

NHS Ayrshire & Arran



Meeting:	Ayrshire and Arran NHS Board
Meeting date:	Monday 23 May 2022
Title:	Pharmacy Practices Committee Annual Report
Responsible Director:	Craig McArthur, Director of East Ayrshire HSCP
Report Author:	Anne Shaw, Primary Care Manager Pharmacy & Optometry

1. Purpose

This is presented to the Board for:

- Awareness

This paper relates to:

- Legal requirement
- Local policy

This aligns to the following NHS Scotland quality ambition(s):

- Safe, Effective and Person Centred.

2. Report summary

2.1 Situation

The Pharmacy Practices Committee (PPC) is a devolved decision making Committee of the Health Board. This Committee decides on applications received for proposed new Community Pharmacies in the area. The PPC provides an assurance report annually which sets out the activities of the Committee over the past year in discharging its remit.

Board members are also asked to approve the updated PPC Terms of Reference.

2.2 Background

The Pharmacy Practices Committee (PPC) is required to provide an annual report to the Board to provide assurance that the Committee has discharged its remit as set out in the agreed Terms of Reference.

The PPC annual reports are part of the overall assurance mechanism for the NHS Board to provide assurance that the Committee has fulfilled their remit.

2.3 Assessment

This report details the membership of the Pharmacy Practices Committee and provides information on the activities of the Committee in the past year.

Key Messages

- Changes to the current Pharmacy Practices Committee membership
- The impact of Covid-19 on the Committee's Activities during the year 2021-2022

The Terms of Reference presented at Appendix 2 have been updated at item 9 to reflect that PPC will meet four times per year as a minimum and as further required on receipt of a competent application for a new pharmacy contract. Previously the committee only met as required on receipt of a competent application.

2.3.1 Quality/patient care

Ensuring governance in monitoring the Pharmacy Practices Committee has successfully delivered its remit supports the effective delivery of quality, patient-centred services.

2.3.2 Workforce

This assurance report has no workforce implications for the organisation and highlights joint working across the NHS Board, Independent Contractors and lay members of the Committee.

2.3.3 Financial

There are no financial implications.

2.3.4 Risk assessment/management

The annual report process ensures assessment of the committee against the agreed Terms of Reference. This mitigates against the risk of any gaps in assurance and supports the NHS Board's annual assurance statement.

2.3.5 Equality and diversity, including health inequalities

An impact assessment has not been completed because this is an annual assurance reporting paper.

2.3.6 Other impacts

- Best value – reporting ensures sound governance and accountability
- Compliance with legal requirements and corporate objectives. Providing this assurance report supports compliance with objectives on quality, safety and person centred.

2.3.7 Communication, involvement, engagement and consultation

This paper requires no engagement with external stakeholders.

2.3.8 Route to the meeting

This paper has not been previously considered by any other groups as part of its development as the PPC is a directly devolved decision making Committee of the Board.

2.4 Recommendation

Board Members are asked to receive the report and note the progress of the Pharmacy Practices Committee 2021-2022. Board Members are also asked to approve the amended PPC Terms of Reference.

