

NHS Resolution

Factsheet 6: Primary Care Appeals Annual Statistics 2024-25

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 integrated care boards. 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, changes to listing or the provision of dispensing services by GPs;
- Determining disputes between primary care contractors and the commissioner relating to performance and payments;
- 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 Regulation 18 notifications regarding their inclusion on any Performers List: and
- Providing information to NHS England against the database.

Purpose

This Factsheet, which should be read in conjunction with NHS Resolution's Annual report and accounts 2024-25, provides statistical information on our activity levels and case outcomes, showing the type and volume across a range of subject matter.

Intended audience

- Department of Health and Social Care;
- NHS England policy and regional teams and integrated care boards;

- Contractors and their agents; and
- Representative bodies

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For individual decisions on the cases listed in this Factsheet please refer to our web page at [PCA Decisions Archive - NHS Resolution](#)

Annex 1:

Received and completed cases - all work streams: 01/04/24 to 31/03/25

	Cases received		Cases completed	
	24/25	23/24	24/25	23/24
Pharmacy: 'market entry' and 'opening hours'	207	87	171	81
Pharmacy: 'performance sanctions' and 'payments'	118	154	72	152
Pharmacy: Covid-19 payments	0	0	0	16
GP disputes: APMS	0	0	0	0
GP disputes: GMS 2015	17	14	19	9
GP disputes: PMS 2015	1	2	1	5
Performers Lists Regulations: Consent to withdraw and appeals regarding suspension payments	7	5	7	3
Dental disputes: GDS 2005	11	13	7	10
Dental disputes: PDS 2005	0	0	0	0
Ophthalmic disputes: GOS	0	0	0	0

Annex 2: Pharmacy market entry and associated appeals (2013 Regulations) and appeals under 2022 Directions: 01/04/24 to 31/03/25

		Cases completed						
Application type	Cases received	Application granted		Application refused		Remit Back	Non-Valid Withdrawn	Total
		Decision quashed	Decision confirmed	Decision quashed	Decision confirmed			
Routine (current need)	11	2	0	2	1	0	0	5
Routine (future need)	6	0	0	1	0	0	1 ¹	2
Routine (improvements/ better access)	2	0	0	1	0	0	0	1
Routine (unforeseen benefits)	73	12	3	34	8	0	7 ²	64
Routine (future improvements/ better access)	0	0	0	0	0	0	0	0
Routine (neither PNA/ unforeseen benefits)	0	0	0	0	0	0	0	0
Excepted (relocations)-inc joint CoO	10	6	0	2	0	0	2 ³	10
Excepted (DSP)	29	7	0	14	0	1	3 ⁴	25
Excepted (CoO)	13	1	1	1	0	0	1 ⁵	4
Consolidation	1	3	0	0	0	0	0	3
Outline Consent/	0	0	0	0	0	1	0	1
TOTAL 2024/25	145 ⁶	31	4	55	9	2	14	115 ⁷

¹ Summary dismissal of a refused application.

² Three out of time appeals (one against a grant and two against refusals) and four appeal withdrawals (two against grants and two against refusals).

³ Two appeal withdrawals (one against a grant and one against a refusal).

⁴ Three out of time appeals (one against a grant and two against refusals).

⁵ One out of time appeal against a grant.

⁶ Plus two appeals regarding not being granted appeal rights.

⁷ Plus two appeals regarding third party rights – allowed.

Case type	Cases received	Confirm decision	Substitute decision	Non-Valid Withdrawn	Remit back	Total
Change core opening hours	18	10	5	4 ⁸	0	19
Directions to open	42	2	20 ⁹	13 ¹⁰	0	35
TOTAL 2024/25	60	12	25	17	0	54
Case type	Cases received	Confirm decision	Substitute decision	Non-Valid Withdrawn	Remit back	Total
Breach Notice re CPAF	10	3	4 ¹¹	1	N/A	8
Breach Notice re DSP Toolkit	4	0	2 ¹²	2 ¹³	N/A	4
Breach Notice re GPhC	2	0	1 ¹⁴	0	N/A	1
Breach Notice re hours	28	1	9 ¹⁵	13 ¹⁶	N/A	23
Breach Notice re impeding choice	1	1	0	0	N/A	1
Breach Notice re 100 hours	0	0	1 ¹⁷	0	N/A	1
Breach Notice re NMS	1	1	0	0	N/A	1
Breach Notice re post event messaging	1	0	0	0	N/A	0
Breach Notice re SI change	1	1	0	0	N/A	1
Breach Notice re suspension of services	1	0	0	0	N/A	0
Closure in 3 months	1	0	0	1	N/A	1

