

## Brighton and Hove City Council

### Policy and Equalities Impact Assessment Process for Reviewing NHS England Pharmacy Applications

The Health & Social Care Act 2012 stated that the Health & Wellbeing Board should ensure there is a Pharmaceutical Needs Assessment (PNA) of its area in place and that the assessment reflected the needs of the area. Any changes should be reviewed and the necessary report provided to NHS England. The PNA is overseen by the Public Health Team and the PNA steering group on behalf of the Health and Wellbeing Board.

The PNA is a comprehensive statement of the need for pharmaceutical services of the population in its area. The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”) set out the legislative basis and requirements of the Health and Wellbeing Board for developing and updating the PNA as well as the responsibility of NHS England in relation to “market entry”.

If there is a termination of a pharmacy contract, consolidation and / or closure of a pharmacy, the **HWBB must publish a supplementary statement** if the closure or consolidation **does not create a gap** in pharmaceutical services.

**NHSE must refuse an application if it would create a gap** in pharmaceutical services.

When applications are received for representations by the HWBB the following short Equality Impact Assessment (EIA) template should be completed. The EIA process provides the details by which consolidations of pharmacies and closures will be assessed in order to ascertain whether there will be a gap in pharmaceutical services.

The Health and Adult Social Care (HASC) Directorate public health team will be responsible for completing the assessment and the Pharmaceutical Needs Assessment Steering Group<sup>1</sup> will approve the final version and make a recommendation to the HASC Directorate Management Team for sign off on behalf of the Health and Wellbeing Board, regarding the representation that the Health and Wellbeing Board should make to NHSE.

The EIA can be included as part of the formal representation by the HWBB to NHSE, who may also undertake their own EIA.

## Short Equality Impact and Outcome Assessment (EIA) Template - 2019

**EIAs make services better for everyone and support value for money by getting services right first time.**

EIAs enable us to consider all the information about a service, policy or strategy from an equalities perspective and then action plan to get the best outcomes for staff and service-users<sup>1</sup>. They analyse how all our work as a council might impact differently on different groups<sup>2</sup>. They help us make good decisions and evidence how we have reached these decisions.

See end notes for full guidance. Either hover the mouse over the reference number which is the end note link (eg: ID No. [6](#)) or use the hyperlinks ('Ctrl' key and left click).

**For further support or advice please contact the Communities, Equality and Third Sector Team on ext 2301.**

### 1. Equality Impact and Outcomes Assessment (EIA) Template

Title of EIA <sup>3</sup>	Boots 119-120 London Road 6 month suspension of provision	ID No. <sup>4</sup>	
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<sup>1</sup> The PNA Steering Group is chaired by a Consultant in Public Health and its membership includes representatives from the Clinical Commissioning Group (CCG), NHS England, Local Pharmaceutical Committee, Healthwatch and BHCC public health team.

<b>Team/Department<sup>5</sup></b>	<b>Public Health</b>
<b>Focus of EIA<sup>6</sup></b>	<ul style="list-style-type: none"> <li>• To identify whether any gaps in pharmacy service provision will arise relating to people who share a legally protected characteristic (see endnote 2) from the closure of a pharmacy or consolidation of two pharmacies or any opportunities to increase or improve provision</li> <li>• To review whether there is a detrimental impact on local residents as a whole, or any particular group – in terms of access, provision of advanced and enhanced pharmacy services and health &amp; wellbeing needs.</li> <li>• To provide assessment to inform the HWBB representation to NHSE, the pharmacy commissioner, as to whether any gap will arise.</li> </ul> <p>This EIA is focussing on the impact of the suspension of the pharmacy service at Boots, 119-120 London Road on people with protected characteristics and local residents as a whole. NHSE has approved a Boot's request, in accordance with national pharmacy regulations, to suspend the service for up to 6 months from September 20<sup>th</sup> 2019 to enable Boots to find new premises, as the current premises will no longer be available for them to use This has been agreed in accordance with Section 29.4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulation 2013.</p> <p>Previous EIAs have been conducted for the HWB to appraise the impact of pharmacy consolidations. This is the first one to focus upon the impact of a temporary suspension of a service, which is effectively a closure of up to 6 months of London Road Boots, and aims to assess whether this will result in a gap in pharmacy services.</p>

### **Assessment of overall impacts and any further recommendations<sup>7</sup>**

For clarity all disproportionate impacts on specific groups with protected characteristics and other groups are highlighted in the single section below.

