



# Community Pharmacy England Minutes

**Dates:** 18th April 2024

**Start time:** 9am

**Location:** 14 Hosier Lane, London, EC1A 9LQ

**Members present:** Sue Killen (Chair), David Broome, Peter Cattee, Ian Cubbin, Phil Day, Marc Donovan, Lindsey Fairbrother, Jas Heer, Clare Kerr, Ifti Khan, Niamh McMillan, Prakash Patel, Beran Patel, Olivier Picard, Adrian Price, Sian Retallick, Anil Sharma, Ian Strachan, Stephen Thomas, Faisal Tuddy, Gary Warner

**In attendance:** Janet Morrison (Chief Executive), Shine Brownsell, Alastair Buxton, Jack Cresswell, Mike Dent, Michael Digby, Daniel Fladvad, Gordon Hockey, Zoe Long, Cathy Monaghan, David Onuoha, Rob Thomas, Adeola Wilson, James Wood, Katrina Worthington

**Apologies:** Apologies for absence were received from Sami Hanna, Tricia Kennerley, Fin McCaul and Jay Patel.

**Papers for report:** The Chair referred to the new set of Governance Papers and Community Pharmacy England's Values and reminded the Committee of the need to focus on what is best for community pharmacy as a whole. The Chair also reminded the Committee on confidentiality, unity, taking responsibility for all Committee decisions and adhering to collective responsibility.

The Chair informed the Committee that the TAPR programme update in the agenda was the final report as this work had concluded. The Chair congratulated all those involved and gave a special thanks to James Wood.

**Conflicts or declaration of interest:** No new conflicts or declarations were made.

**Minutes of the last meeting:** The minutes of the meeting held on 31st January – 1st February 2024 were approved by the Committee, subject to correcting the following two errors:

- Conflicts of interest: amending the word 'appointment' to 'appointed'.
- Subcommittee reports, item 1.6: amending the word 'updated' to 'update'.



**ACTION:** Shine Brownsell to make these corrections in the minutes.

**Matters arising:** The Chair noted the action points from the last meeting which had been completed.

A member who had been unable to attend the previous meeting, requested clarity on the discussion which took place at the previous meeting on proportionality, including the Association of Independent Multiple pharmacies (AIMp) request for two Company Chemist' Association (CCA) seats to be stood down and two AIMp nominees to sit on the Committee. The Chair confirmed that the issue had been fully discussed at the Committee meeting and the majority of the Committee voted in favour of referring this issue to the Governance and People subcommittee, to then advise the Committee on a way forward. The minutes accurately reflected that discussion and decision. Gordon Hockey read an extract from an email he sent to the Chief Executive of AIMp on 6th February 2024 which explained the decision and set out the agreed next steps.

The member commented that the Committee's business model seeks to represent the majority, and to be fair and balanced; however, there were too many CCA seats and that there should instead be an additional two AIMp representatives on the Committee. The Chair explained that the Committee understood that point but to take this forward the Committee had to make a collective evidence-based decision.

The member responded that it mattered that Community Pharmacy England had the right composition, and that for most Committee members, their future and homes were not dependent on the decisions the Committee made. Another member strongly disagreed with this last comment and explained that every Committee member was affected and facing severe financial consequences due to the current climate, and they were all having to make tough decisions to keep their businesses running. It was confirmed that the minutes were an accurate reflection of the previous discussions.

The Chair commented that it was good to see the LPC guest observers the previous day and hoped that they found it was a valuable exercise.

The Chair referred to the Committee update meeting on 2nd April on the negotiations with the Department of Health and Social Care (DHSC) and NHS England (NHSE). The Chair also noted



that negotiation training with PA Consulting had taken place since the last Committee meeting.

The Chair commented that the pressures survey results illustrated the extreme pressure community pharmacies are under.

The Chair commented on tight public finances, inflation and the International Monetary Fund's warnings on debt levels. The Chair asked the Committee to recognise the influence of these factors on our negotiating strategy, along with the timing of the forthcoming general election.

### Item 1: Subcommittee reports

- 1.1 Key points of the discussion at the Resource Development and Finance (RDF) Subcommittee were presented by David Broome. The new KPIs will be sense checked and then reported on for the year.

The following recommendation was approved:

- Sawin and Edwards LLP continue as auditors for the 2023/24 accounts.

