

REPORT TO:	HEALTH AND WELLBEING BOARD 17 October 2022
SUBJECT:	Pharmaceutical Needs Assessment
BOARD SPONSOR:	Rachel Flowers, Director of Public Health, Croydon Council
PUBLIC/EXEMPT:	

SUMMARY OF REPORT:

- To note progress and planned steps to publishing the 2022 Croydon Pharmaceutical Needs Assessment (PNA).

BOARD PRIORITY/POLICY CONTEXT:

Every Health and Wellbeing Board (HWB) in England has 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 purpose of the PNA is to plan for the commissioning of pharmaceutical services and to support the decision-making process in relation to new applications of change of premises of pharmacies.

FINANCIAL IMPACT:

No financial impact for Health and Wellbeing Board partners and the Council. The delivery of the Board is lead by the Council and costs are covered using the Public Health Grant funding.

RECOMMENDATIONS:

- To note progress and planned steps to publishing the 2022 Croydon Pharmaceutical Needs Assessment (PNA).
- the HWB agree to convene a meeting in November 2022 for the purpose of the HWB considering and if thought fit approving the revised PNA and the publication of same, in order to avoid any further delay in publishing the revised assessment beyond the statutory deadline of 1 October.

1. EXECUTIVE SUMMARY

- 1.1 This paper provides a progress update on the process to produce and publish the 2022 PNA.
- 1.2 Croydon Council commissioned PHAST CIC to develop the 2022 PNA on behalf of the HWB.
- 1.3 As part of the process, two surveys were conducted between May and July to gain views from Pharmacy Contractors and residents. A 60-days consultation is currently underway (from 31 August to 29 October).
- 1.4 Unforeseen challenges have impacted our ability to meet the statutory deadline of 1 October. The final report is expected to be ready for publication at the end of October 2022.
- 1.5 NHSE, the Mayor, the Chair of the HWBB, the Director of Public Health, the Steering Group, and Legal Services have been informed of the situation.
- 1.6 Advice from Legal Services has been sought to guide the process of approving and publishing the PNA after the statutory deadline.

2. DETAIL

PNA Development and Publication

- 2.1 In January 2022, Croydon Council commissioned PHAST CIC to produce the 2022 PNA on behalf of the HWB.
- 2.2 A steering group was established with representatives from the Croydon Council, South West London Integrated Care Board, Local Pharmaceutical Committee, Local Medical Committee, and Healthwatch Croydon. The function of the steering group is to oversee the production of the 2022 PNA for the London Borough of Croydon, reporting progress to the HWB.
- 2.3 As part of the PNA process, two surveys were conducted between May and July: (i) the Croydon Pharmacy Contractor survey was conducted to inform the PNA (80% response rate, or 58 of 73 pharmacies in Croydon.); and (ii) the Public PNA survey to gain views from residents about pharmacy services in Croydon (327 participants completed the survey, and more than 99% were Croydon residents).
- 2.4 The final phase requires a 60-days public consultation.
- 2.5 The launch of the 60-days public consultation was impacted due to a combination of delays in receiving stakeholders' feedback on the draft PNA and unforeseen logistics and technical challenges to go live. As a result, the consultation was launched on Wed 31 August, and it will run until the 29 October. This situation has impacted our ability to meet the statutory deadline to publishing the PNA (1 October). We endeavour to have the final 2022 PNA at the end of October 2022.
- 2.6 NHSE has been informed of this situation and an extension requested. However, NHSE do not have decision-making power and control over the statutory deadline.

- 2.7 The risk of publishing the PNA after the statutory deadline is perceived to be low. Whilst we finalise the 2022 PNA, NHSE has been advised they could use the [2018 PNA](#) if any contractor approach them with any enquiry.
- 2.8 The Mayor, the Chair of the HWB, the Director of Public Health, and the Steering Group have been informed of the situation.
- 2.9 Legal Services has been informed of the situation and advice has been sought to guide the process of approving and publishing the PNA after the statutory deadline.

