceutical needs of the local population. It describes:
 - The health needs of the population
 - Current pharmaceutical services provision and any gaps in that provision
 - Potential new services to meet health needs and help achieve the objectives of the *Joint Health and Wellbeing Strategy*
- 2.7. It takes account of the joint strategic needs assessment (JSNA) and is a strategic commissioning document which will be used primarily by NHS England in its determination as to whether to approve applications to join the pharmaceutical list under the *NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013*
- 2.8. The PNA will also be used to:
 - Ensure that decisions about applications for market entry for pharmaceutical services are based on robust and relevant information;
 - Inform commissioning plans about pharmaceutical services that could be provided by community pharmacists and other providers to meet local need – these services can be commissioned by local authorities, NHS England and CCGs;
 - Support commissioning of high-quality pharmaceutical services including locally-enhanced services;

- Ensure that pharmaceutical and medicines optimisation services are commissioned to reflect the health needs and ambitions outlined within the Joint Health and Wellbeing Strategy; and
- Facilitate opportunities for pharmacists to make a significant contribution to the health of the population of Medway.

3. Advice and analysis

- 3.1. Appendix 1 to this paper is a draft copy of the Medway PNA for 2022–2025.
- 3.2. In developing this draft, two insight gathering exercises were conducted, one with members of the public and another with pharmacies in Medway, to provide additional local context to the data presented in the assessment.
- 3.3. The legislation requires that there must be a consultation and that consultees must be given a minimum period of 60 days for making their response to the consultation. The current plan is for consultation to begin on 18 April 2022, which will allow sufficient time to complete the 60-day consultation, respond to comments received and prepare the final version in time to present the PNA to the Health and Adult Social Care Overview and Scrutiny Committee (HASC) in August and for final approval by the Health and Wellbeing Board in September, before publication on 1 October 2022.

4. Risk management

Risk	Description	Action to avoid or mitigate risk	Risk rating
Future legal challenge	If NHS England receives a legal challenge to the services they commission based on the PNA, the local authority could also be part of that legal challenge.	The process met the requirements of the legislation and ensured that the PNA is a robust document.	D3
Late delivery of the PNA	The PNA is due to be refreshed by October 2022. This implies a reasonably tight timeline, and the deadline could be missed if there are difficulties during production.	An experienced team, including a specialist pharmacist, has been contracted to support the update of the PNA. Careful project management is being used to monitor progress	D3

5. Consultation

- 5.1. Insight from members of the public and from pharmacists was sought in the preparation of this draft. A formal 60-day consultation on the draft PNA will begin on 18 April 2022.

6. Financial implications

- 6.1. An open tender for a specialist pharmacist to support this process was undertaken in 2021. Best value was gained through this process. The cost of this support has been met through use of the Council's ring-fenced public health grant. Publication of the PNA on the Council's website will not incur additional costs to the Council. The consultation process will not result in additional costs.

7. Legal implications

- 7.1. It is a statutory duty for the Health and Wellbeing Board to produce a PNA. Health and wellbeing boards are a formal committee of the local authority charged with promoting greater integration and partnership between bodies from the NHS, public health and local government.
- 7.2. The NHS Act (the "2006" Act), amended by the Health and Social Care Act 2012, sets out the requirements for HWBs to develop and update PNAs and gives the Department of Health (DH) powers to make Regulations. The Council may be at risk of legal challenge if a decision is made by NHS England with respect to pharmacy provision after the end of March if the PNA has not been published.

8. Recommendations

- 8.1 The Health and Wellbeing Board is recommended to agree the draft Pharmaceutical Needs Assessment for consultation.
- 8.2 Should the Health and Wellbeing Board request any amendments to the Pharmaceutical Needs Assessment, the Board is requested to delegate authority to the Director of Public Health, in consultation with the Chairman of the Health and Wellbeing Board, to finalise and sign-off the updated version for consultation.

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Appendices

Appendix 1 – Draft Pharmaceutical Needs Assessment

Background Papers

None