

## CONSULTATION RESPONSE FORM

### Consultation Proposals - Part 1

#### Control of Entry (Pharmacy Applications) and Dispensing GP Practices

##### The stability of NHS services in remote and rural areas

###### Proposal 1:

The Scottish Government proposes amending legislation that will introduce the designation of '*controlled remote, rural and island localities*' for the purposes of considering pharmacy applications in these areas of Scotland and introducing a 'Prejudice Test' in addition to the test of 'necessary or desirable' (the adequacy test).

Do you agree with this proposal?

Yes

No

Please tell us the reason for your answer in the box below

###### Proposal 2:

The Scottish Government proposes that the designation of an area as a '*controlled remote, rural and island locality*' should be reviewed periodically by NHS Boards so that NHS provided or contracted services are responsive to population changes, and changing healthcare needs and priorities both locally and nationally. It is proposed that the review should be carried out at a minimum of every three years.

Do you agree with this proposal?

Yes  No

Please tell us the reason for your answer in the box below

**Proposal 3:**

The Scottish Government is of the view that people living in remote, rural and island areas should have access to NHS pharmaceutical services and NHS primary medical services that are no less adequate than would be the case in other parts of Scotland.

Where the dispensing by a GP practice is necessary, it should be supplemented with pharmaceutical care provided by a qualified clinical pharmacist sourced by the NHS Board to ensure the person-centred, safe and effective use of the medicines. NHS Boards would be required to develop local plans sensitive to local circumstances to achieve this.

Do you agree with this proposal?

Yes x No

Please tell us the reason for your answer in the box below

**Consultation Proposals - Part 2**  
**Wider Pharmacy Application Processes**

The proposals discussed in Part 2 apply to all applications to open a community pharmacy whether in a remote, rural or island area, or in other parts of Scotland.

**Public consultation and the community voice**

**Proposal 4:**

The Scottish Government proposes that the regulatory framework going forward will look to include a community representative among those who should be notified, as an 'interested party or persons', of any application to open a community pharmacy in the locality. The community would therefore in statute be considered as a body or party whose interests may be significantly affected by the pharmacy application.

This would be a nominated representative from, for example, the local Community Council or the local Residents Association or another appropriate local community representative body recognised by the NHS Board.

As an 'interested party' the community representative would be entitled to make written representations about the application to the Board to which the application is made within 30 days of receipt of the Board's notification of the application.

**In addition, where the NHS Board PPC decides to hear oral representations, the community representative will be entitled to take part, together with the applicant and the other interested parties, and would be given reasonable notice of the meeting where those oral representations are to be heard. Once each interested party, including the community representative, has presented their evidence in turn they would then leave the hearing leaving the PPC to consider all the evidence presented.**

**As an ‘interested party’ the community representative will also have a right of appeal against the decision of the NHS Board PPC to represent the views of the local community.**

**Do you agree with this proposal? Yes  No**   
**Please tell us the reason for your answer in the box below**

I think this proposal is unnecessary and fraught with problems that could significantly undermine the integrity of the process.

It is unnecessary because the existing regulations were developed with Public Consultation in mind and contain a raft of processes that ensure that any application for a new pharmacy will have been given ample opportunity to gather in a broad and balanced representation of the views of the local community in the form of letters, surveys, public meetings, communities groups viewpoints etc. These representations are drawn together and presented to the decision making body to enable them to take a broad and balanced view of the wishes of the community.

The addition of a Community Representative will in my opinion undermine the integrity of the well developed Public Consultation process. How is it possible for any single representative to present a balanced view of the wishes of the community and how will he/she be selected ?

Interested parties must be within a radius of 2Km of the proposed premises which consequently embraces quite a large geographical area and , particularly in densely populated areas, this will encompass a diverse range of community interest groups such as community councils, housing associations, elderly groups, mother toddler groups and many more and of course the biggest group of all – those residents who aren’t represented by any of these communities of interest. How is it possible to select an individual who will truly represent the wishes of such a broad community and at the same time guarantee that such an individual won’t allow his own specific views and interests to prejudice the views of the wider community ? To me this is a recipe for major contention within the confines of the meeting which will decide the outcome of the application and the presence of such a representative will not only cloud the judgement of the panel but also needlessly extend the duration of the meeting.

And how would such an individual be selected ? At the Public consultation meeting ? This meeting is called and organised by the applicant and tends to be dominated by the applicant’s supporters and is therefore not representative. Will everyone in the community be polled and asked to choose from a list of representatives ? this would be an expensive and time-consuming process and in any event wouldn’t guarantee an impartial representative as the selected individual will, as in politics, be tainted by the interests of the specific group he/she represents.

