



**Summary Outcome report for the Pharmacy Access Scheme National Review Panel** 

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# Summary Outcome report for the Pharmacy Access Scheme National Review Panel

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# 1 Background

On 1 December 2016, the Department of Health amended the Drug Tariff for community pharmacy contractors to reflect the set of contractual changes that the DH had been discussing with the pharmacy sector for almost a year. The changes to the Drug Tariff, made by the Department of Health, brought into operation a range of changes for the Community Pharmacy Contractual Framework.

The package announced by the minister is made up of five principal items:

- i. Single activity fee
- ii. Reduced establishment fee
- iii. Pharmacy Access Scheme, payment and opportunity for review (the subject of this report.) This refers to the list of pharmacies eligible for a 'relief' payment under the Pharmacy Access Scheme (PhAS), and the Department indicated that appeals or requests for a review against this list were able to be made to NHS England from 1<sup>st</sup> November 2016.
- iv. The urgent medicines supply service. Registration and mobilisation started from 1<sup>st</sup> December 2016.
- v. The Quality Scheme, which came into force from 1 April 2017.

The PhAS is - in essence - a relief payment to offer some financial protection to pharmacies that are not situated close to another pharmacy. Its main objective is to protect access to community pharmacies for patients. The <u>list of those pharmacies</u> <u>eligible to receive the PhAS</u><sup>1</sup> was set out in a list published by the Department of Health on 3 November 2016. Please note that (at the time of publishing) this list does not include pharmacies added following the review process.

When the pharmacy reform package was announced, it included the possibility for a pharmacy to request a review of their particulars or circumstances in the event that any of the circumstances set out in Section 2 of this report existed.

The PhAS was designed as a 'rules-based' approach (with eligibility criteria to determine the receipt of a PhAS payment or not). NHS England administered the review process and established a National Review Panel so that each request made for a review could be considered with a strong underpinning governance process.

An operational policy ensured that applications for a review were treated in the same consistent and reasoned manner – in line with the DH policy intent.

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https://www.gov.uk/government/uploads/system/uploads/attachment\_data/file/565518/PhAS\_list\_03\_11\_16.pdf

# 2 What determined the success of an application for review?

There were three possible routes for an application to be considered by the National Review Panel (the "Panel") and to succeed in securing the PhAS payment through the review process; either they could demonstrate an <u>inaccuracy</u> in the information used to determine their eligibility to receive the payment, the impact of a <u>physical feature that produces an unreasonable outcome</u> when the distance rule is applied (a 'physical feature anomaly) – or they could claim to be a <u>'near miss'</u>. These are explained in turn.

In the case of an inaccuracy, the applicant pharmacy could seek to demonstrate that the data held about their pharmacy or the next nearest was somehow incorrect.

In the case of <u>a physical feature that produces an unreasonable outcome when the distance rule is applied</u>, the majority of the applications seen referred to a physical feature such as a hill that impedes patient access. Applicants were expected to provide evidence of the level of difficulty of access due to the physical feature <u>AND</u> to demonstrate that the applicant pharmacy is critical for patient access.

In the case of a <u>'near miss'</u> the applicant pharmacy would be between 0.8 and 1.0 miles from the next nearest pharmacy <u>AND</u> in decile 1 or 2 of the index of multiple deprivation <u>AND</u> critical for patient access.

Supported first by the objective criteria, the role of the Panel was to then apply judgement to the issues of whether, on the balance of probability, the normal 1 mile rule produced an unreasonable outcome in the case presented and whether the applicant pharmacy was critical for patient access.

# 3 Meetings

### 3.1 Process

Once received, each applicant was given a unique identifier - a PhAS number. This was associated with the 'F' code of the pharmacy and enabled the PhAS review team to properly track applications, supporting information and decisions reached.

The Panel was chaired by the Director of Primary Care Contracts. There were three other Panel members, two of whom were lay people recruited specifically for their previous professional and lived experiences<sup>2</sup>.

18 meetings were held between January and July 2017.

<sup>&</sup>lt;sup>2</sup> While the intention (as stated in the Operational Policy) was to have one lay member on the panel, two lay members were ultimately recruited as NHS England felt that the process would benefit from the varied experience and contribution of both of the successful applicants

Recommendations of the Panel were presented to a National Director with delegated authority from the Board of NHS England to make a final decision.