3. List of appendices

Appendix 1 - Pharmacy Practices Committee Annual report 2021-2022

Appendix 2 - Pharmacy Practices Committee Terms of Reference

Pharmacy Practices Committee Annual Report for 2021/2022

Committee effectiveness checklist for year 2021/2022

The Role and Work of the Committee	Yes / No / NA	Comments
The Committee has a clear understanding of its role and authority as set out in its terms of reference.	Yes	
The Committee undertakes an annual review of its remit and terms of reference and submits to the NHS Board for approval.	Yes	
The Committee has been provided with sufficient membership, authority and resources to perform its role effectively and independently?	Yes	
In discharging its role, the focus of The Committee is on a devolved decision making Committee of the Health Board which decides on applications received for proposed new Community Pharmacies in the area.	Yes	
Pharmacy Practices Committee - The Committee discharges its role to provide assurance that systems and procedures are in place to make decisions on applications received for proposed new Community Pharmacies in the area in accordance with regulation 7 of the Health Board (membership and Procedure) (Scotland) Regulations 2001(a) and the provisions of Schedule 4 (the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009, as amended).	Yes	
The Committee regularly reviews the strategic risks relevant to its remit and seeks assurance on mitigating controls and actions	Yes	
The Committee identifies further risk for consideration and escalation from the papers presented and discussion.	Yes	
The committee receives internal audit reports relevant to its remit and monitors progress against recommendations.	NA	The Committee receives feedback from the National Appeal Panel regarding appeals received.

The Committee has visibility of the mechanisms that are in place to monitor all aspects of its remit.	Yes	
The work of the Committee enables it to assure the Board that policies and procedures which are monitored, as relevant to the Committee's remit, are robust.	Yes	
The Committee links well with other Board committees and the Board itself, and opportunities are taken to share information, learning and good practice.	Yes	
The Committee produces an annual work plan.	No	The Committee identifies priorities for each year in its Annual Report as workload is dependent on applications received.
The Committee periodically assesses its own effectiveness.	Yes	
Committee Meetings, Support and Information	Yes / No / NA	Comments
The Committee has a designated secretariat	Yes	Support provided from the Primary Care Management Team and minuting services are provided by Scottish Health Services Centre
The committee meets regularly, at least four times a year, and this is set out in the Terms of Reference.	No	The Committee will meet four times per year as a minimum and as further required on receipt of competent applications for new pharmacy contracts.
The scheduling of those meetings is appropriate to meet the body's business and governance needs	Yes	
The length of Committee meetings is appropriate to allow the Committee to discharge its role.	Yes	
Papers presented to the Committee are of a high standard and an effective format and ensure that members have access to appropriate information	Yes	
The Committee receives adequate information in relation to national policy and direction to enable it to fulfil its role and responsibilities.	Yes	
The Committee agenda is well managed and ensures that all topics within the remit are considered.	Yes	

The agenda and papers are circulated in advance of meetings to allow adequate preparation by committee members and attendees.	Yes	
Minutes are prepared and circulated as set out in the Terms of Reference.	Yes	Minuting Services for Hearings are currently provided by Scottish Health Services Centre
The Committee provides an effective annual report on its own activities.	Yes	
An action log/matters arising are well managed and indicate who is to perform what and by when.	NA	A briefing is prepared for each hearing
Committee Membership and Dynamics	Yes / No / NA	Comments
Chair and Membership of the committee has been agreed by the NHS Board and a quorum set	Yes	Quorum set as per NHS Pharmaceutical Regulations
A Vice Chair of the Committee has been proposed by the Chair and agreed by Committee.	Yes	Vice chair is agreed by the NHS Board chair and appointed by the NHS Board
Membership of the Committee is appropriate with the correct blend of skills, knowledge and experience.	Yes	
All members of the Committee contribute to its deliberations on an informed basis.	Yes	Only members entitled to vote are Lay Members with the exception of when there is an equality of votes then the Chair shall have the casting vote.
Committee members are offered an appropriate induction on joining and development opportunities to support them in undertaking their role.	Yes	CLO Training provided for new Chair and Vice Chair in March 2021.
The leadership of the Committee by the Committee Chair is effective and supports input from all members.	Yes	
Committee members attend meetings on a regular basis and if not this is reported to the Board Chair for action.	NA	Committee members are selected to ensure the Committee will be quorate to determine pharmacy applications
The Accountable Officer and other senior officers normally attend the committee as considered appropriate, as noted in the terms of reference.	NA	
Support provided to the Committee by executives and senior management is appropriate.	Yes	

Annual Report for Pharmacy Practices Committee 2021 - 2022

1. Introduction

- 1.1 The report sets out the activities of the Pharmacy Practices Committee during 2021-2022 and how it has fulfilled its remit.

