

NHS Ayrshire & Arran



Meeting: Ayrshire and Arran NHS Board

Meeting date: Tuesday 23 May 2023

Title: Pharmacy Practices Committee Annual Report 2022-2023

Responsible Director: Craig McArthur, Director of East Ayrshire Health and Social Care Partnership

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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 Ayrshire and Arran 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 report is 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
- Activities undertaken by the Committee during the year 2022-2023

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 2022-2023. Board Members are also asked to approve the amended PPC Terms of Reference.

3. List of appendices

Appendix 1 - Pharmacy Practices Committee Annual report 2022- 2023

Appendix 2 - Pharmacy Practices Committee Terms of Reference

Annual Report for Pharmacy Practices Committee 2022 - 2023

1. Introduction

- 1.1 The report sets out the activities of the Pharmacy Practices Committee during 2022- 2023 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 2022-2023 were:

Kirstie Church	(Pharmacy Non Contractor Member)
Alyson Stein	(Pharmacy Non Contractor Member)
Allan Wilson	(Pharmacy Non Contractor Member)
Stuart Burns	(Pharmacy Contractor Member)
John Connelly	(Pharmacy Contractor Member)
Janice Gallagher	(Pharmacy Contractor Member)

Membership currently under review with Area Pharmaceutical Professional Committee

Mo Ameen	(Pharmacy Contractor Member)
Sam Falconer	(Pharmacy Contractor Member)
Kerr Maconochie	(Pharmacy Contractor Member)
David Noon	(Pharmacy Contractor Member)

During 2022-2023 the following Pharmacy Practice Committee pharmacy members retired and the Committee would like to express their gratitude for their support and commitment over the previous years.

Louisa Burns	–	January 2023
Joyce Mitchell	–	June 2022
Alexandra McMillan	–	September 2022
Andrew McMurdo	–	December 2022
Faiza Yousaf	–	December 2022

3.4 The current Public Committee (Lay) members on the Committee are:

Canon Matt McManus
Margaret Clark

During 2022-2023 the following Pharmacy Practice Committee Public Committee (Lay) members retired and the Committee would like to express their gratitude for their support and commitment over the previous years.

Pauline Hamilton	–	August 2022
John Hunter	–	June 2022
Donald Osborne	–	December 2022

Following a successful recruitment campaign for Public Committee (Lay) members the following new members are awaiting training:

Christopher Hault
James Smith
Jacqueline Morris

3.5 Representatives from other Health Board areas continue to be co-opted to NHS Ayrshire & 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

Catherine Anderton (Public Committee (Lay) Member – Greater Glasgow and Clyde)
Stewart Daniels (Public Committee (Lay) Member – Greater Glasgow and Clyde)
John Woods (Public Committee (Lay) Member – Greater Glasgow and Clyde)

Membership currently under review with Area Pharmaceutical Professional Committee

Kenneth Irvine (Pharmacy Contractor Member – Greater Glasgow and Clyde)
Catherine Stitt (Pharmacy Contractor Member - Lanarkshire)
Yvonne Williams (Pharmacy Contractor Member - Lanarkshire)

During 2022-2023 the following Pharmacy Practice Committee co-opted members retired and the Committee would like to express their gratitude for their support and commitment over the previous years

Scott Bryson – December 2022

4. Meetings

- 4.1 The Committee met in person on 2 occasions in June 2022 and in February 2023 for a full hearing. Details are below:-

June 2022 - Application for a proposed new pharmacy in Monkton. Application granted but appealed and panel requested by National Appeal Panel to reconvene to clarify its decision. The Pharmacy Practice Committee issued a new decision with greater clarity and the application was granted. This decision was subsequently appealed which was then dismissed by the National Appeal Panel and is now under judicial review with the outcome awaited.

February 2023 - Application for a proposed new pharmacy in Kilmarnock. Application not granted and not appealed.

5. Committee Activities

- 5.1 The process for the consideration of applications for proposed new pharmacies resumed in late 2021 and focus is now on training new members and hearing applications.

6. Priorities for 2023/2024

- 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 training and shadowing opportunities for the new Public Committee (Lay) members during 2023 to ensure succession planning following the recent retirements/resignations.
- 6.3 Membership is currently under review for pharmacy members and this will be confirmed in due course to ensure succession planning following the recent retirements./resignations.

7. Chair's Comments

- 7.1 It was reassuring to have a year when it was possible to begin hearing applications once again in person. I should like to repeat my comments from the last report thanking Anne Shaw, Carolyn Dickson, and their support staff for the significant hard work and commitment they bring to the challenges of keeping the Pharmacy Practices Committee processes running smoothly and effectively.

A number of our Public Committee (Lay) members who are highly valued members of our Committee and who give generously of their personal time retired this year and their service is gratefully acknowledged in this report. I welcome the appointment of new Lay members to the committee.

There are many applications at various stages of maturity and the team are, once again, working tirelessly to speed them through the process. I should like to thank Jean Ford for her work as Vice Chair in deputising and providing a much-needed extra pair of hands when applications are to be heard.

2023-24 promises to be equally challenging. The results of the Judicial Review into the Monkton decision will impact on our processes whatever the outcome and may be important to the system more generally across Scotland.

I commend this report to the NHS Board.

Linda Semple, Non-Executive
Chair – Pharmacy Practices Committee
26 April 2023

Pharmacy Practices Committee Committee effectiveness checklist for 2022/2023

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 Public Committee (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 is provided for new members and shadowing opportunities to observe
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	

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, given 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 23/05/2023
04.1	April 2023	Reviewed by Anne Shaw Primary Care Manager – Pharmacy. No change	NHS Board date TBC