⁸ Two cases where there was no jurisdiction to consider an increase in core hours.

⁹ All resulted in no direction to open.

¹⁰ Nine withdrawals (three followed direction being rescinded), two out of time appeals, two where no direction had been issued.

¹¹ Two substituted with a Remedial Notice, two Breach Notices overturned.

¹² Two appeals allowed.

¹³ One Breach Notice rescinded, one appeal withdrawal.

¹⁴ Breach Notice contained errors.

¹⁵ Eight Breach Notices overturned, one appeal dismissed but Breach Notice contained errors so was substituted.

¹⁶ Eleven Breach Notices rescinded so appeals withdrawn, two appeals out of time

¹⁷ Appeal dismissed but Breach Notice contained errors so was substituted.

Remedial Notice (hours)	2	0	1 ¹⁸	1	N/A	2
Removal of listing	3	2	1 ¹⁹	0	N/A	3
BP checks payments	1	1	0	0	0	1
MDS payment recovery	31	13	0	1	0	14
NMS payment recovery	3	0	0	0	0	0
Out of pocket expenses	13	8	0	2	0	10
Quality payment	15	1	0	0	0	1
TOTAL 2024/25	118	32	19	21	0	72

¹⁸ Substituted with no Remedial Notice.

¹⁹ Appeal allowed so no direction to remove.

Annex 3

Outcomes of other appeals and disputes by type and geographic area

Category	Matter in dispute	Area	Outcome
Dental	Financial recovery	Bedford, Luton & Milton Keynes	Application granted in favour of the Contractor
	Termination of Contract	Cheshire & Merseyside	Final determination on a preliminary matter - local dispute resolution completed
	Termination of Contract	Cheshire & Merseyside	Application refused in favour of the Commissioner
	Financial recovery	Norfolk & Waveney	Final determination on a preliminary matter - local dispute resolution completed
	Financial recovery	Norfolk & Waveney	Application refused in favour of the Commissioner
	Financial recovery	Northamptonshire	Application withdrawn
	Termination of Contract	Staffordshire	Application granted in favour of the Commissioner
Medical	Premises rent valuation	Derby & Derbyshire	Application granted in favour of Contractor in part
	Covid vaccine payments	Dorset	Application withdrawn - payment made
	Termination of Contract	East of England	Application withdrawn
	Improvement indicators	Great Manchester	Application refused in favour of Commissioner
	Friends and Family Test payments	Great Manchester	Application refused in favour of Commissioner
	Premises rent valuation	Hampshire & Isle of Wight	Application granted in favour of Contractor in part
	Premises rent valuation	Hampshire & Isle of Wight	Application withdrawn
	Premises rent valuation	Hampshire & Isle of Wight	Application withdrawn
	Premises rent valuation	Hampshire & Isle of Wight	Case closed – local resolution ongoing
	Premises rent valuation	Hampshire & Isle of Wight	Application granted in favour of Contractor in part