The Panel conducted a short moderation exercise to assure that consideration had been consistent throughout the time that the Panel had been meeting. This focused on different points in time that recommendations had been made (using randomly selected applications), cases that were close to the distance thresholds and specific cases that challenged the distance measurement.

#### 3.2 Outcomes

In order to be eligible for consideration by the Panel, cases had to meet the eligibility criteria.

When applications were received, they were firstly 'screened' to ensure they met the criteria that meant they could be considered by the Panel. Where applicants were not referred to the Panel following this 'screening', they were advised of this (in line with the operational policy).

Occasionally, some applicants did not accept the outcome of the 'screening' process and asked for their case to be considered, nevertheless, by the Panel.

All applicants received notification of the outcome of their application by the end of June 2017.

## 4 Outcomes

- 1. 372 applications for review were received.
- 2. 1 application was voluntarily withdrawn by the applicant and 9 of those received were already eligible for the PhAS.
- 3. 154 of the applications received were "screened" because they had not met the gateway criteria to be considered for review. Of these, 39 challenged the decision and were referred to the Panel.
- 4. 37 applications were on the basis of **inaccuracy** only. Of these, 11 were approved and 1 was already eligible for the PhAS.
- 5. 79 applications were on the basis of **physical feature anomaly** only. Of these, 21 were approved and 1 was already eligible for PhAS.
- 6. 99 applications were on the basis of a 'near miss' in a deprived area only. Of these, 18 were approved and 1 was already eligible for PhAS.
- 7. 47 of the applications were on the basis of **inaccuracy and near miss**. Of these, 3 were approved (all on the 'near miss' basis).
- 8. 23 applications were on the basis of **inaccuracy and physical feature anomaly**. Of these, 6 were approved, 5 on the basis of a physical feature anomaly and one on the basis of an inaccuracy.
- 9. 49 pharmacies applied on the basis of a **physical feature anomaly and a near miss** in a deprived area. Of these, 8 were approved (1 on the near miss basis, 4 on the basis of a physical feature anomaly, 2 on the basis of both a near miss and a physical feature, and 1 that had been excluded in error).
- 10.10 pharmacies applied under **all 3 criteria**. Of these, 1 was approved on both the near miss and physical feature anomaly basis.
- 11.28 pharmacies **did not specify** a reason for applying. Of these, 2 were approved and 7 were already eligible for PhAS.