2. Remit

- 2.1 The Committee's Terms of Reference are detailed at Appendix 2 of this paper.

3. Membership

- 3.1 The membership of the Committee is defined in The National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009 as amended and detailed in the attached terms of reference of the Committee.
- 3.2 The Pharmacy Practices Committee is chaired by Ms Linda Semple, Non-Executive member of the Board and Mrs Jean Ford is the Deputy Chair. Mrs Ford is also a Non-Executive member of the Board
- 3.3 The current pharmacy contractor and non-contractor representatives on the Committee during 2021-2022 were:

Allan Wilson (Pharmacy Non Contractor Member)
Joyce Mitchell (Pharmacy Non Contractor Member)
Alexandra McMillan (Pharmacy Non Contractor Member)
Janice Gallagher (Pharmacy Contractor Member)
Vacancy (Pharmacy Contractor Member)
John Connelly (Pharmacy Contractor Member)
Faiza Yousaf (Pharmacy Contractor Member)
Stuart Burns (Pharmacy Contractor Member)
David Noon (Pharmacy Contractor Member)
Andrew McMurdo (Pharmacy Contractor Member)
Mo Ameen (Pharmacy Contractor Member)

Pending Members – awaiting training

Sam Falconer
Kerr Maconochie
Louisa Burns
Alyson Stein
(all pharmacy members)

During 2021-2022 the following Pharmacy Practice Committee members retired and the Committee would like to express their gratitude for their support and commitment over the previous years.

Diane Lamprell - April 2021
Joy Chamberlain - September 2021
Wallace Stevenson – December 2021

3.4 The current lay members on the Committee are:

Canon Matt McManus
Pauline Hamilton
Donald Osborne
Margaret Clark
John Hunter

A recruitment campaign for new lay members is under way

3.5 Representatives from other Health Board areas continue to be co-opted to NHS Ayrshire and Arran to ensure, that if there is a requirement for a hearing to be reconvened and there is a shortage of available members, that these can continue to be heard by an independent panel and consist of :

Yvonne Williams (Pharmacy Contractor Member - Lanarkshire)
Catherine Stitt (Pharmacy Contractor Member - Lanarkshire)
Kenneth Irvine (Pharmacy Contractor Member – Greater Glasgow and Clyde)
Scott Bryson (Pharmacy Non Contractor Member – Greater Glasgow and Clyde)
John Woods (Lay Member – Greater Glasgow and Clyde)
Stewart Daniels (Lay Member – Greater Glasgow and Clyde)

4. Meetings

4.1 The Committee held a virtual hearing in June 2021 and also met in person on 2 November 2021 for a full hearing. Details below:-

June 2021 – Application for minor relocation of Gallagher Pharmacy from current premises at 13 New Street, Stevenston to new premises at 33 New Street, Stevenston. Application granted

November 2021 – Application for a proposed new pharmacy in Monkton. Application granted but appealed. The National Appeal Panel has requested the Committee be reconvened to clarify its decision and this will take place on 1st June 2022.

5. Committee Activities

5.1 The process for the consideration of applications for proposed new pharmacies resumed in late 2021. With the first hearing taking place on 2 November 2021 in the Park Hotel, Kilmarnock to allow enough space to comply with social distancing requirements.

6. Priorities for 2022/2023

- 6.1 The priority of the Committee for the next year is to hear as many applications as possible and work with the Primary Care Team in addressing the backlog of applications which have been delayed as a result of Covid-19 pandemic.
- 6.2 Focus will also be placed on undertaking a recruitment programme during 2022 to attract new lay members to the Pharmacy Practices Committee to ensure succession planning following the possibility of retirements/resignations when the current term of office expires in 31 December 2022. We are undertaking this exercise in partnership with the Boards Volunteer Manager.

