



Health and Wellbeing Board
10 February 2020

**Report from the Director of
Public Health**

Revision of the Brent Pharmaceutical Needs Assessment

Wards Affected:	ALL
Key or Non-Key Decision:	N/A
Open or Part/Fully Exempt: (If exempt, please highlight relevant paragraph of Part 1, Schedule 12A of 1972 Local Government Act)	Open
No. of Appendices:	Appendix 1 - Brent Pharmaceutical Needs Assessment Steering Group Terms of reference
Background Papers:	None
Contact Officer(s): (Name, Title, Contact Details)	Dr Melanie Smith Director of Public Health Melanie.Smith@brent.gov.uk

1.0 Summary

- 1.1 S128A National Health Service Act 2006, amended by s206 Health and Social Care Act 2012 conferred the duty for publishing, and keeping up to date, a statement of the population needs for pharmaceutical services in their area, referred to as a Pharmaceutical Needs Assessment (PNA) onto Health and WellBeing Boards. The Brent Health and Wellbeing Board published its first PNA in March 2015 in accordance with the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (the Regulations). The Regulations stipulate that HWBs need to publish a revised assessment within three years. The first revision of the Brent PNA was published in 2018. A further revision will need to be made during 2020 for publication by 1st April 2021.

This paper proposes how this responsibility should be discharged.

2.0 Recommendations

- 2.1 The Board is asked to

- Agree the establishment of a task and finish PNA Steering Group

- Agree the terms of reference for this PNA Steering Group which form appendix 1 to this report.
- Delegate to the PNA Steering Group the task of overseeing the conduct, consultation and publication of the revised Brent PNA.

3.0 Detail

- 3.1 PNAs are used by the NHS to make decisions on which NHS funded pharmaceutical services need to be provided by local community pharmacies. PNAs are also used in decisions as to whether new pharmacies are needed in response to applications by businesses.
- 3.2 The Health and Social Care Act 2012 transferred the responsibility for producing, consulting on and publishing PNAs from PCTs to Health and Wellbeing Boards
- 3.3 NHS England has the responsibility to commission pharmaceutical services. The responsibility for using PNAs as the basis for making decisions about applications to provide pharmaceutical services transferred from PCTs to NHS England under the Health and Social Care Act 2012.
- 3.4 The development and updating of PNAs is subject to the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013: <http://www.dh.gov.uk/health/2013/02/pharmaceutical-services-regulations/> ("the Regulations").
- 3.5 The existing PNA for Brent (available on the Council website <https://www.brent.gov.uk/your-council/partnerships/health-and-wellbeing-board/>) was published by the HWB in 2018. This has been kept updated by the publication of supplementary statements as changes have been made to pharmacies within Brent. The Regulations require that the Health and Wellbeing Board publish revisions to the PNA within three years.
- 3.6 Section 8 of the Regulations requires consultation with specific organisations and groups allowing them a minimum of 60 days for making their response to the consultation.
- 3.7 In order to revise the PNA and publish the same, it is recommended that a Steering Group is established which will oversee the production, consultation and subsequent publication of the PNA. The proposed terms of reference are appended to this paper.
- 3.8 As for the previous revision of the PNA, Brent Public Health will commission technical pharmaceutical support to undertake the revision and to maintain the PNA thereafter.

4.0 Financial Implications

The commissioning of technical support for the PNA will be funded from the Council's public health grant.

5.0 Legal Implications

- 5.1 The Health and Social Care Act 2012 established HWBs. The Act also amends s128 National Health Service Act 2006 transferring responsibility to develop and update PNAs from PCTs to HWBs.

128A Pharmaceutical needs assessments

- (1) Each Health and Well-being Board must in accordance with regulations--
 - (a) assess needs for pharmaceutical services in its area, and
 - (b) publish a statement of its first assessment and of any revised assessment.
- (2) The regulations must make provision--
 - (a) as to information which must be contained in a statement;
 - (b) as to the extent to which an assessment must take account of likely future needs;
 - (c) specifying the date by which a Health and Well-being Board must publish the statement of its first assessment;
 - (d) as to the circumstances in which a Health and Well-being Board must make a new assessment.
- (3) The regulations may in particular make provision--
 - (a) as to the pharmaceutical services to which an assessment must relate;
 - (b) requiring a Health and Well-being Board to consult specified persons about specified matters when making an assessment;
 - (c) as to the manner in which an assessment is to be made;
 - (d) as to matters to which a Health and Well-being Board must have regard when making an assessment.

- 5.2 Regulations 3-9 and Schedule 1 of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 set out the requirements for PNAs.

