

## **Health and Wellbeing Board**

**21 November 2024**

### **Pharmaceutical Needs Assessment 2025-2028**

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#### **Summary**

There is an imminent legal requirement for the Health and Wellbeing Board to produce an updated assessment of pharmaceutical need in Medway. The current Pharmaceutical Needs Assessment (PNA) for Medway was undertaken in 2021/22 and is due to expire in October 2025. This is a mandatory function that Health and Wellbeing Boards need to deliver every three years in line with obligations stipulated in the Health & Social Care Act 2012. It was agreed by Public Health DMT that this PNA should be undertaken independently, with services procured for this purpose.

This paper proposes an approach to deliver an updated PNA, including the creation of a steering group, for which the Director of Public Health is responsible. This is to ensure the process in developing the PNA is efficient, and that the statutory timeline is met. The proposal includes bringing an early draft of the PNA to the Board in February 2025 and a final draft in September 2025 for sign off.

#### **1. Recommendations**

##### **1.1. The Board is asked to agree:**

- To establish PNA Steering group, (as set out at section 3 of the report) to oversee the production and completion of the Medway PNA, 2025-2028, on behalf of the Health and Wellbeing Board.
- To receive an early draft of the PNA in February 2025 and sign off the updated final version following consultation and requested amendments in September 2025.

#### **2. Budget and policy framework**

- 2.1. The Health Act 2009 originally introduced a legal requirement for all Primary Care Trusts (PCTs) to publish a pharmaceutical needs assessment (PNA) by 1 February 2011. The NHS Act (the “2006” Act), amended by the Health and Social Care Act 2012, sets out the requirements for Health & Wellbeing

Boards to develop and update PNAs and gives the Department of Health (DH) powers to make Regulations.

- 2.2. 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>.

- 2.3. The budget for the PNA will be funded from the Public Health ring fenced grant.

### 3. Background

- 3.1. Every Health and Wellbeing Board (HWB) in England has a statutory responsibility to publish every three years, and keep up to date, a statement of the need for pharmaceutical services in its area, otherwise referred to as a [pharmaceutical needs assessment \(PNA\)](#). If a pharmacy wants to provide pharmaceutical services, they are required to apply to NHS England to be included in the pharmaceutical list for the Health and Wellbeing Board's area in which they wish to have premises and NHS England refers to the PNA to inform its decision

- 3.2. In general, their application must offer to meet a need that is set out in the Health and Wellbeing Board's PNA, or to secure improvements, or better access similarly identified in the PNA. The [Pharmacy Manual outlines the procedures to be followed in detail](#). As well as identifying whether there is a need for additional premises, the PNA will also identify whether there is a need for additional services, or whether improvements or better access to existing services are required. Identified needs, improvements or better access could either be current, or will arise within the three-year lifetime of the pharmaceutical needs assessment.

- 3.3. The [Medway pharmaceutical needs assessment](#) (PNA) was undertaken in 2022 and is due to expire in October 2025. This is a mandatory function that Health and Wellbeing Boards need to deliver every three years. It was agreed by Public Health DMT that this Needs Assessment be undertaken independently and should therefore be commissioned out. A specialist pharmacist provider has been identified through a competitive tender process. The new provider will update and refresh the current Medway Council PNA within stipulated timescales required by the Board. The final PNA will comply with the latest relevant statutory regulations enabling the Board to fulfil its legal obligations as set out in the [Health and Social Care Act 2012](#). Given the strict timeframe for completion (October 2024 to July 2025) our provider has advised that the Board should establish a Pharmaceutical Needs Assessment Steering Group to oversee the development of the PNA on behalf of the Board. The Director of Public Health will be responsible for this group. The group will function to ensure the PNA process is efficient, and that the statutory timeline is met. It is proposed that the Chairperson of the Health and Wellbeing Board sit on the PNA Steering Group, and the Board will have opportunities of oversight of its development by receiving an early draft at its February meeting,

ahead of the formal consultation period and will be responsible for signing off the final version at its meeting in September 2025.

