

Report sponsor: Cate Edwynn, Director of  
Public Health  
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of Public Health

## **Process for pharmacy consolidations in the Health and Wellbeing Area**

### **Purpose**

- 1.1 The NHS (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 requires the Health and Wellbeing Board (HWB) to make representations on consolidation applications to NHS England. A consolidation is where community pharmacies on two or more sites propose to consolidate to a single site.
- 1.2 These representations must indicate whether, if the application were granted, in the opinion of the HWB the proposed removal of premises from the pharmaceutical list would or would not create a gap in pharmaceutical services.
- 1.3 The purpose of this report is to propose and agree a process to:
  - enable the HWB to come to a considered opinion;
  - ensure the opinion of the HWB is submitted within the required timeframes.
- 1.4 The proposed process in summary:
  1. Letter received from NHSE requesting HWB representation on a consolidation application – start of ‘clock ticking’ (45 days).
  2. Analysis of key considerations: access and availability; choice; services provided; any future developments in the area; notable risks.
  3. Analysis and draft recommendation circulated to all HWB members, elected members of the relevant ward(s), local authority and NHS commissioner of pharmaceutical services.
  4. Following review of the feedback received to the analysis and draft recommendation, the Director of Public Health is given delegated authority for making a decision on whether a proposed consolidation is likely to create a gap in pharmaceutical services.
  5. The Director of Public Health provides the response, on behalf of the HWB, to NHS England.
  6. A report noting the HWBs representation and subsequent decision whether to grant the consolidation request provided to the HWB at the next scheduled

meeting.

## **Recommendation**

- 2.1 To approve the proposed process for the HWB (as outlined in 4.7 and 4.8) to provide an opinion on applications for community pharmacy consolidation/ merger.

## **Reason**

- 3.1 To ensure the HWB is able to meet its duty to make representations on consolidation applications to NHS England.

## **Supporting information**

- 4.1 The Health and Social Care Act 2012 transferred the responsibility for developing and updating Pharmaceutical Needs Assessments (PNAs) to Health and Wellbeing Boards (HWBs). The NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 set out the legislative basis for developing and updating PNAs.
- 4.2 The current PNA was published on 1 April 2018 with two supplementary statements published in July and November 2018. These documents can be accessed here: <https://www.derby.gov.uk/health-and-social-care/joint-strategic-needs-assessment/key-documents/>
- 4.3 The NHS (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 requires the HWB to make representations on consolidation applications to NHS England. A consolidation is where community pharmacies on two or more sites propose to consolidate to a single site.
- 4.4 These representations must (in addition to any other matter about which the Health and Wellbeing Board wishes to make representations) indicate whether, if the application were granted, in the opinion of the Health and Wellbeing Board the proposed removal of premises from the pharmaceutical list would or would not create a gap in pharmaceutical services that could be met by a routine application (a) to meet a current or future need for pharmaceutical services, or (b) to secure improvements, or better access, to pharmaceutical services.
- 4.5 The HWBs representations must be submitted to NHS England within 45 days of the date of the letter received. NHS England will consider all representations that are received before deciding on whether the application is granted.
- 4.6 This report proposes a process for formulating a response to a consolidation application as the requirement timescales mean it is unlikely to be achieved within the routine schedule of HWB meetings.

4.7 The proposed process is:

1. Letter received from NHSE requesting HWB representation on a consolidation application – start of ‘clock ticking’ (45 days).
2. Analysis – conducted by Public Health Knowledge and Intelligence Team – around key considerations: access and availability; choice; services provided; any future developments in the area; notable risks. Draft recommendation proposed. *Aim to complete analysis within 14 days.*
3. Analysis and draft recommendation circulated to all HWB members, elected members of the relevant ward(s), local authority and NHS commissioner of pharmaceutical services. *Aim to allow at least 21 days for consideration.*
4. Following review of the feedback received to the analysis and draft recommendation, the Director of Public Health is given delegated authority for making a decision on whether a proposed consolidation is likely to create a gap in pharmaceutical services that could be met by a routine application.
5. The Director of Public Health provides the response, on behalf of the HWB, to NHS England.
6. A report noting the HWBs representation and subsequent decision whether to grant the consolidation request provided to the HWB at the next scheduled meeting.

4.8 If any consolidation request is considered particularly contentious or any notable risks are identified, a meeting to consider the proposed consolidations, key issues and any comments received on the proposal will be arranged. The meeting will consist of: the HWB Chair, Vice Chair and Director of Public Health and other officers/ members as appropriate. This group shall agree the response to be made to NHS England.

## **Public/stakeholder engagement**

5.1 None.

## **Other options**

6.1 Ideally pharmacy consolidation applications would be considered at a meeting of the HWB. Due to the 45 day response time requirement, however, this option is not viable.

## **Financial and value for money issues**

7.1 There are no specific financial or value for money issues for the HWB.

## Legal implications

- 8.1 The NHS (Pharmaceutical Services, Charges and Prescribing) (Amendment) Regulations 2016 requires the HWB to make representations on consolidation applications to NHS England. The process proposed in this paper is to support the HWB in meeting its statutory duty in this regard.

## Other significant implications

- 9.1 No other implications noted.

This report has been approved by the following people:

Role	Name	Date of sign-off
Legal		
Finance	Alison Parkin, Head of Finance – Peoples' Services	20/12/2018
Service Director(s)		
Report sponsor	Cate Edwynn, Director of Public Health	07/01/2018
Other(s)		