

REPORT TO:	HEALTH AND WELLBEING BOARD 19 January 2022
SUBJECT:	Pharmaceutical Needs Assessment (“PNA”)
BOARD SPONSOR:	Rachel Flowers, Director of Public Health, Croydon Council
PUBLIC/EXEMPT:	Public

SUMMARY OF REPORT:

- To note the procurement and development of the 2022 Croydon Pharmaceutical Needs Assessment.
- That the Board agrees to the establishment of a PNA steering group as outlined in the draft Terms of Reference in Appendix 1 to oversee the PNA process as outlined in the national PNA guidance

BOARD PRIORITY/POLICY CONTEXT:

From 1st April 2013, every Health and Wellbeing Board (HWB) in England has had a statutory responsibility to publish and keep up to date a statement of the needs for pharmaceutical services of the population in its area, referred to as a Pharmaceutical Needs Assessment (PNA).

The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the 2013 Regulations”) require each HWB to 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.

Every area is required to publish a refreshed PNA document within 3 years. Croydon, in line with national regulations, published its first PNA in 2015 and the second in 2018. The third PNA is due to refresh and publish in October 2022.

Croydon Council outsourced the previous PNA for a total Contract Value of £37,703 through a competitive tender process. The proposed contract value has increased (to £40,000) to allow for inflation. The proposal is to carry out another competitive tender process via the Central Buying Team, ensuring the service specification is tailored and limited to the statutory requirements to ensure value for money. The project will be funded from the public health budget. The Public Health Ring-fenced grant is allocated by the Director of Public Health to improve population health and prevention and meet the nationally driven mandated requirements of the grant.

FINANCIAL IMPACT:

No financial impact for Health and Wellbeing Board partners.

RECOMMENDATIONS:

The Health and Wellbeing Board is recommended to :

1. Note the plans for procurement and development of the 2022 PNA for Croydon on behalf of the Health and Wellbeing Board and the proposed time line to meet the statutory deadline of publication by 1 October 2022.
2. Agree to the establishment of a PNA steering group with the terms of reference as outlined in the draft Terms of Reference in Appendix 1 to oversee the PNA process as recommended in the national PNA guidance

1. EXECUTIVE SUMMARY

- 1.1 This paper provides an update on the plans to produce and publish the 2022 Croydon Pharmaceutical Needs Assessment (PNA).
- 1.2 Croydon Council plan to outsource the development of the PNA on behalf of the HWB. This has been approved by the Spending Control Panel.
- 1.3 Croydon Council plan to carry out a competitive tender process via the Central Buying Team, ensuring the service specification is tailored and limited to the statutory requirements to ensure value for money.
- 1.4 The procurement process will be led by the Central Buying Team, and Public Health Commissioning and Public Health Teams.
- 1.5 The Procurement process started Friday 3 December 2022 and will run until 20 January 2022 after which a provider is expected to be appointed.
- 1.6 The Provider is expected to work and collaborate with the Public Health and proposed Steering Group to produce the PNA report.
- 1.7 The final report is proposed to be presented to the HWB for final sign off in September 2022 before publication.

2. DETAIL

Background

- 2.1 From 1st April 2013, every Health and Wellbeing Board in England has had a statutory responsibility to publish and keep up to date a statement of the needs for pharmaceutical services of the population in its area, referred to as a pharmaceutical needs assessment (PNA). Every area is required to publish a refreshed PNA document within 3 years. Croydon, in accordance with national regulations, published its first PNA by 1st April 2015 and the second in March 2018.
- 2.2 Regulation 6, which has prospective amendments introduced by the by National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021/1346 Pt 2 reg.3(2)(b) which come into force on January 1, 2022, provides that in circumstances where a HWB has published its first or revised PNA before 1 April 2020, as is the case with Croydon, it must publish a

revised PNA before 1 October 2022. Therefore any revised PNA as is suggested by this report must be approved by HWB and published prior to that date.