7. Chairs Comments

- 7.1 Once again, the Committee has been unable to meet this year in person as frequently as we would have liked due to guidance received from the Scottish Government regarding social distancing in light of the COVID-19 pandemic. The PPC are well aware of the frustration this has continued to cause for potential applicants. It should be noted that staff worked extremely hard to try and find safe and appropriate solutions; therefore, it was an achievement that the committee was able to convene for one hearing during 2021/2022

I would like to assure the applicant(s) and the Board that options are actively being explored to ensure that all outstanding applications are being taken forward as soon as possible, ongoing COVID regulations permitting.

Our lay members are valued members of our Committee who give generously of their personal time to both engaging with and developing a robust understanding of the complex Control of Entry Regulations. Further, in discharging their role as Lay Members of the Pharmacy Practices Committee, they each engage fully with the applications that are received, as well as the detailed supporting evidence, to contribute to the robust and rational decision-making processes that have underpinned the current provision of Pharmaceutical Services in Ayrshire and Arran. I would like to commend once again their patience during what has been a second complex and difficult year for us all.

In particular, I would like to thank the staff managing the PPC for their efforts to organise us within the constraints of a second pandemic-affected year. They have once again been tireless in their attempts to find workable solutions.

**Linda Semple, Non-Executive
Chair – Pharmacy Practices Committee
5 May 2022**

Pharmacy Practices Committee Terms of Reference

1. Introduction

The Board shall in accordance with regulation 7 of the Health Boards (membership and Procedure)(Scotland) Regulations 2001(a) and the provisions of Schedule 4 (The National Health Service (Pharmaceutical Services)(Scotland) Regulations 2009, as amended) establish a committee (to be known as “the Pharmacy Practices Committee.)

2. Membership (Para 3 of Schedule 4)

The Pharmacy Practices Committee shall consist of seven members:

Chair

“one shall be the chair appointed as such by the Board; the chair shall be a member of the Board but shall not be an officer of the Board nor shall the chair be, nor previously have been, a doctor, dentist, ophthalmic optician or pharmacist or the employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist;”

Pharmacist Members

“one shall be a pharmacist whose name is not included in any pharmaceutical list and who is not the employee of a person whose name is so listed; and such pharmacist shall be appointed by the Board from persons nominated by the Area Pharmaceutical Committee;”

“two shall be pharmacists each of whom is included in a pharmaceutical list or is an employee of a person whose name is so listed; and each shall be appointed by the Board from persons nominated by the Area Pharmaceutical Committee;”

Lay Members

“three shall be persons appointed by the Board otherwise than from the members of the Board but none shall be nor previously have been a doctor, dentist, ophthalmic optician or a pharmacist, or an employee of a person who is a doctor, dentist, ophthalmic optician or pharmacist.”

Where the premises that are the subject of the application are located in the same neighbourhood as premises from which a dispensing doctor dispenses then the PPC shall have an additional member appointed by the Board from persons nominated by the Area Medical Committee – A GP Representative.

Deputy PPC Members

“Persons to act as deputies for, and corresponding in number to, each of those categories of person appointed shall, provided they satisfy the criteria specified in that sub-paragraph, be appointed by the Board and in the absence of any of those persons a deputy from the appropriate category shall be entitled to act in the absent person’s place.”

Term of office – three years

3. Quorum

The Committee will be quorate with 5 members present.

- The chair, or person acting as chair
- One Non-Contractor Pharmacist
- One Contractor Pharmacist
- Two Lay Members

4. Reporting Arrangements

The Pharmacy Practices Committee shall within ten working days of taking its decision give written notification of it to the Board with reasons for that decision. **The Chief Executive, on behalf of the Board, accepts the notification of the PPC decision.**

The Board shall, within five working days of having been notified, by the PPC, intimate to the applicant and the other persons the decision on the application, the reasons for it, and any right of appeal applicable.