## Overall impacts and notes:

- E.g. distance between pharmacies after consolidation or closure
- E.g. access for people with physical disabilities
- E.g. provision of specialist services like chlamydia screening, condom distribution or emergency contraception and likely impact on women and young people in particular
- E.g. likely impact of changes in opening hours on specific groups, such as older people and full time employees

### **Distance between pharmacies**

There are currently eight pharmacies within 0.5 miles from Boots at 119-120, London Road. One of these is Well Pharmacy which is located on Oxford Street, adjacent to Boots on London Road. The seven pharmacies are:

- Well Brighton, Oxford Street. – 0 miles away
- Ross Pharmacy, York Place, Brighton – 0.2 miles away
- Kamsons Pharmacy, 1a Lewes Road, Brighton – 0.3 miles away
- Kamsons Pharmacy, 74- 76 Elm Grove, Brighton – 0.4 miles away
- O’Flinn Pharmacy, 77-78 Islingword Road, Brighton – 0.5 miles away
- Kamsons Pharmacy, 88 Beaconsfield Road, Brighton - 0.5 miles away
- Ashtons Late Night, 98, Dyke Road, Brighton – 0.5 miles away
- Boots Pharmacy, 129 North St, Brighton – 0.5 miles away

### **Access for people with physical disabilities**

Boots London Road provides wheelchair and step free access for physically disabled people, and an induction loop. The nearest pharmacies providing comparable disabled access are Ross Pharmacy, York Place which has wheelchair and step free access and a text relay and signing service; and Kamson pharmacy, 1a Lewes Road, which has wheelchair and step free access.

### **Provision of specialist services**

The specialist services currently provided by Boots London Road include:

- Emergency contraception
- Seasonal Flu vaccinations
- Anticoagulation monitoring
- Medication Use reviews
- Smoking cessation

The nearest pharmacies to Boots providing Emergency contraception are Ross Pharmacy (York Place), and Kamsons Pharmacies (1a Lewes Road and Elm Grove).

Seasonal Flu vaccinations for at risk groups are provided at Well Pharmacy, Ross Pharmacy, O’flinn and Kamson Pharmacies

Anticoagulation monitoring is provided at O’flinn Pharmacy (Islingword Road)

Medication reviews are provided at Well, Ross, O’flinn, Ashtons and Kamson Pharmacies

Smoking cessation services are provided at Well Pharmacy (Oxford Street), Ross Pharmacy (York Place) and Kamson Pharmacies ( 1a Lewes Road, Elm Grove and Beaconsfield Road)

Women will still be able to access Emergency Contraception at nearby pharmacies, and other specialist services provided by Boots are offered at other pharmacies within a half mile radius.

**Changes in opening hours**

Boots London Road is open 8.30am – 6pm Monday –Friday, 8.30 am – 5.30 pm Saturday and 10am – 4pm Sunday

The main reduction in hours seen by patients will be at weekends when the nearest pharmacies are closed on a Sunday and shut at 1pm or 3pm on Saturdays. This impact will be felt the most by people who work full time during the week, however Ashtons Late Night Pharmacy is within half a mile and is open 9am to 10pm seven days a week.

<b>Potential issues</b>	<b>Mitigating actions</b>
<ul style="list-style-type: none"> <li>• Longer waits for dispensing of medicines</li> <li>• Access (physical access to the premises and ability to move within the premises) no/reduced/improved access at combined/new site for people with               <ul style="list-style-type: none"> <li>-sensory impairment</li> <li>- mobility impairment</li> <li>- who are wheelchair users</li> <li>- with learning disabilities</li> <li>- people with mental health problems</li> </ul> </li> <li>• Access – is the distance of travel between pharmacies after a closure or from the old to new consolidated pharmacy, whether worse or an improvement for patients and carers</li> </ul>	<ul style="list-style-type: none"> <li>• More staff required in new/combined pharmacy</li> <li>• Physical adaptations to be made to the building (specify and note what funding is available for these)</li> <li>• Note distance between old and new pharmacy</li> <li>• Note distances from public transport and any options available</li> <li>• Note services to be added/removed/reduced and where else these are available and what benefits will arrive.</li> </ul>

- Worsening / improvement in access to public transport at new/combined site
- Loss of/increase in specialist services in new/combined pharmacy – note likely impacts on specific groups

The main potential issue likely to arise from the closure of Boots for up to 6 months is longer waits for the dispensing of medicines, as all Boots patients will need to use other pharmacies and it is not known what staffing capacity these pharmacies will have to take up the increased demand, however all the local pharmacies have been asked to implement contingency plans to cover any increased business.

The closure will also coincide with the winter period when pressures on health services can increase due to viruses circulating in the population such as seasonal flu, as well as bad weather increasing the risk of injuries.

### **Actions planned<sup>8</sup>**

Recommended representations by HWBB to NHSE

This EIA shows that the temporary closure of London Road Boots will create a period of inconvenience for patients but will not create a significant gap in services. This is because there are other pharmacies nearby that can provide the specialist services currently provided by Boots, largely within the same opening hours and with disabled access. The main negative impact could be a delay in the dispensing of medicines at other pharmacies due to the increased demand, however this may not happen as the local pharmacies have been asked to implement contingency plans to cover any increased business. This may be a particular issue for Well Pharmacy due to its close proximity to Boots in Oxford Street.

It is recommended that the HWB publish an updated supplementary statement to reflect that there will be no gap in service due to the temporary closure of Boots at 119-120 London Road, Brighton.