- 2.3 The information to be contained in the Pharmaceutical Needs Assessment is set out in Schedule 1 of the National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013. The PNA should include:
- A list of pharmacies in Croydon and the services they currently provide, including dispensing, health advice and promotion, flu vaccination, medicines reviews and local public health services, such as sexual health services.
 - Relevant maps of providers of pharmaceutical services in the area.
 - Services in neighbouring areas that might affect the need for pharmaceutical services in Croydon.
 - Potential gaps in provision that could be met by providing more pharmacy services, or through opening more pharmacies, and likely future needs.
- 2.4 The Pharmaceutical Needs Assessment should also be aligned with the Joint Strategic Needs Assessment and Health and Wellbeing Board Strategy for Croydon.
- 2.5 PNAs enable health and care partners to identify unmet pharmaceutical needs. PNAs are used by NHS England to make decisions on applications to open new pharmacies and dispensing appliance contractor premises; or applications from current pharmaceutical providers to change their existing regulatory requirements. Applications to open new pharmacies can be keenly contested by applicants and existing NHS contractors and can be open to legal challenge if not handled properly. PNAs also support local authority and NHS commissioners to make decisions on the locally funded services need to be provided by local community pharmacies, and ensure that service provision is targeted in areas where there is population need for them.
- 2.6 Health and Wellbeing Boards need to ensure that the NHS England and its Area Teams have access to the local PNA, to support their decision-making and strategic planning processes. Croydon Council's Public Health team have ensured that NHS England know how to access and interpret the information provided in Croydon's current PNA. The current PNA is publicly accessible via the Croydon Observatory website: <http://www.croydonobservatory.org/pna>
- 2.7 A PNA should include information on local 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. It should look at other services, such as dispensing by GP surgeries, and services available in neighbouring areas that might affect the need for services in the local area. The PNA will take account of any changes to the commissioning of public health and CCG services in Croydon, and will also account for changes in NHS England commissioning arrangements.

- 2.8 The PNA should examine the demographics of the local population, across the area and in different localities, and their needs. It should look 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. The PNA should also contain relevant maps relating to the area and its pharmacies. The PNA must be aligned with other plans for local health and social care, including the Joint Strategic Needs Assessment (JSNA) and the Joint Health and Wellbeing Strategy.

3. PNA Development and Publication

- 3.1 Tender process started Friday 3 December and will close Thursday 20 January when a provider is expected to be appointed to develop the 2022 PNA for Croydon on behalf of the Health and Wellbeing Board.
- 3.2 Utilising the Central Buying team to carry out a competitive tender process allow us to ensure value for money through limiting the service specification to the statutory requirements.
- 3.3 The project will be funded from the public health budget and has been approved by the Spending Control Panel.
- 3.4 The provider will work with the Steering group which is recommended to be established to support the PNA process. The Draft terms of reference are at Appendix 1 for Member's consideration and approval. The proposed membership of the Steering group is detailed at Appendix 1 and includes members representing: Croydon Council (including Public Health and Communications Teams), Croydon Clinical Commissioning Group, Local Pharmaceutical Committee, Local Medical Council, and Healthwatch Croydon. The provider will support the steering group but not be a member/decision maker on the Steering Group.
- 3.5 The Steering Group will oversee the production of the 2022 PNA for the London Borough of Croydon, reporting progress to the HWB.
- 3.6 Section 8 of the 2013 Regulations requires consultation with specific organisations and groups allowing them a minimum of 60 days for making their response to the consultation. A Consultation is planned to run in summer 2022 (June 2022 or sooner if possible). Responses gathered from the consultation will be subsequently analysed and a PNA produced by September 2022.
- 3.7 The final report will be presented to the HWB in September 2022 to sign off before publication by 1 October 2022.

4. CONSULTATION

- 4.1 A first Consultation on the views of pharmacy services users is planned to be conducted in summer 2022 (expected June 2022 or sooner if possible). In the same period, commissioners and contractors will be also consulted using similar process. Results will be used to inform the PNA process and the development of the final draft.

5. SERVICE INTEGRATION

- 5.1 PNAs provide a common structured framework within which commissioners and strategic planners can make decisions about pharmaceutical needs in a local area. They facilitate discussions between NHS England, local commissioners from the local authority and CCG, and local pharmacists around addressing local pharmaceutical needs, and provide a common framework for assessing activity and provision that should be in place to address these needs.

6. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 6.1 The PNA supports NHS England to make decisions about market entry.
- 6.2 The [Department for Health and Social Care PNA Information pack for local authority and health and wellbeing boards 2021](#) states that “Due to the serious consequences of not following due process in developing the pharmaceutical needs assessment, it is recommended that the board includes production of the pharmaceutical needs assessment in the council’s risk register”
- 6.3 The funding to undertake and develop the refreshed 2022 PNA has been identified as part of the public health ring-fenced grant.
- 6.4 The procurement of the 2022 PNA has been approved by the Central Buying Team, Spending Control Board, and the Director of Public Health. Due to the contract value, it was not required to present the project to the CCB.

