

NHS Resolution

Factsheet 6: Primary Care Appeals

Annual Statistics 2021-22

Introduction

The role of NHS Resolution includes discharging the Secretary of State for Health and Social Care appellate function. This work is carried out by Primary Care Appeals. Its purpose is to improve the provision of healthcare by ensuring the prompt and fair resolution of appeals and disputes between primary care contractors and commissioners such as NHS England and NHS Improvement and Clinical Commissioning Groups. Primary care contractors include GPs, dentists, opticians and pharmacists. Its work includes:

- Determining appeals against decisions concerning the provision of NHS pharmaceutical services. Such appeals generally relate to the proposed opening of a new pharmacy, relocation of an existing pharmacy, or the provision of dispensing services by GPs;
- Determining contractual disputes between primary care contractors and NHS England;
- Determining disputes over the assessment of GP Registrars' allowances under relevant Directions;
- Determining other occasional appeals and applications under various regulations governing primary care

NHS Resolution also has certain obligations under the Performers Lists Regulations, which are also handled by Primary Care Appeals. These are:

- Maintaining a database of primary care contractors who have had restrictions placed upon their inclusion on Performers Lists: and
- Providing information to NHS England against the restrictions database

This Factsheet provides statistical information as follows:

Annex 1	Number of received and completed cases - all work streams
Annex 2	Breakdown of pharmacy appeals under the 2013 Regulations
Annex 3	Key performance indicators
Annex 4	Performers lists notifications from NHS England and health boards
Annex 5	Suspension duration and performers lists checks by profession
Annex 6	Abbreviations used in this Factsheet

These statistics are produced on an annual basis shortly after NHS Resolution's Annual Report publication.

Annex 1:

Received and completed cases - all work streams: 01/04/21 to 31/03/22

	Cases received		Cases completed	
	21/22	20/21	21/22	20/21
Pharmacy: 2013 Regulations - 'market entry'	79	80	86	73
Pharmacy disputes: 2013 Regulations - 'performance sanctions' and 'overpayments'	3	5	5	6
GP disputes: APMS	1	0	0	0
GP disputes: GMS 2015	19	10	18	18
GP disputes: PMS 2015	16	1	13	3
Performers Lists Regulations: Consent to withdraw and appeals regarding suspension payments	4	3	4	2
Dental disputes: GDS 2005	4	14*	13	8
Dental disputes: PDS 2005	2	0	2	0
Ophthalmic disputes: GOS	0	0	0	0
GP Registrar Directions: allowance assessments	0	0	0	0
GP Registrar Directions: representations	0	0	0	0
Schedule 10 – Issue of Goodwill	0	0	0	0

**Excludes 60 cases where premature applications for NHS dispute resolution were lodged*

Annex 2:
Pharmacy appeals (2013 Regs): 01/04/21 to 31/03/22

		Cases completed						
Case type	Cases received	Application granted		Application refused		Remit Back	Non-Valid Withdrawn	Total
		Decision quashed and redetermined	Decision confirmed	Decision quashed and redetermined	Decision confirmed			
Routine App (current need)	4	0	0	0	3	0	0	3
Routine App (future need)	0	0	0	0	0	0	0	0
Routine App (improvements/better access)	0	0	0	0	0	0	0	0
Routine App (unforeseen benefits)	9	2	0	5	6	0	0	13
Routine App (future improvements/better access)	1	0	0	1	0	0	0	1
Routine App (neither PNA/unforeseen benefits)	0	0	0	0	0	0	0	0
Excepted App (relocations)-inc joint change of ownership	19	9	1	5	1	0	1	17
Excepted App (distance selling)	12	9	0	8	0	0	1	18
Excepted App (change of ownership)	4	0	4	0	0	0	0	4
Consolidation	0	3	0	0	0	0	0	3
Substantial change (reg 40)	0	0	0	0	0	0	0	0
Reserved location*	1	N/A	N/A	N/A	N/A	N/A	N/A	1

Outline Consent/Premises Approval	0	0	0	0	0	0	0	0
Doctors provision – serious difficulty	0	0	0	0	0	0	0	0
Terms of service (hours)	29	7	0	0	12	0	7	26
3 rd Party appeal rights	0	N/A	N/A	N/A	N/A	N/A	N/A	0
TOTAL 2021/22	79	30	5	19	22	0	9	86
<i>2020/21</i>	80	25	0	19	15	0	13	73