Mike Dent confirmed that a formal review of the auditors will take place the following year.

David Broome informed the Committee that two of Hosier Lane's property Trustees were no longer on the Committee. A brief role description will be drawn up; however, subject to this, Adrian Price and David Broome may be willing to become Trustees. It was noted that Peter Cattee will remain as a Trustee.

This did not need formal agreement yet, but there were no objections from the Committee.

- 1.2 Adrian Price provided an update on the Governance and People subcommittee.

Sarah Davis and Ashley Cohen were appointed as LPC representatives alongside Ian Cubbin, Jay Patel, Adrian Price, Gary Warner and Sue Killen will attend as Chair.

There was a comment that resourcing of this work will need to be looked at and there was a suggestion for the Committee to have sight of the workload.



- 1.3 Key points of the discussion at the Service Development (SDS) Subcommittee were presented by Clare Kerr.

There was a discussion about Pharmacy First and what else was required to support the service. Clare thanked the Services Team for the work they had done.

As part of their action list, Committee Members were asked to send in examples of good practice relating to Pharmacy First and to suggest pharmacy team members to participate in webinars to talk about best practice in providing the service.

The subcommittee discussed the C-19 vaccination service and requested that the Committee send any new data to the Services Team that could support the case to increase fees for the service.

Clare noted that the advice audit will launch in June.

- 1.4 Key points of the discussion at the Legislation and Regulatory Affairs (LRA) Subcommittee were presented by Ian Cubbin, including discussion on local or pseudo-DSPs and the regulatory requirements for the introduction of OPD HMR +/-10%; as well as discussion on aspects of NHSE's management of provider assurance or post-payment verification work.

- 1.5 Key points of the discussion at the Funding and Contract (FunCon) Subcommittee were presented by Peter Cattee. The subcommittee expressed its concern over DHSC's plans for concession pricing during the quarter, and noted the analysis presented on margins, fee delivery and Cat M and A pricing.

- 1.6 Key points of the discussion at the LPC and Contractor Support (LCS) Subcommittee were presented by Ifti Khan.

Ifti referred to the LPC colleagues' visit the previous day and felt that it went well.

Committee members were asked to let James Wood to have any feedback.

The subcommittee examined the LPC pay review guidance, which will also be reviewed by the Governance and People subcommittee.

The subcommittee provided input into the draft proposal for the LPC Chairs forum, including the terms of reference. This will be shared with the LPCs and the office will

incorporate their feedback and bring this back to the Committee for approval later in the year.

#### **ACTION:**

- The Sawin and Edwards LLP to continue as auditors for 2023/24 accounts.
- Formal review of Auditors to take place in 2025.
- Further advice to be provided on Hosier Lane property Trustees.
- Committee members were asked to send in examples of Pharmacy First good practice and to suggest pharmacy team members to participate in webinars to discuss best practice.
- Committee members were asked to provide feedback to James Wood on the LPC visit the previous day.

#### **Item 2: Workforce Development Group**

- 2.1 Marc Donovan presented an overview of the community pharmacy workforce development group and its role, priorities and key concerns.
- 2.2 A member commented that the group was delivering good work of use and interest to the sector and Community Pharmacy England and that we have no need to replicate this activity.
- 2.3 The current challenges related to recruitment of trainee pharmacists through Oriel and the difficulties with identifying designated prescribing practitioners were noted. Concern was expressed that the sector would end up with fewer training places than there were students, which could discourage students from embarking upon MPharm programmes.
- 2.4 It was noted that while the funding for trainee pharmacists was going to be increased in 2025/26, the amount was still only slightly above the minimum wage. Marc commented that the workforce development group was exploring how to make community pharmacy a more attractive career option for undergraduates and highlighted an ongoing concern about primary care networks recruiting staff.



- 2.5 A member commented that LPCs were concerned about local workforce issues and that it would be helpful to share the presentation with them and provide an opportunity for them to feedback to the group.
- 2.6 A member suggested the group may want to undertake a webinar to brief pharmacy owners on the work it was doing. As a starting point, Marc agreed to speak on the subject at the next national meeting of LPCs.