In summary , the existing Public Consultation process is fair and balanced and this proposal is a retrograde step that will undermine its integrity and consequently should be rejected

**Proposal 5:**

The Scottish Government is of the view that in the future PPC hearings should be handled in such a way so that no one person or organisation is able to dominate the entire hearing. This might include options such as limiting the time allocated to give oral representations or the issuing of guidance to PPCs. The Scottish Government thinks that all PPC meetings in future should follow a standard process in the management of PPC Hearings.

Do you agree with this proposal?

Yes No x

Please tell us the reason for your answer in the box below

The present guidelines provide a standard process for PPC hearings. It is already incumbent on the chairman to progress the meeting in a way that does not allow an individual to dominate the meeting. Further time restrictions would be unfair as different representatives will, and should be allowed to voice, different levels of information to the PPC that they think relevant.

**Proposal 6:**

The Scottish Government proposes that going forward those assisting in oral representations by the applicant, the community and other interested parties in attendance are able to speak on behalf of those they are assisting.

Do you agree with this proposal?

Yes

No

Please tell us the reason for your answer in the box below

This would adversely affect the length of time involved in presenting a case to the PPC. The present guidelines allow for assistance to those presenting their case to the PPC . If those assisting were to be allowed to speak directly to the PPC then there is a danger of 'professional' assistants being given time to present at meetings, which I think could prejudice the outcome.

#### Proposal 7:

The Scottish Government proposes that going forward those applying to open a pharmacy, for the purpose of providing NHS pharmaceutical services, should first enter into a pre-application stage with the NHS Board to determine whether there is an identified unmet need in the provision of NHS pharmaceutical services.

This would assist NHS Boards in determining the urgency of the demand for NHS pharmaceutical services identified by the applicant. NHS Boards Pharmaceutical Care Services Plans would need to reflect an assessment of service gaps and where need is most urgent.

Where an application proceeds, the applicant must be able to provide evidence to the NHS Board and the affected communities that every effort has been made to publicise the intention to open a community pharmacy and to consult and obtain responses from residents in the associated neighbourhood. Also, the notice must be advertised in a newspaper and all circulating local news free-sheets and newsletters in the neighbourhood in order to reach the vast majority of residents.

NHS Boards will also be required to do the same level of advertising in relation to its consultation activities.

Do you agree with this proposal?

Yes  No

Please tell us the reason for your answer in the box below

I think this extra stage would be desirable in saving time and money by reducing the need to consider and possibly re-consider speculative applications with little or no evidence submitted to support the application. However the process of pre assessment must be structured and open to remove any possible doubts as to why decisions are arrived at.

#### Proposal 8:

The Scottish Government proposes that going forward NHS Boards specify to what extent the views of the community have or have not been taken into account in their published decisions on the outcome of a pharmacy application.

Do you agree with this proposal?

Yes x No

Please tell us the reason for your answer in the box below

I think this should continue as is the case at the moment. The response to the public consultations are documented already in the arrival at the decision of the PPC.

### Securing NHS pharmaceutical services

#### Proposal 9:

The Scottish Government considers that NHS Boards should be able to take into account how NHS pharmaceutical services would be delivered in practice in the long term after an application has been received. This includes taking into account the financial viability of the pharmacy business proposed. This is an important factor in securing these services in the long term.

Do you agree with this proposal?

Yes X No

Please tell us the reason for your answer in the box below

It is a problem at the present that an applicant can 'promise the earth' to secure a new contract ,but there is no process involved that once a contract is awarded that these promises are fulfilled. I think this should be addressed to ensure that new contracts do indeed fulfil any services that were proposed and considered in the award of such a contract.

### Timeframes for reaching decisions

#### Proposal 10:

The Scottish Government proposes that going forward the regulatory framework would require NHS Board PPCs to make a decision within 6 weeks of the end of the public consultation process and the NAP to make a decision within 3 months upon receipt of an appeal (or appeals) being lodged.

In more complex cases the timeframe would be made extendable where there is a good cause for delay.

Do you agree with this proposal?

Yes x No

Please tell us the reason for your answer in the box below

**Expert advice and support to PPCs during deliberations**

**Proposal 11:**

The Scottish Government proposes that going forward the regulatory framework would make provisions for the appropriate role of an independent legal assessor acting in a supporting and advisory capacity, including providing advice and guidance on technical and legal aspects of the application process during PPC deliberations.

Do you agree with this proposal?

Yes x No

Please tell us the reason for your answer in the box below

**This would provide an assurance that the decision of the PPC would be validated legally, and not have to be referred either on to the NAP or back to the PPC on a technical issue.**