

CONTRACTUAL AND OPENING HOURS IN WALES

Introduction

The position with regard to opening hours and the new pharmacy contract regulations are described below. This reflects the agreement between the Welsh Assembly Government and Community Pharmacy Wales, and was recently endorsed at the new pharmacy contract Project Implementation Board for Wales.

This guidance supersedes all previous guidance, including any previous notifications that have been sent by contractors or received by LHBs.

First notification from 1 April 2005

Pharmacies on the pharmaceutical list as at 1 April 2005 will notify to their Local Health Board their total opening hours and the days and times at which they are open. This will include their minimum 'core' contractual hours (normally 40 hours per week unless fewer are agreed) and any 'supplementary' hours. The pharmacy will send the notification to the LHB by 1 July 2005.

The LHB will accept these core and any supplementary hours and times, provided the 'core' hours are 40 per week, and will notify the contractor.

The contractor will not implement any change or reduction in the opening hours or times until 90 days after they send the notification to the LHB.

LHBs will have regard to the 'core' hours and may have regard to 'supplementary' hours when carrying out or reviewing their needs assessments.

Pharmacies wishing to open for fewer than 40 hours

Pharmacies currently undertaking less than 40 hours per week will apply to the LHB if they wish to continue to provide less than 40 hours.

The LHB will make a determination within 60 days of the application permitting the application or rejecting it in whole or in part.

The determination will take into account the needs assessment, and will stipulate the times and days for the pharmacy to open. There will be a right of appeal.

Future application for changes to 'core' hours

Pharmacies will apply for future changes of 'core' hours, which will be determined within 60 days of the application.

A LHB can accept or refuse in whole or in part the application. The pharmacy will have a right of appeal.

Any changes to core hours which are agreed will take effect not earlier than

90 days after the application is made (i.e. at least 30 days after the LHB determination, and in the event of an appeal, 30 days after the appeal).

Future notification of changes to supplementary hours

After the first notification, pharmacies will notify their LHB of any subsequent changes to their 'supplementary' hours (i.e. if they wish to make further amendments). Pharmacies will not be able to notify such changes earlier than 1 July 2005. Changes will not take effect for a minimum of 90 days from the date of the subsequent notification. LHBs will accept these notified changes provided the 40 hours are still being provided.

Options for dealing with unmet needs

LHBs may fill unmet needs for pharmaceutical services through the following:

- a. Consultation with CPW (or where appropriate direct with the contractor) for contractors to amend / increase their hours voluntarily;
- b. Consultation with CPW (or where appropriate direct with the contractor) for contractors to open additional hours, on payment of an agreed amount (but only where the pharmacy concerned is already providing the minimum 40 'core' hours);
- c. Directing the provision of additional hours, but not the core hours, if no agreement is reached. This will be for a reasonable payment. The contractor will have a right of appeal. LHBs should only use this option when either option (a) or (b) has been attempted and fully exhausted.
- d. Considering 'gaps' when assessing the adequacy of services in relation to new applicants;
- e. Inviting applications; or

Any combination of these

Other matters

Bank holidays, Christmas Day and Good Friday shall be deemed included as if the pharmacy was ordinarily open on that day of the week. This means that a contractor is not required to open if their core or supplementary hours fall on this day.

Pharmacies will be able to suspend services for example for planned refurbishment, for a set period, provided this has been agreed with the LHB and three months notice has been given.

CPW will prepare a form for contractors to use to notify LHBs of hours and services, both at first notification and future changes, and publish this on the CPW web-site.