**ACTION:** Marc Donovan to speak on the work of workforce development group at the next national meeting of LPCs.

### Item 3: Pressures Survey Highlights

- 3.1 Zoe Long presented the results of the pressures survey.
- 3.2 A member asked how to make this information more impactful. Zoe responded that the team were considering using this information in a number of reports and to include case studies. George Foote will also review what can be done with Parliament. Zoe suggested focusing on the impact on patients, as the public will be concerned about access to medicines.
- 3.3 A member suggested that approaching the 5% of survey respondents who were 'doing OK' could be helpful to understand why they have not been negatively affected.

### Item 4: Political Outlook

- 4.1 Luther Pendragon presented an overview of the political outlook, general election timing and potential political implications and what it meant for Community Pharmacy England and the sector.
- 4.2 A question was posed on the minimum lead time for a general election. As a minimum, 25 days' notice was required before an election is held. The Chair commented that there was limited time available to secure a deal on negotiations with the Government.
- 4.3 A member suggested starting to lobby Labour candidates now and to invite them to pharmacies. Luther Pendragon noted that briefing Prospective Parliamentary Candidates was part of our public affairs strategy and should not preclude us talking to Conservative

candidates as well because they form an important part of our parliamentary ambassadors and supporters.

## Item 5: 2024/25 Negotiations

- 5.1 The Chief Executive presented the current position on the negotiations and reminded the Committee of our objectives.

## Item 6: Tactics for Negotiations

- 6.1 Gordon Hockey presented on negotiation tactics and related issues. Gordon noted that the purpose of Community Pharmacy England is to negotiate with Government, whether the deal was accepted or not; and referenced a previous paper on this issue.
- 6.2 Pharmacy owners have also raised a desire for industrial action, such as a strike, but as employers this is not an option for them. He indicated the Committee had looked at these issues previously. Contractors could individually decide to withdraw or not provide services that they either must (Essential) or had undertaken to provide (e.g. Advanced). But they would likely face consequences such as breach notices or more. We could not organise this. We obtained competition law advice in 2022, which confirmed that if Community Pharmacy England organised such action, this would be contrary to competition legislation (even a coordinated closure of pharmacies for 1 hour) and would also interfere with the contract with NHSE, which could incur additional liabilities including that of interfering in another person's contract. Gordon stressed that any non-compliance would have to be a decision for individual pharmacy owners.
- 6.3 The Committee discussed alternative options that the sector could consider, such as demonstrating the severity of the pressures on the sector and galvanising public support, to exert influence on commissioners to improve the funding for the sector. There could also be higher profile campaigns to communicate the issues to the public. Regarding a referendum or contractor vote on any DHSC offer, Gordon indicated these are rarely used and had been used only to agree fundamental change to the contract in 2005.
- 6.4 A member asked if there was a time limit on the negotiations. The Chief Executive explained that DHSC's original deadline was mid-April but discussions are ongoing and the negotiations have not yet concluded. There's a risk that the general election can be

called at any time, which incentivises us to conclude negotiations as soon as possible, whilst also seeking to get the best outcome for pharmacy owners. A member commented that it was important to be firm on the Committee's 'walk-away' position, and what was acceptable and what was not.

- 6.5 A member commented that options, that are compatible with competition law, for example for Community Pharmacy England to publicly protest should be explored, particularly when contractors are facing bankruptcy.
- 6.6 A member suggested that pharmacies could turn off their lights for an hour or more as a way of protesting.
- 6.7 A member asked if pharmacy owners could individually or collectively withdraw unfunded services. Gordon confirmed that would have to be the pharmacy owner's individual decision.

### **Item 7: Groundwork for the next CPCF – Economic Projects**

- 7.1 Mike Dent presented the options for PA Consulting projects for 2024/25. PA Consulting has looked at previous negotiations and was acting as a critical friend during the current negotiations. Mike noted the most important project was to influence the comprehensive spending review and develop a new funding model.

### **Item 8: Any other business**

- 8.1 The Chair thanked the team and Committee for their hard work.
- 8.2 Adrian Price asked the Committee to complete the subcommittee and NT preference form.
- 8.3 The Chair confirmed that the Committee will be kept up to date on the negotiations and that an evening Committee meeting was likely needed before the June Committee meeting.

**ACTION:** The Chief Executive to keep the Committee updated on negotiations and to give advance notice of an evening Committee meeting if it was needed.