



Community Pharmacy Wales response to the Welsh Government's

Health and Social Care (Quality and Engagement Wales) Bill

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Part 1: Introduction

Community Pharmacy Wales (CPW) represents community pharmacy on NHS matters and seeks to ensure that the best possible services, provided by pharmacy contractors in Wales, are available through NHS Wales. It is the body recognised by the Welsh Assembly Government in accordance with *Sections 83 and 85 National Health Service (Wales) Act 2006* as 'representative of persons providing pharmaceutical services'.

Community Pharmacy Wales is the only organisation that represents every community pharmacy in Wales. It works with Government and its agencies, such as local Health Boards, to protect and develop high quality community pharmacy based NHS services and to shape the community pharmacy contract and its associated regulations, in order to achieve the highest standards of public health and the best possible patient outcomes. CPW represents all 716 community pharmacies in Wales. Pharmacies are located in high streets, town centres and villages across Wales as well as in the major metropolitan centres and edge of town retail parks.

In addition to the dispensing of prescriptions, Welsh community pharmacies provide a broad range of patient services on behalf of NHS Wales. These face to face NHS Wales services, available from qualified pharmacists 6 and sometimes 7 days a week, include, Medicine Use Reviews, Emergency Contraception, Discharge Medicines Reviews, Smoking Cessation, Influenza Vaccination, Palliative Care Medicines Supply, Emergency Supply, Substance Misuse and the Common Ailments services.

CPW is pleased to have the opportunity to respond to this important consultation

Part 2: The proposed changes

There are three aspects of the Bill that will impact the operation of the community pharmacy network in Wales and CPW would wish to make observations in relation to each of these aspects:-

1. A Duty of Quality
2. A duty of Candour
3. A new Citizen's Voice Body

1: A Duty of Quality

CPW is fully supportive of a focus on improving the quality of and reducing the variability of healthcare services provided by community pharmacies to the people of Wales. In its contractual negotiations with Welsh Government CPW has embraced additional quality improvement elements such as a *Quality and Safety Scheme* together with defined standards of *Clinical and Information Governance* and mandatory quality improvement training under the *Improving Quality Together* initiative. In addition all pharmacies report relevant concerns through the *National Reporting and Learning System* so that continuous improvement in quality is built into all community pharmacy processes.

CPW is pleased to note that the Duty of Quality does not apply to community pharmacies and feels this is the correct decision as the *Community Pharmacy Contractual Framework* is a well established and effective mechanism that is already delivering quality improvement.

2: A Duty of Candour

CPW is supportive in principle of the inclusion, within the Bill, of a *Duty of Candour* that will apply to all community pharmacy contractors that provide healthcare services on behalf of NHS Wales.

Pharmacists that provide services to the people of Wales are already a highly regulated profession. The UK regulatory body, *The General Pharmaceutical Council*, has signed up to a Joint Health Regulator statement on *openness and honesty-the professional duty of candour*. The statement reflects the requirement that both registered pharmacists and registered pharmacy technicians need to be open and transparent at all times and serves as a reminder that candour is an essential duty for all professionals.

In addition many of the larger community pharmacy owners have included a duty of candour as a requirement of their contracts of employment for appropriate professionals. Whereas these elements apply a duty of candour to the individual healthcare professional the Bill applies a duty of candour to the organisation rather than the individual. CPW do not have any objections to this in principle.

When placing a duty of candour on private providers at an organisational level it is important that Welsh Government recognises that many organisations that operate community pharmacies in Wales are registered and have their head offices in England.

CPW does however have concerns about the way that this new duty is designed to be applied in practice.

The Bill requires providers to follow a defined process when a service user suffers an adverse outcome during the course of care or treatment.

CPW would ask the Welsh Government to recognise that whereas this may be appropriate for NHS organisations it may not be appropriate for private organisations. When an incident occurs a private organisation has its own internal processes of investigation and follow up that must be followed. In addition these organisations operate their own private indemnity arrangements and it is essential that other requirements do not detract from the integrity of these internal processes nor create, as an unintended consequence, an admission of liability that would affect the satisfactory settlement of any claim.

In addition there are regulatory processes to be followed that may or may not require the incident to be reported to the Welsh Government's own appointed pharmacy regulator the General Pharmaceutical Council (GPhC).

Layered on top of all these requirements is the Welsh Government's process, *Putting Things right*, which all community pharmacies are required to comply with. *Putting things Right* again has its own defined processes for the reporting of concerns when things go wrong and its own requirements for record keeping.

It would therefore be extremely unhelpful and confusing for contractors if yet another process of reporting failure of care was to be introduced and equally confusing for patients who may receive contact from a variety of people who all believe they are handling the incident.

CPW also notes the Welsh Government's proposal to make regulations under the Care Standards Act. This is extremely unhelpful as for community pharmacies this will result in community pharmacies coming under inspection by two Government Regulators.

CPW would ask Welsh Government to ensure that, if it wishes to include a reporting process within the Bill that this should be *Putting Things Right* or if not then the new process should replace *Putting Things Right* so there is one single Welsh Government process. In addition CPW would wish to ensure that any reporting principle does not conflict with the culture of, learning and development rather than apportioning blame, that has been established for the profession.

By classifying all organisations that are *primary care providers* as *NHS Bodies* within the regulations the full impact of record keeping and reporting will fall on the smallest rural pharmacy in Wales that may typically have less than 5 staff and CPW feels most strongly that this is not the intention of the Bill and places undue administrative burden on

the very smallest providers taking the healthcare professional away from direct patient care and CPW requests that the definitions of *NHS Bodies* within the regulations are revisited.

CPW would also wish to raise concerns about the proposed *public awareness campaign*. CPW is happy for members of the public to be encouraged to ask questions about the care they receive, however we would wish to avoid a significant increase in information provision when primary care services are under extreme pressure and the time provided to deliver care is already lower than we would wish.

The proposed Bill identifies the need for awareness training in support of the new Duty of Candour and the impact assessment quantifies the cost of this training. As community pharmacies are independent contractors it is essential that arrangements are made to reimburse any costs incurred in meeting mandatory training requirements.

3: A New Citizens' Voice Body

CPW is supportive of the plans to replace Community Health Councils with a more strategic body operating at a national level and in doing so strengthening the voice of citizens.

It is unclear in the guidance whether the Citizens Voice Body will or will not have powers of inspection and be expected to regularly visit primary care providers in the discharge of this responsibility. As Community Health Councils currently make inspection visits to community pharmacies, as they do to other healthcare providers, it is important to include in the regulations whether this power is or is not to pass to the new body.

Part 3: Conclusion

CPW is supportive in principle with the inclusion in regulation new requirements to improve the quality of service delivery and to handle failures of care in a more open manner.

The impact on the community pharmacy network will depend on the detail of the proposed Bill and CPW would ask that the concerns raised above are given due consideration and that there is an opportunity to comment on the specific requirements of the bill when a draft is produced.

CPW is strongly opposed to any new administrative burdens falling on community pharmacies when the network is engaged in delivery new clinical services on behalf of Welsh Government as administrative tasks take pharmacists away from direct patient care. If a new record keeping or

reporting requirement is introduced, as it is felt to be essential, CPW would request that, according to Better Regulation Commission principles, other requirements are removed so there is no overall impact on patient care.

CPW notes that a *working group* will be established to define when a failure of care is reportable and CPW, as the only statutory body representing community pharmacies, would expect to be invited to join that group.

CPW agree that the content of this response can be made public.

CPW welcomes communication in either English or Welsh.

For acknowledgement and further Contact:

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