3. CONSULTATION

- 3.1 A 60-days public consultation on the draft PNA is currently underway (from 31 August to 29 October). The draft consultation can be found here: <https://www.getinvolved.croydon.gov.uk/pharmacy>

4. SERVICE INTEGRATION

- 4.1 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.

5. FINANCIAL AND RISK ASSESSMENT CONSIDERATIONS

- 5.1 There are no financial implications or risks that the board needs to consider. The PNA supports NHS England to make decisions about market entry. It has no direct cost implications to the Council or CCG.
- 5.2 The funding to undertake and develop the refreshed 2022 PNA has been identified as part of the public health ring-fenced grant and the funds have now been applied.

Approved by: Nish Popat - Interim Head of Corporate Finance, Croydon Clinical Commissioning Group

6. LEGAL CONSIDERATIONS

- 6.1 There is a statutory responsibility to produce a PNA. The Health and Wellbeing Board's review of the refreshed PNA will need to be supported by full legal clearance.
- 6.2 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 Schedule 1 of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013.

- 6.3 The 2012 Act also amended the Local Government and Public Involvement in Health Act 2007 to introduce duties and powers for Health and Wellbeing Boards in relation to Joint Strategic Needs Assessments (JSNAs). The preparation and consultation on the Pharmaceutical Needs Assessment should take account of the Joint Strategic Needs Assessment (and other relevant local strategies in order to prevent duplication of work and multiple consultations with health groups, patients and the public). The development of Pharmaceutical Needs Assessments is a separate duty to that of developing Joint Strategic Needs Assessments. As a separate statutory requirement, Pharmaceutical Needs Assessments cannot be subsumed as part of these other documents but can be annexed to them.
- 6.4 The Health and Social Care Act 2012 also transferred responsibility for using PNAs as the basis for determining market entry to a pharmaceutical list from PCTs to NHS England.

6.5 Sec 194 of the Health and Social Care Act 2012 provides that the HWB is a committee of the authority, and is to be treated as if it were a committee appointed under Sec 102 of the Local Government Act 1972, subject to modifications by regulation, and these modifications are contained in Regulations 3 and 4 of the Local Authority (Public Health, Health and Wellbeing Boards and Health Scrutiny) Regulations 2013. There is no provision in the Regulations for delegation to the Chair or to any other single member of the HWB. In addition, although the PNA is a function to be discharged by the Board other than by virtue of Sec 196(2) of the 2012 Act, the Board can only arrange for the discharge of that function by a sub-committee of the Board, unless the authority “otherwise directs”, and Article 13.9 of the Constitution provides that the HWB is not permitted to establish or delegate functions to a sub-committee. Therefore, the only way in which the PNA can be approved and published before the next meeting of the HWB in January 2023 is for a further meeting of the HWB to be convened for this purpose.

6.6 Rule 6.1 of the Non-Executive Committee Procedure Rules provides “each Committee or Sub-Committee or the Council Solicitor in consultation with the relevant Chair may convene meetings on such other dates as they may agree in the light of business to be transacted”.

6.5 Approved by Sandra Herbert, Head of Litigation and Corporate Law on behalf of the Director of Legal Services and Monitoring Officer

7. HUMAN RESOURCES IMPACT

7.1 There are no direct human resource impacts arising from the content of this report for Croydon Council employees or staff.

7.2 Approved by: Gillian Bevan, Head of HR, Resources and Assistant Chief Executives on behalf of the Chief People Officer.

8. EQUALITIES IMPACT

8.1 The Council has a statutory duty, when exercising its functions, to comply with the provisions set out in the Sec 149 Equality Act 2010. The Council must, in the performance of its functions, therefore have due regard to:

- (a) eliminate discrimination, harassment, victimisation and any other conduct that is prohibited by or under this Act;
- (b) advance equality of opportunity between persons who share a relevant protected characteristic and persons who do not share it;
- (c) foster good relations between persons who share a relevant protected characteristic and persons who do not share it.

8.2 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.

8.3 As part of the PNA process, an “Equality Impact Assessment” (EIA) has been completed and signed off.

8.4 There are no negative impacts regarding groups with protected characteristics identified in the EQIA.

Approved By; Denise McCausland – Equality Programme Manager

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