- 3.4. The update to the PNA will consider and contain details on all matters to which the Board must have regard in accordance with the Regulations, including:
- the demography of the area and local need
  - whether there is sufficient choice regarding obtaining pharmaceutical services
  - the pharmaceutical services provided in any neighbouring HWB
  - any other NHS services provided in or outside the area which affect the need for pharmaceutical services associated with the [Kent and Medway Integrated Care Strategy](#)

#### 4. PNA Governance Timetable

- 4.1. The Pharmaceutical Needs Assessment (PNA) is a mandatory function of Health and Wellbeing boards, that must be prepared every three years. Given the time constraints for production the Board is asked to consider and agree the timetable below.

Table: PNA Governance Timetable

21 November 2025 (HWB)	Board to agree to set up the PNA Steering Group and agree the governance route.
15 February 2025 (HWB)	Update to Board on the draft PNA, acknowledging some further changes will be required before the formal consultation process commences.
60-day consultation window	April 2025 – May 2025
20 August 2025 (HASC)	The finalised updated PNA to be presented to HASC.
4 <sup>h</sup> September 2025 (HWB)	Board signs off the final PNA.

#### 5. Advice and analysis

- 5.1. The provider will deliver an updated PNA that meets Medway Council's needs, conforms to best practice and adheres to all relevant legislation (including the Regulations) and Guidance. Additionally,
- Provide remote support in the development of the PNA.
  - Attend/organise/chair meetings with key stakeholders.
  - Develop and oversee surveys with pharmaceutical establishments and patrons.
  - Advise on processes and best practice to maintain the PNA.
  - Provide additional support to develop wider public health programmes as required, subject to agreement with Medway Council's public health Department.

5.2. The final product will meet regulations set out. The [NHS \(Pharmaceutical Services and Local Pharmaceutical Services\) Regulations 2013](#) (“Regulations”) set out the legislative basis for developing and updating PNAs..

## 6. Risk management

6.1. Risk management is an integral part of good governance. The Council has a responsibility to identify and manage threats and risks to achieve its strategic objectives and enhance the value of services it provides to the community.

Risk	Description	Action to avoid or mitigate risk	Risk rating
Late delivery of the PNA	The PNA is due to be refreshed by October 2025. This implies a reasonably tight timeline, and the deadline could be missed if there are difficulties during production.	An experienced specialist pharmacist provider has been contracted to support the update of the PNA. Careful project management is being used to monitor progress.	DIII
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 planned process meets the requirements of the legislation and ensures that the PNA is a robust document.	DIII

For risk rating, please refer to the following table (please **retain** table in final report):

Likelihood	Impact:
A Very likely B Likely C Unlikely D Rare	I Catastrophic II Major III Moderate IV Minor

## 7. Consultation

7.1. Insight from members of the public, GPs and pharmacists will be sought as part of the PNA development process sought. A formal sixty-day consultation on the completed draft PNA is planned to take place from April to May 2025. Particular effort will be made to ensure that all interested Medway residents over the age of 16 years and all groups within the community can participate.

## 8. Climate change implications

- 8.1. Medway Council is committed to achieving net zero carbon by 2050. To achieve this, the Council has published its own Climate Change Action Plan. However, reducing emissions is not limited to the Council and as part of Scope 3 (third party) emissions, the Council encourages all suppliers to take a similar approach. The commissioned provider for the new PNA has a Climate Change Action Plan.

## 9. Financial implications

- 9.1. An open tender for a specialist provider to undertake the PNA process was undertaken in 2024. Best value was gained through this process. £50,000 has been budgeted from the Council's ring-fenced public health grant, however final costs are expected to be lower than the budgeted figure. The consultation process and the publication of the PNA on the Council's website will also be met from within existing council revenue budgets..

## 10. Legal implications

- 10.1. 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. 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 October if the PNA has not been published.

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### Appendices

Appendix 1 Pharmaceutical Needs Assessment TOR

### Background papers

[https://www.medway.gov.uk/downloads/file/7723/medway\\_pharmaceutical\\_needs\\_assessment\\_2022](https://www.medway.gov.uk/downloads/file/7723/medway_pharmaceutical_needs_assessment_2022)

<https://www.kmhealthandcare.uk/about-us/vision-and-priorities/kent-and-medway-integrated-care-strategy>