

**Area Team reference number: 01551**  
**28 April 2014**

## **Pharmacy Enhanced Services Q&A**

### **Who can commission NHS Pharmaceutical Services from community pharmacies?**

NHS England is the only organisation that can commission NHS Pharmaceutical Services. They are therefore responsible for managing and performance monitoring the Community Pharmacy Contractual Framework. This is a regulatory framework based on the Terms of Service set out in the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 and the Pharmaceutical Services (Advanced and Enhanced Services) (England) Directions 2013.

### **What services are defined as Pharmaceutical Services?**

Pharmaceutical Services are those services set out in the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 and the Pharmaceutical Services (Advanced and Enhanced Services) (England) Directions 2013:

Essential services - set out in Part 2, Schedule 4 of the Regulations

Advanced services - set out in the Directions

Enhanced services - set out in the Directions

### **Can NHS England commission a service from pharmacies as an enhanced service that is not included in the directions?**

No. Only those services that are listed within the Directions may be referred to as enhanced services. If NHS England wishes to commission a service not listed within the Directions then it cannot be called an enhanced service and it also falls outside the definition of pharmaceutical services.

### **How can other organisations commission services from community pharmacies?**

Any organisation can commission services from community pharmacies. Those most likely to do so are Clinical Commissioning Groups (CCGs) and Local Authorities (LAs). These services are not part of NHS Pharmaceutical Services as defined by the Regulations and described above and therefore cannot be described as enhanced services. The correct description of these services is "locally commissioned services."

### **Can CCGs and LAs commission services from pharmacies that are similar to those in the directions?**

Yes, however they would not be defined as NHS Pharmaceutical Services and cannot be called enhanced services.

A CCG would need to use the NHS Standard Contract to commission these types of services.

A Local Authority would use its own contract (a public health contract has been developed which Local Authorities are able to use if they wish to).

### **Can a CCG or LA ask an NHS England Area Team to commission a service included in the directions on its behalf?**

They can, however Area Teams are advised not to enter into agreements to commission on behalf of other organisations until there is clarification about co-commissioning. The only exceptions to this are schemes that are included in 'Community Pharmacy: Helping with Winter Pressures' that need to be utilised prior to 1<sup>st</sup> April 2015.

### **What happened to the pharmacy enhanced services that transferred from PCTs to LAs at the end of March 2013?**

The services became the responsibility of the Local Authorities and are no longer defined as pharmaceutical services or enhanced services. Local Authorities need to ensure that appropriate contracts are in place for the 2014/15 financial year.

In December 2013 the NHS Business Services Authority published – "Supply of medicines for public health commissioned services – a factsheet for local authorities" which can be found at:

[http://www.nhsbsa.nhs.uk/PrescriptionServices/Documents/PrescriptionServices/NHS\\_Reforms\\_factsheet\\_5\\_v2.0.pdf](http://www.nhsbsa.nhs.uk/PrescriptionServices/Documents/PrescriptionServices/NHS_Reforms_factsheet_5_v2.0.pdf)

### **What about services that transferred from PCTs to CCGs at the end of March 2013?**

NHS Pharmaceutical Services should not have transferred to CCGs at the end of March 2013. However in some cases they did. Where the services have been managed by CCGs during 2013/14, there are 2 options:

- return the services to the Area Team to manage and commission the services going forward

or

- the CCG can commission the service, as a locally commissioned service, using the NHS Standard Contract. To ensure there are no gaps in service provision, the existing pharmacy enhanced service must be decommissioned by NHS England at the same time that the new arrangements are put in place by the CCG.

All relevant stakeholders such as the Local Pharmaceutical Committees and Health and Wellbeing Boards must be consulted on this process.

### **Can a CCG decommission an NHS Pharmaceutical Service?**

No - a CCG can only decommission a service it has commissioned itself and where the NHS Standard Contract had been used.

### **What are the procurement requirements for Area Teams renewing pharmacy enhanced services?**

Enhanced services that were commissioned by PCTs and that are included in the current Pharmaceutical Needs Assessment (PNA) should be continued unless there is evidence to demonstrate that the need for such services has significantly changed. It is worth noting that where extending an existing agreement, there are some restrictions around the extent by which an existing contract can be extended or amended and Commissioners should seek advice from their local procurement support to ensure they understand the risks for their particular contract.

Where there is evidence of a change in needs for pharmaceutical services then the HWB (or HWBs) is required to decide whether it needs to produce a new PNA. If as a result a new service is needed, Commissioners are required to consider the new NHS (Procurement, Patient Choice & Competition) Regulations 2013. These came into force from 1 April 2013 and apply to NHS health care services commissioned by NHS England, CCGs or any organisation assisting NHS England or CCGs with commissioning. Your local procurement support will be able to advise on the implication of the Regulations on your commissioning process.

### **What contract documentation should be used by Area Teams to commission enhanced services from pharmacies?**

Area Teams should use existing locally developed documentation and service specifications. National arrangements will be considered following responses to the Pharmacy Call to Action.

The Department of Health and the Pharmaceutical Services Negotiating Committee (PSNC) previously developed national template service specifications for a range of Enhanced services. These are available on [the PSNC website](#) and may assist ATs in developing local documentation for enhanced services.

### **If one former PCT in the area that an Area Team covers commissioned an enhanced service, is the Area Team obliged to offer the service to all pharmacies across its geographical area?**

No - services commissioned by Area Teams do not need to be offered to every pharmacy in the area. The basis for commissioning should be in accordance with the relevant PNA(s).

### **Can an Area Team de-commission an enhanced service as part of a cost saving exercise?**

No – enhanced services that are included in the PNA for a particular area must not be decommissioned by an area team unless there is evidence to demonstrate that the need for such services has significantly changed and in those circumstances it is likely that the relevant Health and Wellbeing Board would need to consider amending the PNA.

### **If a CCG has agreed to commission a service that was previously an enhanced service correctly transferred to an Area Team, can the Area Team decommission the service and transfer the funding to the CCG?**

If NHS England is commissioning an enhanced service to fulfil a need identified in the PNA, it cannot delegate the commissioning to a CCG.

**Note on financial arrangements:**

Area Teams and CCGs have now submitted their financial plans for 2014/15 to NHS England. Where it has not been possible to finalise a community pharmacy services, Area Teams and CCGs are asked to agree financial arrangements locally. For 2015/16 Area Team and CCG plans should be reflective of their commissioning intentions.

A PSNC PowerPoint presentation that explains the options available for local commissioning of community pharmacy services is available on the PSNC website.

Primary Care Commissioning  
[england.primarcareops@nhs.net](mailto:england.primarcareops@nhs.net)