

HEALTH SCRUTINY COMMITTEE
18 OCTOBER 2018
PROPOSALS FOR PROVISION OF GLUTEN FREE FOODS ON PRESCRIPTION
REPORT OF HEAD OF LEGAL AND GOVERNANCE

1 Purpose

- 1.1 To consider proposals from Greater Nottingham Clinical Commissioning Partnership for the future prescribing of gluten free foods.

2 Action required

- 2.1 The Committee is asked to:

- a) decide whether it considers that the proposal for the provision of gluten free foods on prescription is a 'substantial variation/ development of services' for Nottingham residents;
- b) consider the information available regarding the proposal for the future prescribing of gluten free foods for Nottingham residents; and
- c) either provide comments and/or recommendations or decide to seek further information/ have further discussions before submitting comments and/or recommendations on the proposal.

3 Background information

- 3.1 Prescriptions for gluten free foods have been available on the NHS for more than 30 years and some gluten free foods are currently available on prescription for Nottingham residents who have been diagnosed with coeliac disease.
- 3.2 The Government recently undertook a national consultation about whether gluten free foods should be available on prescription. Following the national consultation, the Government recommended that gluten free prescribing should be restricted to bread and mixes only. However, there was no decision taken about limiting quantities. The Government advised commissioners to undertake their own local consultation to inform local decision making about what to prescribe.
- 3.3 Earlier in the year, Greater Nottingham Clinical Commissioning Partnership advised the Committee that it was reviewing whether to restrict or stop gluten free food on prescription for residents of Greater Nottingham, including Nottingham City. The Committee was

subsequently informed of consultation taking place with Greater Nottingham residents in June and July 2018.

3.3 Following this review Greater Nottingham Clinical Commissioning Partnership has developed a proposal for future prescribing. A paper from Greater Nottingham Clinical Commissioning Partnership is attached providing more information about current provision; the proposal for future provision; details of the consultation carried out and how that informed the proposal; and its assessment of the impact of its proposal. Representatives of the Partnership will be attending the meeting to present this information and answer questions about the proposal.

3.4 Role of this Committee in relation to substantial developments or variations to services

Commissioners and providers of NHS and public health funded services are required to consult with the relevant local authority health scrutiny committee on proposals for a substantial development or variation of the health service in the area of that local authority. In guidance on planning and delivering service changes, NHS England recognises the importance of this role, stating “health scrutiny is a mechanism for ensuring the health and care system is genuinely accountable to patients and the public, and it brings local democratic legitimacy for service changes” (NHS England 2013). Regulations do not define ‘substantial development’ or ‘substantial variation’ but a key feature is that there is a major impact(s) experienced by service users, carers and/or the public. The Committee’s role is to determine whether it considers the proposal to be in the interests of local health services. It will need to consider:

- whether, as a statutory body, the relevant overview and scrutiny committee has been properly consulted within the consultation process;
- whether, in developing the proposals for service changes, the health body concerned has taken into account the public interest through appropriate patient and public involvement and consultation; and
- whether the proposal for change is in the interests of the local health service.

Following consultation, the Health Scrutiny Committee can make comments on the proposals. The Committee and the relevant health body should work together to try and resolve any concerns locally if at all possible. Ultimately, if this is not possible and the Committee concludes that consultation was not adequate or if it believes the proposals are not in the best interests of local health services then it can refer the decision to the Secretary of State for Health. This referral must be accompanied by an explanation of all steps taken locally to try and reach agreement in relation to the proposals.

4 List of attached information

- 4.1 Paper from Greater Nottingham Clinical Commissioning Partnership 'Prescribing of Gluten Free Foods in Greater Nottingham' including Equality Impact Assessment and Consultation Report.

5 Background papers, other than published works or those disclosing exempt or confidential information

- 5.1 None

6 Published documents referred to in compiling this report

- 6.1 Greater Nottingham Consultation Document: Should Gluten Free Products Be Available on Prescription? (June 2018)

Department of Health and Social Care 'Report of Responses Following the Public Consultation on Gluten Free Prescribing' (January 2018)

NHS England 'Planning and Delivering Service Changes for Patients' (2013)

7 Wards affected

- 7.1 All

8 Contact information

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