- 5.3 Specifically Regulations 5 and 6 cover the date by which the HWB's first PNA must be published and the arrangements for revising the PNA. The local authority must ensure the PNA Steering Group and those it reports to are aware of and adhere to the requirements.

6.0 Equality Implications

- 6.1 The Council is required under section 149 of the Equality Act 2010 when exercising its functions, to have due regard to the need to eliminate discrimination, harassment and victimisation and other conduct prohibited under the Act, to advance equality of opportunity and to foster good relations between those who have a protected characteristic and those who do not share that protected characteristic. This is the Public Sector Equality Duty (PSED). The protected characteristics covered under the Act are age, disability, gender, gender reassignment, marriage and civil partnership (only in respect of eliminating unlawful discrimination) pregnancy, maternity, race (this includes ethnic or national origins), religion or belief (this includes lack of belief) and sexual orientation. Due regard means giving relevant and proportionate consideration to the duty, in that whenever significant decisions are being made or policies developed consideration must be given to the impact/affect that implementing a particular policy or decision will have in relation to equality before making that decision.
- 6.2 Brent is one of the most diverse boroughs in London and in the UK. Evidence suggest that there is strong correlation between health inequalities and the levels of diversity in the population. For example, certain ethnic minority communities are exposed to a range of health challenges, from low birth weight and infant mortality through to higher incidence of long-term limiting illnesses such as diabetes and cardio vascular disease. Brent pharmaceutical services need to reflect the needs of the borough's diverse communities while providing a broad range of services to the entire population.
- 6.3 When conducting the Pharmaceutical Needs Assessment (PNA) review, the PNA Steering Group must pay due regard to the PSED and all relevant protected characteristics, including socio-economic groups. The consultation process must be accessible to all, particularly to the most vulnerable groups such as but not limited to: older residents, people with disabilities (incl those with learning disabilities, mental health needs, sight and/or hearing impairments, etc.), LGBT communities, residents whose first language is not English.

7.0 Staffing/Accommodation Implications (if appropriate)

- 7.1 See paragraph 3.7 for details

Report sign off:

Dr Melanie Smith
Director of Public Health

Appendix 1.

Brent Pharmaceutical Needs Assessment Steering Group Terms of reference

Purpose

To direct and oversee the production of and consultation on a revision of the Brent Pharmaceutical Needs Assessment (PNA), on behalf of the Health and Wellbeing Board, in order the revised PNA to be published by 01 April 2021

Context

If a person wants to provide NHS pharmaceutical services, they are required to apply to the NHS to be included on a pharmaceutical list. Pharmaceutical lists are compiled and held by the NHS Commissioning Board, now known as NHS England. This is commonly known as the NHS “market entry” system.

Under the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations (“the 2013 Regulations”), a person who wishes to provide NHS pharmaceutical services must generally apply to NHS England to be included on a relevant list by proving they are able to meet a pharmaceutical need as set out in the relevant PNA.

The Health and Social Care Act 2012 established HWBs. The Act also transferred responsibility to develop and update PNAs from PCTs to HWBs. Responsibility for using PNAs as the basis for determining market entry to a pharmaceutical list transferred from PCTs to NHS England from 01 April 2013.

The NHS Act 2006 (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.

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- (3) The regulations may in particular make provision:
 - (a) as to the pharmaceutical services to which an assessment must relate;
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 - (d) as to matters to which a Health and Wellbeing Board must have regard when making an assessment.

Responsibilities

- The Steering Group will oversee the production of a revision of the Brent PNA in accordance with the 2013 Regulations.
- The Group will ensure that the PNA is of high quality, specifically it will ensure that the PNA:
 - includes pharmacies and the services they already provide. These will include dispensing, providing advice on health, medicines reviews and local public health services, such as stop smoking, sexual health and support for drug users.
 - looks at other services, and services available in neighbouring HWB areas that might affect the need for services in its own area.
 - examines the demographics of Brent's population, across the area and in different localities, and their needs.
 - looks at whether there are gaps that could be met by providing more pharmacy services, or through opening more pharmacies. It should also take account of likely future needs.
 - contains relevant maps relating to the area and its pharmacies.
 - is aligned with other plans for local health and social care, including the Joint Strategic Needs Assessment (JSNA).
- The Group will ensure consultation in accordance with the Regulations
- The Group will ensure the timely publication of the revision of the PNA.

Membership

Consultant in Public Health: Chair

Brent Council analyst

LPC nominee(s)

CCG nominee(s): medicines management, primary care, consultation / engagement

Healthwatch representative

NHS E representative: to be invited

As required: Equalities Officer