**EIA sign-off:** (for the EIA to be final an email must be sent from the relevant people agreeing it or this section must be signed)

**Lead Public Health Consultant: Nicola Rosenberg**

**Date: 060919**

**Communities, Equality Team and Third Sector officer: Sarah Tighe-Ford**

**Date: 050919**

## Guidance end-notes

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<sup>1</sup> The following principles, drawn from case law, explain what we must do to fulfil our duties under the Equality Act:

- **Knowledge:** everyone working for the council must be aware of our equality duties and apply them appropriately in their work.
- **Timeliness:** the duty applies at the time of considering policy options and/or before a final decision is taken – not afterwards.
- **Real Consideration:** the duty must be an integral and rigorous part of your decision-making and influence the process.
- **Sufficient Information:** you must assess what information you have and what is needed to give proper consideration.
- **No delegation:** the council is responsible for ensuring that any contracted services which provide services on our behalf can comply with the duty, are required in contracts to comply with it, and do comply in practice. It is a duty that cannot be delegated.
- **Review:** the equality duty is a continuing duty. It applies when a policy is developed/agreed, and when it is implemented/reviewed.
- **Proper Record Keeping:** to show that we have fulfilled our duties we must keep records of the process and the impacts identified.

NB: Filling out this EIA in itself does not meet the requirements of the equality duty. All the requirements above must be fulfilled or the EIA (and any decision based on it) may be open to challenge. Properly used, an EIA can be a tool to help us comply with our equality duty and as a record that to demonstrate that we have done so.

### <sup>2</sup> Our duties in the Equality Act 2010

As a council, we have a legal duty (under the Equality Act 2010) to show that we have identified and considered the impact and potential impact of our activities on all people with 'protected characteristics' (age, disability, gender reassignment, pregnancy and maternity, race, religion or belief, sex, sexual orientation, and marriage and civil partnership.)

This applies to policies, services (including commissioned services), and our employees. The level of detail of this consideration will depend on what you are assessing, who it might affect, those groups' vulnerability, and how serious any potential impacts might be. We use this EIA template to complete this process and evidence our consideration.

**The following are the duties in the Act. You must give 'due regard' (pay conscious attention) to the need to:**

- **avoid, reduce or minimise negative impact** (if you identify unlawful discrimination, including victimisation and harassment, you must stop the action and take advice immediately).
- **promote equality of opportunity.** This means the need to:
  - Remove or minimise disadvantages suffered by equality groups
  - Take steps to meet the needs of equality groups
  - Encourage equality groups to participate in public life or any other activity where participation is disproportionately low
  - Consider if there is a need to treat disabled people differently, including more favourable treatment where necessary
- **foster good relations between people who share a protected characteristic and those who do not.** This means:
  - Tackle prejudice
  - Promote understanding

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<sup>3</sup> **Title of EIA:** This should clearly explain what service / policy / strategy / change you are assessing

<sup>4</sup> **ID no:** The unique reference for this EIA. If in doubt contact Clair ext: 1343

<sup>5</sup> **Team/Department:** Main team responsible for the policy, practice, service or function being assessed

<sup>6</sup> **Focus of EIA:** A member of the public should have a good understanding of the policy or service and any proposals after reading this section. Please use plain English and write any acronyms in full first time - eg: 'Equality Impact Assessment (EIA)'

This section should explain what you are assessing:

- What are the main aims or purpose of the policy, practice, service or function?
- Who implements, carries out or delivers the policy, practice, service or function? Please state where this is more than one person/team/body and where other organisations deliver under procurement or partnership arrangements.
- How does it fit with other services?
- Who is affected by the policy, practice, service or function, or by how it is delivered? Who are the external and internal service-users, groups, or communities?
- What outcomes do you want to achieve, why and for whom? Eg: what do you want to provide, what changes or improvements, and what should the benefits be?
- What do existing or previous inspections of the policy, practice, service or function tell you?
- What is the reason for the proposal or change (financial, service, legal etc)? The Act requires us to make these clear.

<sup>7</sup> **Assessment of overall impacts and any further recommendations**

- Make a frank and realistic assessment of the overall extent to which the negative impacts can be reduced or avoided by the mitigating measures. Explain what positive impacts will result from the actions and how you can make the most of these.
- Countervailing considerations: These may include the reasons behind the formulation of the policy, the benefits it is expected to deliver, budget reductions, the need to avert a graver crisis by introducing a policy now and not later, and so on. The weight of these factors in favour of implementing the policy must then be measured against the weight of any evidence as to the potential negative equality impacts of the policy,
- Are there any further recommendations? Is further engagement needed? Is more research or monitoring needed? Does there need to be a change in the proposal itself?

<sup>8</sup> **Action Planning:** The Equality Duty is an ongoing duty: policies must be kept under review, continuing to give 'due regard' to the duty. If an assessment of a broad proposal leads to more specific proposals, then further equality assessment and consultation are needed.