**Letter by Email to:**

robfreel@btinternet.com

# NHS Lanarkshire Kirklands Fallside Road Bothwell

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**Date:** 14 May 2020

**Our Ref:** CC/AMcC

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Dear Mr Freel,

**Additional Pharmacy Application Process**

Thank you for your letter of 5 May regarding the additional pharmacy application process for the Stonehouse area.

At the outset, may I say that the process to apply for a pharmaceutical contract is determined and governed by regulations1. As an NHS Board, we have to ensure that we apply the regulations and cannot depart from the processes they dictate.

Each expression of interest is processed in chronological order of receipt and is taken to completion before consideration is given to a further expression of interest in that community. It is not therefore an ‘interview’ type process where applications are rated against others.

The first stage of the process is a pre-application joint consultation. The public consultation is a joint undertaking between the potential applicant and the health board. The regulations are silent on the length of time a potential pharmacy applicant can retain an expression of interest in an area without taking this forward to the joint consultation stage, but we seek to administer all applications as soon as possible.

There can be a significant delay between an expression of interest and the beginning of the joint consultation. This is primarily influenced by the requirement for a formal application to be made within 90 days of the end of the joint consultation and the number of expressions of interest throughout the whole health board.

Each application for a pharmacy requires to be heard by a Pharmacy Practices Committee (PPC). This is the statutory committee charged with the responsibility for making decisions on applications on behalf of the health board. There is a very considerable volume of work required in advance of each hearing and membership of the PPC includes lay members so we have to work around their personal availability.

1 The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 [SSI 2009 No. 183], as amended.

There is therefore a finite capacity on the number of applications which can be heard in any year.

In Stonehouse, the pre-application joint consultation began on 27 February. This stage allows for a whole host of stakeholders, including individuals and Stonehouse Community Council, to make their views known on the proposed application. When the consultation closes, the feedback forms a consultation analysis report (CAR) which allows the potential applicant to gauge the views expressed and to decide whether or not to progress to making a formal application to join the pharmaceutical list.

If an application is received, a further consultation with parties dictated by the regulations takes place. Thereafter the application, all comments received from interested parties and the CAR is provided to the PPC.

The PPC will determine the application against the ‘statutory test’ which requires that the application will only be granted if “the provision of pharmaceutical services at the premises named in the application is necessary or desirable in order to secure adequate provision of pharmaceutical services in the neighbourhood.”

The regulations also require that the minute of the PPC hearing includes a summary of the CAR and an explanation of how it was taken into account in arriving at the decision in terms of the statutory test. This becomes a public document and thus illustrates the transparency of the decision making.

Also during the PPC hearing, members of the PPC and the interested parties eligible to attend are able to question the applicant on their business planning in order to be satisfied that, if granted, the application is sufficiently robust to secure an adequate pharmaceutical service. The regulations require that an application if granted, and after any appeal process has concluded, must be able to demonstrate their ability to open the pharmacy within six months after inclusion in the provisional pharmaceutical list. Whilst there is the ability to extend this in extenuating circumstances, by no longer than nine months, the questioning of an applicant is based on the credibility of their commitment and preparedness for this to happen in the six-month timeframe.

We hope this is a fulsome explanation of the regulations and engagement which we are bound to follow. We therefore do not see any benefit in meeting as we have no opportunity to depart from this process. Furthermore the guidance is clear that, whilst health boards take the lead in arranging the joint consultation, they should make no judgement on the likelihood of an application being successful or to comment or inform the bid as proposed and must stay independent of the process.

That said, we trust that this information helps you to engage in the process. This includes your opportunity to:

* respond to the pre-application joint consultation process, and;
* in the event an application is submitted, respond when the formal second consultation takes place.

If an application is submitted, a reply to the second consultation will also enable your council to be represented and participate in the PPC hearing, with full rights to appeal the decision as with the other interested parties.

If you have any queries, please contact our primary care department at pcs@lanarkshire.scot.nhs.uk

I trust this is of assistance in providing clarification. Yours sincerely

Calum Campbell Chief Executive NHS Lanarkshire