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13 December 2019

Freedom of Information request: 20191129

Thank you for your request for information dated 29 November 2019. Your request has been managed under the terms of the Freedom of Information Act 2000.

Your Request

Urology Product¹ Formularies

It is a clinician's right, and indeed their professional duty, in law and public policy, to prescribe whichever product on [Part IX of the Drug Tariff](#) they consider best meets the needs of their patient.

We are aware that a number of NHS bodies have introduced urology product formularies or intend to do so in the future. These formularies, by their nature, do not include all the products on Part IX. We accept that such formularies may, in some circumstances, be a helpful guide for clinicians. However, to use them in such a way as to restrict the access of clinicians and their patients to the full range of products on Part IX would be unlawful and poor clinical practice. Please see the Nursing and Midwifery Council Code of Practice ([here](#)), which states the need for clinicians to respect the rights and preferences of patients.

Against that background, and under the provisions of the Freedom of Information Act (FOIA), we would be most grateful if you would answer the following questions:

- 1) Does your organisation have a formulary for urology products, and, if so, please can you provide a link to it?
- 2) Does your formulary contain a statement making it clear that notwithstanding the contents of that formulary it is a clinician's right, and indeed their duty, to prescribe whichever product on Part IX of the Drug Tariff they consider best meets the needs of their patient?

- 3) Does your formulary contain a clear and functioning link to Part IX of the Drug Tariff?
- 4) If your formulary does not contain a statement as in 2. above, or a link as in 3. above, do you intend to update it to include that information?
- 5) Please supply the name, position and email address of whoever in your organisation is responsible for any formulary that has been developed or which may be developed in future.
- 6) Is it your intention that if a new formulary is to be developed or an existing one is to be reviewed you will:
 - a. Include a clear reference to the Drug Tariff as in point 2. above; and
 - b. Notify the xxxxxx (name redacted) that such a project is being taken forward so that our members can be informed.
- 7) What steps do you take to ensure that clinicians and nurses are familiar with and trained in the assessment and appropriate use of urology products on Part IX on the Drug Tariff?

We look forward very much to receiving your response and hope that you will share our concern to promote and protect the right of clinicians to prescribe, and of patients to receive, the most suitable product available for their particular case.

Response

- 1) **NHS Birmingham and Solihull CCG does hold the information requested.**

NHS Birmingham and Solihull CCG is part of an Area Prescribing Committee (Birmingham, Sandwell, Solihull and environs) that produces a unified prescribing formulary across our geography and a surrounding area. All details of product formulary status and related prescribing guidance can be found in documentation within the public domain website locate here:
<http://www.birminghamandsurroundsformulary.nhs.uk/default.asp>.

If you wish to make a specific request regarding the information held on that website, the administration team can be emailed via the following address: cmcsu.medicines-management@nhs.net

You may find the following chapter link more specific in relation to your query:
<http://www.birminghamandsurroundsformulary.nhs.uk/chaptersSub.asp?FormularySectionID=24>
- 2) **NHS Birmingham and Solihull CCG does hold the information requested.**

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In relation to selection of products by prescribers, the home page of the public formulary contains the following statement as well as links to supporting documentation:

'Prescribing should be in accordance with the formulary. However, it is recognised in exceptional circumstances that a formulary may not provide the most appropriate treatment for every patient or all clinical conditions.'

- 3) **NHS Birmingham and Solihull CCG does not hold the information requested.**
NHS Birmingham and Solihull CCG is part of an Area Prescribing Committee (Birmingham, Sandwell, Solihull and environs) that produces a unified prescribing formulary across our geography and a surrounding area. All details of product formulary status and related prescribing guidance can be found in documentation within the public domain website locate here:
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<http://www.birminghamandsurroundsformulary.nhs.uk/default.asp>.

As the Area Prescribing Committee that manages our regional formulary receives input from multiple sources when compiling guidance etc., information regarding any hypothetical future formulary content cannot be provided by Birmingham and Solihull CCG.

- 5) **NHS Birmingham and Solihull CCG does not hold the information requested.**
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- 6) **NHS Birmingham and Solihull CCG does not hold the information requested.**
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<http://www.birminghamandsurroundsformulary.nhs.uk/default.asp>.

As the Area Prescribing Committee that manages our regional formulary receives input from multiple sources when compiling guidance etc., information regarding any hypothetical future formulary content or consultation processes cannot be provided by NHS Birmingham and Solihull CCG.

- 7) **NHS Birmingham and Solihull CCG does not hold the information requested.**

General Practice prescribe as requested by specialist continence, urology or Community continence services.

Please note that the information you receive may be protected by the copyright of the person or organisation from which the information originated. You must ensure that you gain their permission before reproducing any third party information.

If you would like to provide some feedback about how well you think the CCG responded to your request, and whether there is any information you would like to see proactively made available, please do so via the following link:

<https://www.birminghamandsolihullccg.nhs.uk/about-us/freedom-of-information/foi-feedback-form>

If you have any queries or concerns, or are dissatisfied with the service you have received in relation to your request, please do not hesitate to contact me. If you wish to request a review of the decision please email the Senior Information Governance Manager via bsol.foi@nhs.net in the first instance.

In addition, if you are not satisfied with the outcome of your complaint or review, you may apply directly to the Information Commissioner for a decision. Generally, the Information Commissioner's Office cannot make a decision unless you have exhausted the complaints procedure provided by the CCG.

The Information Commissioner can be contacted via:

- Writing to: Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF
- Calling: 0303 123 1113
- Online: <https://ico.org.uk/global/contact-us/>

Yours sincerely,

CCG FOI Team

NHS Birmingham and Solihull Clinical Commissioning Group