

NHS Resolution

Primary Care Appeals

Disputes outcomes 2015 - 2020

Introduction

NHS Resolution's Primary Care Appeals service receives and determines appeals and applications for dispute resolution where NHS England and NHS Improvement (NHSEI) and those providing primary care services, or those wishing to provide such services, cannot reach agreement at local level. Primary Care Appeals has established itself as the expert appellate body within the NHS with responsibility for:

- interpreting and applying pharmaceutical services regulations, and in doing so, establishing policy and case precedent;
- determining contractual disputes, ensuring that NHS monies are apportioned accordingly in line with national contracts, and dispersed equitably and consistently to enable those funds to be appropriately directed to supporting primary care services; and
- ensuring that contractual decisions involving delivery of services, in particular those relating to termination of contract due to patient safety concerns, are reasonable and proportionate.

The work of Primary Care Appeals covers GPs, dentists, opticians and pharmacists under relevant regulations¹. Typical cases include:

Pharmacy:

- Appeals regarding applications to open NHS community pharmacies;
- Appeals regarding applications to relocate or change listing; and
- Appeals regarding breach notices, remedial notices and overpayments

Medical, Dental and Ophthalmic:

- Disputes regarding entitlement to payments including GP premises rent;
- Disputes regarding recovery of payments;
- Disputes regarding breach and / or remedial notices;
- Disputes regarding termination of contract; and
- Appeals regarding suspension payments (GPs and dentists only)

Each year, Primary Care Appeals produces data regarding the volume and types of cases it both receives and determines. In addition, it publishes the outcomes of appeals regarding

- ¹ the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013;

- the General Ophthalmic Services Contracts Regulations 2008;

- the National Health Service (General Dental Services Contracts) Regulations 2005;

- the National Health Service (Personal Dental Services Agreements) Regulations 2005;

- the National Health Service (General Medical Services Contracts) Regulations 2015;

- the National Health Service (Personal Medical Services Agreements) Regulations 2015;

- the National Health Service (Performers Lists) (England) Regulations 2013 (as amended)

applications to open NHS community pharmacies and appeals regarding applications to relocate or change listing.

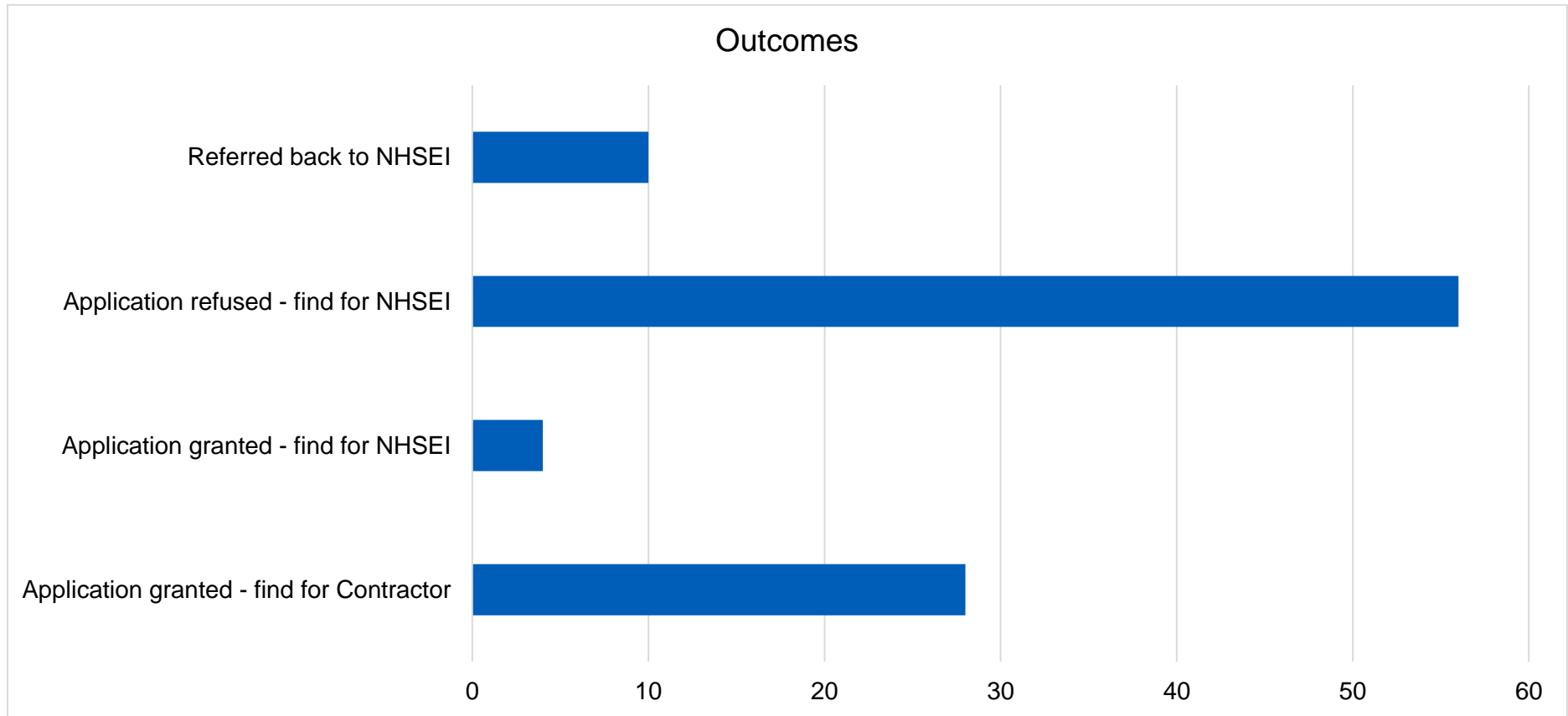
As part of its commitment to greater data transparency, Primary Care Appeals is publishing the outcome of pharmaceutical appeals regarding breach notices, remedial notices and overpayments and medical, dental and ophthalmic disputes as outlined above with the exception of appeals regarding suspension payments.