PhAS   Number   Screened   Did not accept   Screening   Inaccuracy   Physical Feature Anomaly   Physical Feature Anomaly   Physical Feature Anomaly   Physical Inaccuracy   Ph	Basis of application Final decision
Screening   Anomaly   Inaccuracy, Physical Feature Anomaly (PFA) or Near Miss (NM)   Withdr (PFA) or Near Miss (NM)   Withdr (	not Inaccuracy Physical Near Rejected Approved Other
Physical Feature Anomaly (PFA) or Near Miss (NM)  001  002  003  004  005  006  007  008  009  010  011  012  013  014  015  016  017  018  Not specified  019  020  021  022  023  024  029  029  029  029  029  029  020  020  020  020  027  028  029  029  029  020  021  022  023  024  027  028  029  029  029  030  031  032  032  PFA  Relocation	
Feature   Anomaly (PFA) or   Near Miss (NM)	
Anomaly (PFA) or Near Miss (NM)  001  002  003  004  005  006  007  008  009  010  011  012  013  014  015  016  017  018  018  Not specified  019  020  021  022  023  024  025  026  027  028  029  029  030  031  032  032  033  032  PFA  Withdr  PFA  Dos  Dos  Dos  Dos  Dos  Dos  Dos  Do	Friysical
(PFA) or   Near Miss (NM)   Withdr	
Near Miss (NM)   Withdr	
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002 003 004 004 005 006 006 007 008 009 010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 024 025 025 026 027 028 029 030 031 032 031 032 032 033 032 034 PFA	Withdrawn
004   005   006   007   008   009   010   011   012   013   014   015   016   017   018   019   020   021   022   023   024   025   026   027   028   029   031   032   031   032   033   032   034   033	
005 006 007 008 009 010 011 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 025 027 028 029 030 031 032 031 032 033 031 032 033 084	PFA
006         007           007         008           009         010           011         011           012         013           014         015           016         017           018         Not specified           019         020           021         021           022         023           024         025           027         028           029         030           031         032           033         034           033         Relocation	Inaccuracy
007         008           009         009           010         011           011         012           013         014           015         016           017         018           019         020           021         021           022         023           024         025           026         027           028         029           030         031           032         033           033         034	
008 009 010 011 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 026 027 028 029 030 031 031 032 034 PFA 033 030 031 032 034 Relocation	
009 010 011 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 026 027 028 029 030 031 032 034 PFA 033 034 Relocation	
010 011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 031 032 034 PFA 033 Relocation	
011 012 013 014 015 016 017 018 019 020 021 022 023 024 025 026 027 028 029 030 031 032 034 PFA 033 034 Relocation	
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015       016         017       018         019       020         021       021         022       023         024       PFA         025       PFA         026       PFA         027       028         029       PFA         031       032         033       Relocation	
016         017           018         Not specified           019         PFA           020         PFA           021         PFA           022         PFA           023         PFA           025         PFA           026         PFA           027         PFA           030         PFA           031         PFA           032         PFA           033         Relocation	
017       018       Not specified         019       PFA         020       PFA         021       022         023       PFA         024       PFA         025       PFA         026       PFA         027       PFA         028       PFA         030       PFA         031       PFA         033       Relocation         034       Relocation	
018         Not specified           019         PFA           021         022           023         PFA           024         PFA           025         PFA           026         PFA           027         PFA           029         PFA           030         PFA           031         PFA           033         Relocation           034         Relocation	
019       PFA         021       PFA         022       PFA         023       PFA         024       PFA         025       PFA         026       PFA         027       PFA         028       PFA         030       PFA         031       PFA         032       PFA         033       Relocation	Not access?Co. I
020       PFA         021       022         023       PFA         024       PFA         025       PFA         026       PFA         027       PFA         028       PFA         030       PFA         031       PFA         032       PFA         033       Relocation         034       Relocation	Not specified
021       022         023       024         025       PFA         026       027         028       029         030       PFA         031       032         033       PFA         034       Relocation	
022         023         024         025         026         027         028         029         030         031         032         033         034	PFA
023       PFA         025       PFA         026       PFA         027       PFA         028       PFA         030       PFA         031       PFA         032       PFA         033       Relocation	
024       PFA         025       PFA         026       PFA         027       PFA         028       PFA         030       PFA         031       PFA         032       PFA         033       Relocation	
025       PFA         026       027         028       PFA         029       PFA         030       PFA         031       PFA         032       PFA         033       Relocation	DEA
026       027         028       029         030       PFA         031       032         033       PFA         034       Relocation	
027         028         029         030         031         032         033         034	
028         029       PFA         030       PFA         031       PFA         032       PFA         033       Relocation         034       Resolution	
029       PFA         030       PFA         031       PFA         032       PFA         033       Relocation         034       PFA	
030         031         032       PFA         033       Relocation         034       Respective	PFA
031       032         033       PFA         034       Relocation	
032         PFA           033         Relocation           034         Respectively	
033 Relocation	PFA
034	
035	
036	
037	
038	
039	
040	
041	
042 Not specified	
043 Inaccuracy	
044 Near miss	Near miss
045	
046	
047	

			Basis	of application	n	Final	decision	
PhAS Number	'Screened'	Did not accept screening	Inaccuracy	Physical Feature Anomaly	Near Miss	Rejected	Approved as: Inaccuracy, Physical Feature Anomaly (PFA) or Near Miss (NM)	Other
048								
049								
050								
051 052	-							
053	-							
054								
055	-							
056							Near miss	
057								
058								
059								
060								
061	-							
062	-							
063 064								
065								
066	-							
067							Near miss	
068							rroar miss	
069								
070								
071								
072								
073								
074								
075	-							
076	-							
077	-							
078 079								
080								
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082								
083								
084								
085								
086								
087							Near miss	
088								
089								
090								
091 092							Noor mice	
092							Near miss	
093								
095								
300	1	1						<u> </u>

			Basis	of application	on	Final	decision	
PhAS	'Screened'	Did not	Inaccuracy	Physical	Near	Rejected	Approved	Other
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Number		screening		Anomaly	IVIISS		Inaccuracy,	
		Screening		Anomaly			Dhysical	
							Physical	
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							(PFA) or	
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096							PFA	
097								
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100	-							
101	-							
102	_							
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104								
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107								
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110		1						
111							Relocation	
112							PFA	
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118							Inaccuracy	
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131							Inaccuracy	
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136							Relocation	
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140								
141		1					PFA	
		1					FFA	
142 143								
								i .