5. Role and Function

The Pharmacy Practices Committee shall on behalf of the Board exercise the functions of the Board in terms of regulation 5(10) and paragraph 3 of Schedule 3 (2009 Pharmacy Regulations as amended).

Consider a New Pharmacy contract, having regard to:

- Pharmaceutical services already provided in the neighbourhood of the premises named in the application by persons whose names are included in a pharmaceutical list;
- Pharmaceutical services to be provided in the neighbourhood at these premises by any person whose name is included in the provisional pharmaceutical list;
- Any representations received by the Board under paragraph 1: The Board shall within 10 working days of receiving an application to which regulation 5 (10) applies, give written notice of the application to;
 - (a) the Area Pharmaceutical Committee;
 - (b) the Area Medical Committee;
 - (c) any person whose name is included in the pharmaceutical list or the provisional pharmaceutical list and whose interests may, in the opinion of the Board, be significantly affected if the application were granted;
 - (d) any Board whose boundary is within two kilometres of the proposed premises, and any person or body so notified may, within 30 days from the date on which the notification was sent to such person or body, make written representations about the application to the Board.
- Any information available to the Board which, in its opinion, is relevant to the consideration of the application
- Any responses received following consultation in accordance with paragraph 2: Any Board which is notified under sub-paragraph (1)(d) above shall, within ten working days, give written notice of the application to –
 - (a) its Area Pharmaceutical Committee
 - (b) its Area Medical Committee
 - (c) any person whose name is included in its pharmaceutical list or the provisional pharmaceutical list and whose interests may, in the opinion of the said Board be significantly affected if the application were granted, and any person so notified may, within 30 days from the date on which the

notification was sent to the said Board make written representations to the Board to whom the application was made.

6. Objectives

The Pharmacy Practices Committee shall on behalf of the Board exercise the functions of the Board in terms of regulation 5(10); An application made in any case other than one to which paragraph (3) or(4) applies shall be granted by the Board, after the procedures set out in Schedule 3 have been followed, only if it is satisfied that 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 in which the premises are located by persons whose names are included in the pharmaceutical list, and paragraph 3 of Schedule 3; Determination of Applications, as above.

7. Voting

Every application considered by the PPC shall be considered by all members present, but shall be determined only by a majority of votes of the members present who are entitled to vote. Only those appointed under paragraph 3(1)(c) (Lay Members) are entitled to vote. The Chair shall not be entitled to vote except where there is an equality of votes of the other persons present, in which case the chair shall have the casting vote.

8. Agendas and Papers

Agenda and Papers are prepared in accordance with the structure of the Pharmacy Practices Committee and are provided to the Committee, the applicant and any other interested party in advance of the hearing.

9. Frequency of Meetings

The Committee will meet four times per year as a minimum and as further required on receipt of a competent application for a new pharmacy contract.

10. Support

Support will be provided from the Primary Care Management Team.

11. Review

The Terms of Reference will be reviewed on an annual basis, or as required by new Regulations coming into force.

Version:	Date:	Summary of Changes:	Approved by
01.0	Feb-2013	First published	
01.1	April 2014	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	
01.2	April 2015	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	
01.3	April 2016	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	
01.4	April 2017	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	
01.5	April 2018	Reviewed by Anne Shaw Primary Care Manager - Pharmacy No change	
01.6	April 2019	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	

01.7	April 2020	Reviewed by Anne Shaw Primary Care Manager- Pharmacy No change	
02.0	April 2021	Reviewed by Anne Shaw Primary Care Manager- Pharmacy and Shona McCulloch Head of Corporate Governance Reformatted order of sections in line with Board governance committees	NHS Board 2021
03.0	April 2022	Reviewed by Anne Shaw Primary Care Manager – Pharmacy No change	
04.0	May 2022	Change to Terms of Reference – item 9 updated to reflect that PPC will meet four times per year as a minimum. Previously committee only met as required on receipt of a competent application.	NHS Board TBC