The Director of Public Health informed the Chair of the Health and Wellbeing Board of the plans to produce and commission the PNA in December 2021 (this happened prior to launching the tender) and advised the Chair the case would be presented to the Board in January 2022.

Approved By Richard Ennis, Interim Corporate Director of Resources and Section 151.

7. LEGAL CONSIDERATIONS

- 7.1 The Head of Litigation and Corporate Law comments on behalf of the Director of Law and Governance that there is a statutory responsibility to produce a pharmaceutical needs assessment (“PNA”).

- 7.2 The Health and Social Care Act 2012 established Health and Wellbeing Boards and transferred to them (from the NHS Act 2006) the responsibility to publish and keep up to date a statement of the needs for pharmaceutical services of the population in its area, with effect from 1 April 2013. The requirements on how to develop and update PNAs are set out in Regulations 3-9 and Schedule 1 of the National Health Service (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (“the 2013 regulations”).
- 7.3 Regulation 6 of the 2013 regulation (which has prospective amendments introduced by the by National Health Service (Charges, Primary Medical Services and Pharmaceutical and Local Pharmaceutical Services) (Coronavirus) (Further Amendments) Regulations 2021/1346 Pt 2 regulation 3(2)(b) which come into force on January 1, 2022) provides that in circumstances where a HWB has published a PNA before 1 April 2020, as is the case with Croydon, it must publish a revised PNA by 1 October 2022. Therefore any revised PNA as is suggested by this report must be approved by HWB and published by that date to be in statutory compliance.
- 7.4 Failure to publish a PNA by the statutory deadline is challengeable by way of Judicial Review, as are the process followed in developing the PNA, including the consultation process and manner in which the consultation outcomes are considered and whether the PNA adheres to the minimum requirements set out in the 2013 Regulations.

Approved by: Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Law and Governance and Deputy Monitoring Officer.

8. EQUALITIES IMPACT

- 8.1 The purpose of any needs assessment, including the PNA, is to look at current and predicted future population needs for service provision or support. The PNA will identify the need for access to pharmaceutical services so that NHS England can approve or reject applications for additions to the pharmaceutical list. The PNA will also identify the need for locally commissioned services that local authority and CCG commissioners can respond to using relevant commissioning budgets.
- 8.2 As part of the PNA process, an “Equality Impact Assessment” (EIA) will be completed to identify if there would be any impact on any group with protected characteristics. The DPH and Equality Analysis Officer from Croydon Council will be responsible to sign off the EIA.

Approved by Denise McCausland – Equality Programme Manager.

9. DATA PROTECTION IMPLICATIONS

9.1 WILL THE SUBJECT OF THE REPORT INVOLVE THE PROCESSING OF 'PERSONAL DATA'?

YES - The PNA process involves data management, including a consultation. The Council will work with the Provider to ensure data is protected according to current legislation (e.g. Data Protection Act, GDPR) and all necessary assessment are completed (e.g. DPIA).

Data protection requirements have been included in the Service Specification and are part of the standard Council contracts.

To ensure all parties comply with regulations, the requirements, roles and responsibilities will be discussed and agreed with the Provider in the first contract meeting.

9.2 HAS A DATA PROTECTION IMPACT ASSESSMENT (DPIA) BEEN COMPLETED?

NO - As detailed above DPIA will be completed by the provider

9.3 "The Director of Public Health comments that the contract with the provider will support appropriate steps being taken for data protection.

Approved by: Rachel Flowers, Director of Public Health.

10. HUMAN RESOURCES IMPACT

10.1 There are no direct Human Resources implications arising from this report itself, which sets out the intention to outsource the development of the 2022 PNA for Croydon on behalf of the Health and Wellbeing Board.

10.2 However, the procurement exercise is likely to involve service provision changes which may invoke the effects of the Transfer of Undertakings (Protection of Employment) 2006 Legislation (amended 2014). The service will therefore need to ensure it works with the current contractors and their HR providers to ensure the appropriate policies and procedures are followed.

Approved by: Deborah Calliste, Head of HR for Adult Social Care & Health on behalf of the Director of Human Resources.

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APPENDICES TO THIS REPORT

Appendix 1 – Croydon 2022 PNA Steering Group Draft Terms of Reference