			Basis	of application	າ	Final	decision	
PhAS Number	'Screened'	Did not accept screening	Inaccuracy	Physical Feature Anomaly	Near Miss	Rejected	Approved as: Inaccuracy,	Other
							Physical Feature	
							Anomaly	
							(PFA) or	
							Near Miss (NM)	
144							Near miss	
145 146							Near miss	
147								
148	-							
149							News	
150 151							Near miss	
152	_							
153								
154								
155	-			t specified				
156 157	_			t specified t specified				
158				t specified				Already
								PhAS
159	_			t specified				
160 161				t specified				Alroady
101			INO	t specified				Already PhAS
162				t specified				
163				t specified				A1
164				t specified				Already PhAS
165				t specified				Already PhAS
166				t specified				
167	_			t specified t specified				
168 169	-			t specified				
170			No	t specified				Already
171			No	t specified				PhAS
172			No	t specified				
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174 175								
175			No	t specified				
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179							PFA	
180 181			No:	t specified				
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186								<u> </u>

PhAS   Screened   Did not accept   Inaccuracy   Finysical Feature   Approved as: Inaccuracy   Finysical Feature   Anomaly   (PFA) or Near Miss   Nea				Rasis	of application	າ	Final (	decision	
Number screening	PhAS	'Screened'	Did not		Physical				Other
Screening   Anomaly   Physical Feature Anomaly (PFA) or Near Miss (NM)		Ocicenca		maccuracy			Rejected		Otrici
Physical Feature Anomaly (PFA) or Near Miss (NM) (PFA) or Near Miss (NM) (NM) (NM) (NM) (NM) (NM) (NM) (NM)	Number					IVIISS			
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188   189   190   191   191   191   191   191   191   191   192								(NM)	
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192									
PhAS									
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196   197   198   199   200   201   201   202   203   204   205   206   207   208   209   201	194								
196   197   198   199   200   201   201   202   203   204   205   206   207   208   209   201									
197									
198   199   200   Near miss								Inaccuracy	
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Near miss								Near miss	
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207       0.999 miles         208									
208       209         210       211         211       212         213       0.999 miles         214       215         215       Near miss         216       PFA         217       218         219       220         220       PFA         221       PFA         222       Inaccuracy         224       Inaccuracy         224       PFA & NM         227       Near miss         228       LPS         230       231         231       232								0 999 miles	
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213								Near mice	
214       1       Near miss         216       PFA         217       PFA         218       PFA         219       PFA         220       PFA         221       PFA         222       Inaccuracy         224       PFA & NM         225       Inaccuracy         226       PFA & NM         Near miss       LPS         228       LPS         230       231         232       232									
215       Near miss         216       PFA         217       PFA         218       PFA         220       PFA         221       PFA         222       Inaccuracy         224       Inaccuracy         225       Inaccuracy         226       PFA & NM         227       Near miss         LPS       LPS         230       231         232       232								0.999 miles	
216       PFA         217       PFA         218       PFA         220       PFA         221       PFA         222       PFA         223       Inaccuracy         224       PFA & NM         225       PFA & NM         227       Near miss         228       LPS         230       PS         231       PS								Nicologica	
217         218         219         220         221         222         223         224         225         226         227         228         229         230         231         232									
218       219         220       221         221       PFA         222       223         223       Inaccuracy         224       Inaccuracy         225       Inaccuracy         226       PFA & NM         227       Near miss         228       LPS         230       231         232       232								PFA	
219       220         221       PFA         222       Inaccuracy         223       Inaccuracy         224       Inaccuracy         225       PFA & NM         227       Near miss         228       LPS         230       231         232       232									
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221       PFA         222       Inaccuracy         224       Inaccuracy         225       Inaccuracy         226       PFA & NM         227       Near miss         228       LPS         230       Inaccuracy         231       Inaccuracy         232       Inaccuracy         233       Inaccuracy         234       Inaccuracy         235       Inaccuracy         236       Inaccuracy         237       Inaccuracy         238       Inaccuracy         239       Inaccuracy         231       Inaccuracy         232       Inaccuracy									
222       Inaccuracy         224       Inaccuracy         225       Inaccuracy         226       PFA & NM         227       Near miss         228       LPS         229       Inaccuracy         230       Inaccuracy         231       Inaccuracy         232       Inaccuracy         233       Inaccuracy         24       Inaccuracy         25       Inaccuracy         26       Inaccuracy         27       Inaccuracy         28       Inaccuracy         29       Inaccuracy         29       Inaccuracy         29       Inaccuracy         29       Inaccuracy         29       Inaccuracy         20       Inaccuracy         20       Inaccuracy         21       Inaccuracy         22       Inaccuracy         23       Inaccuracy         23       Inaccuracy         23       Inaccuracy         24       Inaccuracy         25       Inaccuracy         26       Inaccuracy         27       Inaccuracy <t< td=""><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td><td></td></t<>									
Inaccuracy								PFA	
224									
Inaccuracy								Inaccuracy	
226       PFA & NM         227       Near miss         228       LPS         229       Second S									
227     Near miss       228     LPS       229     Second of the seco									
228     LPS       229									
229       230       231       232									
230       231       232								LPS	
231 232									
232									
233 PFA								->-	
	233							PFA	

