

Primary Care Appeals - Pharmacy User Group

Thursday 9 November 2023 at 9am
Via MS Teams

Members	Job Title/Organisation
Jonathan Haley (JDH)	Head of Appeals, NHS Resolution
Rachel White (RW)	Technical Case Manager, Primary Care Appeals
Jo Severn (JS)	Boots UK Ltd
Noel Wardle (NW)	Temple Bright
Sally-Anne Kayes (SAK)	North East London ICB
Marie Wharton (MW)	West Yorkshire ICB
In attendance	Job Title/Organisation
Jane Horsfall (JH)	NHS England
Kelvin Rowland-Jones (KRJ)	NHS England
Emma Cook	Case Administrator, Primary Care Appeals (Minutes)
Apologies	Job Title/Organisation
Matt Cox	Lloyds Pharmacy

Item	Description	Action
1.	<u>Apologies for absence</u> Apologies for absence were received from Matt Cox in advance. It was noted that Sanjay Sekhri, Gordon Hockey, Claire Smithies and Phil Bratley were absent. NW joined the call at agenda item 5.	
2.	<u>Minutes of last meeting</u> The minutes from the last meeting were agreed and will be published.	JDH
3.	<u>Outstanding actions</u> (Doc B) Item 73 - Review opening hours guidance. See agenda item 5.	
4.	<u>2022-23 Appeals activity update</u> (Doc C) JDH referred to document C showing activity for 1 April to 30 September. Of note, were the 132 breach notice	

	appeals. By way of further update, JDH confirmed that all Covid-19 pharmacy payment appeals have been completed. No questions were asked.	
5.	<p><u>Insights from core hour change applications under amended Regulations</u> (raised by NW)</p> <p>RW referred to the paper that was circulated prior to the meeting and highlighted key findings. It is apparent that certain ICBs are not providing sufficient reasoning for their decisions for directing pharmacies to open. One ICB appears to be issuing directions on a fair share basis. ICBs should carry out an assessment and evidence this in their direction/decision letter. Some ICBs are relying on their assessments in their representations on appeal. If this was evidenced in their direction letter, we may see less appeals.</p> <p>KRJ asked how often an assessment needs to be carried out. An ICB will do an assessment, liaise with the LPC and then produce a rota for the next few years. It may be that they have done the assessment in a previous year to when the direction is issued. JDH said it is not about the frequency of an assessment, it is about how good the reasoning is for directing that pharmacy to open. If the pharmacy is best placed in that area, this needs evidencing in the direction letter. KRJ will raise this at the next Contract Managers meeting. Action.</p> <p>SAK said this may stem from ICBs not wanting to put a burden on one pharmacy each year so instead they share it out and use a rota.</p> <p>MW added that WY ICB work on a roll-on system which seems to work well. They haven't had any appeals.</p> <p>With regard to change of hours applications (post May amended regulations), JDH advised that no decisions have been issued yet but there are several going through statutory consultation. All decisions will be published and we will seek to update the guidance note.</p> <p>MW/SAK advised that they have seen a high number of applications to change core hours. SAK added that PSRC can be a challenge as members are relying on the historic approach.</p>	KRJ

	NW advised that he has seen examples where ICBs are bringing into play factors such as the potential for other pharmacies to close and hence be unable to maintain existing services. This has been a point raised on appeal.	
6.	<u>Post payment verification – hypertension case-finding service</u> JDH referred to a recent article regarding the above and asked KRJ if this type of case would fall under the Payment Disputes Directions with appeal rights to Primary Care Appeals. KRJ advised that this was his understanding. Initially, there are approximately 30 contractors involved in the pilot review, but this may increase. KRJ agreed to inform JDH of any new pieces of work on the horizon which may fall under the Directions.	
7.	<u>Service user survey</u> JDH informed the group of the Primary Care Appeals' stakeholder/service user survey that is now live and encouraged members to complete. JDH will share link with NW and at KRJ's request, agreed to send to NHS BSA.	JDH
8.	<u>Any other business</u> <u>PCSE issues</u> NW asked if there are any known problems at PCSE as recently there has been a delay in receiving decisions/decisions not been sent to all relevant parties. KRJ advised that performance and complaints are monitored. MW provided NW with the complaints email address. <u>Terms of reference</u> JDH advised that the Terms of reference for this Group will be reviewed to ensure the Group is effective, adds value, and there is appropriate representation from NHS England, ICB and the profession. JH advised that the Pharmacy Manual is being re-written, and Charlotte Goodson from PCC is helping. JH asked if CG could attend these meetings. JDH agreed she should join either in attendance or as a member. Action. JDH ended the meeting and said the next meeting will be arranged for May 2024.	JDH

Actions Summary:

Action	Owner	Date Required
KRJ to raise decision making reasoning at next Contract Managers meeting	KRJ	ASAP
JDH to review Terms of Reference	JDH	Dec 2023
CG to be invited to next meeting	JDH	Dec 2023

Next Meeting: May 2024 TBC