

## Primary Care Appeals

### Background

On 24 August 2020 Dr Sandles was suspended from the Medical Performers List following which he and his fellow Practice Partners agreed that he would vacate his partnership of the GP Practice. Dr Sandles applied to NHS England and NHS Improvement (NHSEI) for suspension payments, which was refused and appealed. Primary Care Appeals upheld NHSEI's decision on 27 April 2021.

Primary Care Appeals concluded that the relevant paragraph of the framework must be given its objective meaning, understood in the context of the framework as a whole. Primary Care Appeals considered that the framework is to compensate practitioners who are unable to practice as a result of their suspension and not if they lose income for some other reason (including following exit from a partnership) and that owing to wording elsewhere in the framework it is not the case that once entitlement has been established that entitlement is fixed for the duration of the entire suspension period.

The Claim which followed pre-action protocol had a number of grounds centred on the assertion that the decision of 27 April 2021 imposes a further limit on the qualification for receiving suspension payments.

### Judgment

CO/2579/2021. High Court of Justice Queen's Bench Division Administrative Court  
[2022] EWHC 1582 (Admin)

Before: Upper Tribunal Judge Elizabeth Cooke sitting as a Deputy High Court Judge

The Defendant's construction of the 2015 Determination<sup>1</sup> is clearly correct, and the appeal fails.

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<sup>1</sup> Payments to Medical Practitioners Suspended from the Medical Performers List 2015 ("the 2015 Determination")