			Basis	of application		Final	decision	
PhAS Number	'Screened'	Did not accept screening	Inaccuracy	Physical Feature Anomaly	Near Miss	Rejected	Approved as: Inaccuracy, Physical Feature Anomaly (PFA) or Near Miss (NM)	Other
235								
236								
237								
238								
239								
240								
241	ļ						PFA	
242								
243 244								
245	_		-					
246								
247								
248								
249								
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253								
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257							0.999 miles	
258							oroco mileo	
259								
260								Already PhAS
261								
262								
263								
264								
265 266			No	t specified			PFA & NM	Already PhAS
267								111/10
268								
269								
270 271								
272							PFA &NM	
273	1		No	t specified			LPS	
274			No	t specified				Already PhAS
275								
276							LPS	
277								

			Rasis	of application	<u> </u>	Final (	decision	
PhAS Number	'Screened'	Did not accept screening	Inaccuracy	Physical Feature Anomaly	Near Miss	Rejected	Approved as: Inaccuracy, Physical Feature Anomaly (PFA) or Near Miss	Other
							(NM)	
279							7	
280								
281							LDC	
282 283							LPS	
284								
285								
286								
287							D= 4	
288 289							PFA	
290							PFA	
291								
292								
293							PFA	
294								
295								
296 297								
298								
299								
300							Near miss	
301								
302								
303								
304 305								
306								
307			No	t specified				
308			0					
309								
310							Near miss	
311								
312 313								
314							Near miss	
315							100	
316								
317								
318								
319								
320 321								
322								
323								
324								
325								
326							Near miss	

			Basis (	of application	<u> </u>	Final	decision	
PhAS Number	'Screened'	Did not accept screening	Inaccuracy	Physical Feature Anomaly	Near Miss	Rejected	Approved as: Inaccuracy, Physical Feature Anomaly (PFA) or Near Miss (NM)	Other
327 328								
329			Not	t specified				
330			1101	Specified		-		
331								
332							Near miss	
333								
334								
335								
336								
337								
338							Inaccuracy	
339								
340								
341 342						-		
343							PFA	
344							ΓΙΛ	
345							PFA	
346								
347								
348							PFA	
349								
350							PFA	
351								
352							PFA	
353								
354							Inaccuracy	
355 356								
356							Inaccuracy	
358							PFA	
359								
360								
361								
362								
363								
364								
365								
366								
367							DEA	
368							PFA	
369								
370 371								
371								
312	1							

**5 Map of applications received**Please note that this only shows applications for review, and not pharmacies included in the scheme, as originally determined by DH)

