

Pharmacy Needs Assessment

Human Rights Impact Assessment

What we mean by 'human rights'

The UK has signed and ratified a number of human rights treaties at the United Nations and Council of Europe. This means that the UK has agreed to protect, respect and fulfil the rights in those treaties for all people.

The UK has also given domestic effect to the Council of Europe's European Convention on Human Rights (ECHR) in the form of the Human Rights Act 1998. This means that anyone who believes that any of their human rights in the ECHR have been violated can seek a remedy in the UK's courts. This Human Rights Impact Assessment will focus on the rights in the Human Rights Act 1998.

Under the Human Rights Act everyone living in the UK has the following rights:

- The right to life
- The right to be free from torture and inhuman and degrading treatment or punishment
- The right to be free from forced labour
- The right to liberty and security of person
- The right to a fair trial
- The right to respect for private and family life, home and correspondence
- The right to freedom of thought, conscience and religion
- The right to freedom of expression
- The right to peaceful assembly
- The right to equal enjoyment of the rights cited above.

Human Rights Impact Assessments

Human Rights Impact Assessments (HRIA) are a key mechanism to ensuring that human rights considerations are embedded in policy and practice.

Human rights provide an objective framework for decision making and are key to ensuring that everyone is treated with dignity and respect. Where there is increasing pressure on budgets and resources HRIAs can help ensure that resources are directed at those most in need.

Pharmacy Needs Assessment and Human Rights

The Health and Social Care Board has carried out an assessment of the current needs for pharmaceutical services versus the current levels of community pharmacy service provision across Northern Ireland. This involved the development of a tool that can be used to assess

need and provision of pharmaceutical services in defined localities, as well as facilitating benchmarking analysis. The Health and Social Care Board is currently seeking views on whether we have measured these factors correctly. The final report 'Pharmacy Needs Assessment', outlines the factors used to determine need and is available at [Pharmacy Needs Assessment \(PNA\) - HSCB \(hscni.net\)](https://www.hscni.net/Pharmacy-Needs-Assessment).

The Health and Social Care Board is committed to ensuring that equality and human rights are protected and promoted when health and social care services are being commissioned and delivered. Issues such as where, when and how certain services are available are key to ensuring that human rights and equality are respected and promoted. In addition, the barriers that some people might face in accessing services must be recognised and removed wherever possible.

Where, when and how people can access pharmaceutical services is an important part of healthcare provision.

The human rights that **may be** impacted by how applications for pharmacies are approved is the right to respect for private and family life (Article 8, ECHR) **with** the right to equal enjoyment of human rights (Article 14, ECHR). This right is broad in its scope. It protects people from disproportionate and unnecessary surveillance, from restrictions on where someone might choose to live or who they meet. In the context of healthcare, services must be effectively regulated and provided in a manner that promotes equality of outcomes.

Where people cannot access essential medicines and experience severe ill health as a result it may impact on their right to respect for private and family life.

Where people must travel long distances to get to a pharmacy to seek advice or medicines to the point that it causes physical or mental hardship it may impact on their right to respect for private and family life.

Where this hardship is a result of the public authority failing to take account of or make adjustments for a protected characteristic such as a disability or gender it may also impact on a person's right to equal enjoyment of human rights.

This might be particularly relevant for people with disabilities, people on low incomes and people in rural areas. For these reasons it is very important that any tool intended to assist in decision making around which locations require more pharmacies are cognisant of the barriers people may face in accessing pharmaceutical services.

The HSCB has given robust consideration to the barriers and issues impacting on people's access to pharmaceutical services. In devising the tool we have strived to ensure that data on protected characteristics is available to the Pharmacy Practice Committee, in an accessible format, and that it forms a central part of their assessment of whether the

application will secure pharmaceutical services that are necessary and desirable in the neighbourhood.

Given the totality of measures and considerations in devising the tool, and the evidence-based methodology employed to bring these together, the HSCB does not believe the proposals will lead to any adverse human rights implications. In order to further help ensure that equality and human rights are respected and protected, the Pharmacy Practice Committee will be expected to conduct an Equality Impact Assessment and Human Rights Impact Assessment with every application they receive.