**Decisions where ‘grant’ or ‘refusal’ is not applicable*

N/A – Not applicable

8 cases required an oral hearing

Annex 3:

Performance against key performance indicators 2021-22

Brackets indicate data for 2020-21

Indicator	Actual	Target
% of "first step" letters sent out within 7 days of receiving the appeal or dispute	100% [100%]	90%
% of appeals or disputes where 14 or more days' notice of hearing has been given	100% [100%]	100%
% of appeals where Decision Maker agreed with recommendation of Case Manager	96% [98%]	80%
% outcome of quality audits for appeals and dispute files	100% [98%]	80%
The average number of weeks taken to resolve appeals and disputes - Internal input only	11 [11]	Maximum 15 weeks
The average number of weeks taken to resolve appeals and disputes – additional input	17 [18]	Maximum 19 weeks
The average number of weeks taken to resolve appeals and disputes - Oral Hearing	30* [34*]	Maximum 25 weeks
The average number of weeks taken to resolve disputes – Current Market Rent valuation input required	40 [29]	Maximum 33 weeks

**Hearings delayed due to pandemic – for 2021/22, performance against indicator was 23 weeks*

Annex 4:

Performers list notifications from NHS England and health boards to NHS Resolution and active suspensions: 01/04/21 to 31/03/22

The National Health Service (Performers Lists) (England) Regulations 2013 currently apply to the medical, dental and ophthalmic professions, with similar provision for pharmacists in separate regulations. NHS England is required to provide notification to NHS Resolution of any decisions relating to those on the lists and those applying to enter them. Similar provisions apply for the Health Boards in Northern Ireland, Wales and Scotland. NHS Resolution shall keep a record of such notifications. Before determining new applications to enter the Performers Lists, NHS England is required to check with NHS Resolution for any facts relating to investigations or proceedings involving the proposed applicants. This process provides a centralised system for the disclosure of relevant information enabling NHS England to make informed decisions regarding the suitability of those applying to join the relevant list.

Profession	Criterion	Notifications	Active as at 31/03/22
Dental	Suspensions	18	16
	Removals	175	N/A
	Refusals to include	6	N/A
	Conditions	258	N/A
	Reviews, variations etc	256	N/A
Medical	Suspensions	52	51
	Removals	777	N/A
	Refusals to include	1	N/A
	Conditions	184	N/A
	Reviews, variations etc	221	N/A
Ophthalmic	Suspensions	2	3
	Removals	14	N/A
	Refusals to include	1	N/A
	Conditions	7	N/A
	Reviews, variations etc	12	N/A
Pharmaceutical	Suspensions	2	4
	Removals	3	N/A
	Refusals to include	6	N/A
	Conditions	0	N/A
	Reviews, variations etc	0	N/A

N/A = Not Applicable

Annex 5:

Suspension duration and performers lists checks by profession

Performers lists suspensions as at 31/03/2022

By profession	Less than 6 months	6-12 months	Over 12 months
Medical (GP)			
Pending NHS Investigation:	15	6	5
Pending non-NHS Investigation:	10	4	11
Dental			
Pending NHS Investigation:	3	6	0
Pending non-NHS Investigation:	0	0	7
Ophthalmic			
Pending NHS Investigation:	1	0	0
Pending non-NHS Investigation:	1	0	1
Pharmaceutical			
Pending NHS Investigation:	2	0	0
Pending non-NHS Investigation	0	0	2

Performers Lists checks by profession – 2019/20 – 2021/22

Profession	21/22	20/21	19/20
Medical	22,727	19,902	21,667
Dental	6,008	4,972	5,621
Ophthalmic	2,165	1,081	1,562
Pharmaceutical	2,533	2,286	2,391
Director	291	351	471
Total	33,724	28,592	31,712

Annex 6:

Abbreviations used in this Factsheet

Abbreviations

2013 Regulations - *NHS (Pharmaceutical & Local Pharmaceutical Services) Regulations 2013*

APMS - *Alternative Provider Medical Services*

GDS - *NHS (General Dental Services Contracts) Regulations 2005*

GMS - *NHS (General Medical Services Contracts) Regulations 2015*

Ophthalmic - *The General Ophthalmic Services Contracts Regulations 2015*

Performers Lists - *NHS (Performers Lists) (England) Regulations 2013*

PDS - *NHS (Personal Dental Services Agreements) Regulations 2005*

PMS - *NHS (Personal Medical Services Agreements) Regulations 2015*

August 2022