	Termination of Contract	Lancashire & South Cumbria	Application refused in favour of Commissioner
	Variation of agreement	Leicester, Leicestershire & Rutland	Application withdrawn
	Immunisation payments	Lincolnshire	Application refused in favour of Commissioner
	Premises rent valuation	Midlands	Application granted in favour of Contractor in part
	Immunisation payments	North East & North Cumbria	Application refused in favour of Commissioner
	Immunisation payments	North East & North Cumbria	Application refused in favour of Commissioner
	Premises rent valuation	Cheshire & Merseyside	Application granted in favour of Contractor in part
	Premises relocation	South West London	Application refused in favour of Commissioner
	Premises rent valuation	Sussex	Application out of time
	Immunisation payments	West Midlands	Application refused in favour of Commissioner
Performers Lists Regulations	Consent to withdraw from the dental performers list	Cheshire & Merseyside	Application withdrawn
	Consent to withdraw from the medical performers list	North East & Yorkshire	Application withdrawn
	Consent to withdraw from the medical performers list	North East & Yorkshire	Application allowed
	Entitlement to dental suspension payments	South East	Appeals dismissed
	Entitlement to medical suspension payments	Midlands	Non-valid
	Entitlement to medical suspension payments	London	Out of time
	Entitlement to medical suspension payments	South East	Appeal dismissed
	Entitlement to medical suspension payments	South West	Appeal dismissed

Annex 4:

Performance against casework indicators 2024-25

Brackets indicate data for 2023-24

Indicator	Actual	Target
% of "first step" letters sent out within 7 days of receiving the appeal or dispute	99% [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	82% [89%]	80%
% outcome of quality audits for appeals and dispute files	100% [100%]	80%
The average number of weeks taken to resolve appeals and disputes – Internal input only	11 [10]	Maximum 15 weeks
The average number of weeks taken to resolve appeals and disputes – additional input	16 [17]	Maximum 19 weeks
The average number of weeks taken to resolve appeals and disputes – Oral Hearing	23 [21]	Maximum 25 weeks
The average number of weeks taken to resolve disputes – Current Market Rent valuation input required	34 [29]	Maximum 33 weeks

Annex 5:

Performers Lists notifications from NHS England and health boards to NHS Resolution and active suspensions: 01/04/24 to 31/03/25

[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 31/03/25
Dental	Suspensions	19	22
	Removals	359	N/A
	Refusals to include	3	N/A
	Conditions	32	N/A
	Reviews, variations etc	67	N/A
Medical	Suspensions	60	45
	Removals	1031	N/A
	Refusals to include	10	N/A
	Conditions	45	N/A
	Reviews, variations etc	85	N/A
Ophthalmic	Suspensions	4	4
	Removals	109	N/A
	Refusals to include	4	N/A
	Conditions	7	N/A
	Reviews, variations etc	9	N/A
Pharmaceutical	Suspensions	1	2
	Removals	1	N/A
	Refusals to include	4	N/A
	Conditions	1	N/A
	Reviews, variations etc	1	N/A

N/A = Not Applicable

Annex 6:

Terminology, abbreviations and regulations in this factsheet

2013 Regulations

[NHS \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#)

2022 Directions

[National Health Service Litigation Authority \(Pharmaceutical Remuneration – Payment Disputes\) \(England\) Directions 2022](#)

APMS - Alternative Provider Medical Services

BP checks – Blood pressure checks

CoO – Change of Ownership

CPAF – Community Pharmacy Assurance Framework
[Community Pharmacy Assurance Framework](#)

DSP – Distance selling pharmacy

DSP Toolkit – Data Security and Protection Toolkit

GDS – General Dental Services
[NHS \(General Dental Services Contracts\) Regulations 2005](#)

GMS – General Medical Services
[NHS \(General Medical Services Contracts\) Regulations 2015](#)

GPhC – General Pharmaceutical Council

MDS – Medicines Delivery Service

NMS – New Medicines Service

Ophthalmic – of, relating to, or situated near the eye
[The General Ophthalmic Services Contracts Regulations 2015](#)

Performers Lists - a list of approved GPs, opticians and dentists who satisfy a range of criteria necessary for working in the NHS.
[NHS \(Performers Lists\) \(England\) Regulations 2013](#)

PDS – Personal Dental Services
[NHS \(Personal Dental Services Agreements\) Regulations 2005](#)

PMS – Personal Medical Services
[NHS \(Personal Medical Services Agreements\) Regulations 2015](#)

PNA – Pharmaceutical Needs Assessment

SI – Superintendent Pharmacist

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