The date range relates to 1 April 2015 to 31 March 2020.

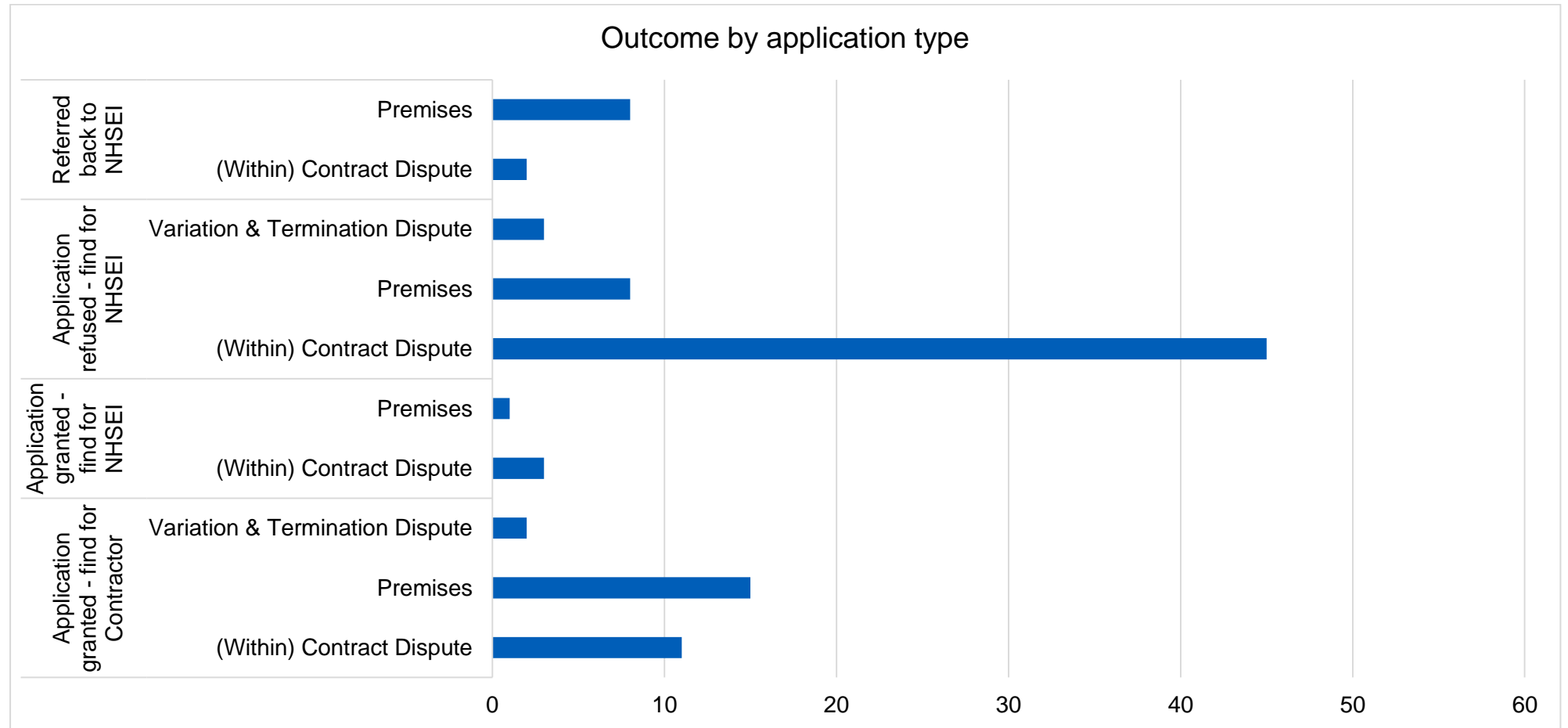
Jonathan Haley
Head of Operations
Primary Care Appeals

14 December 2020

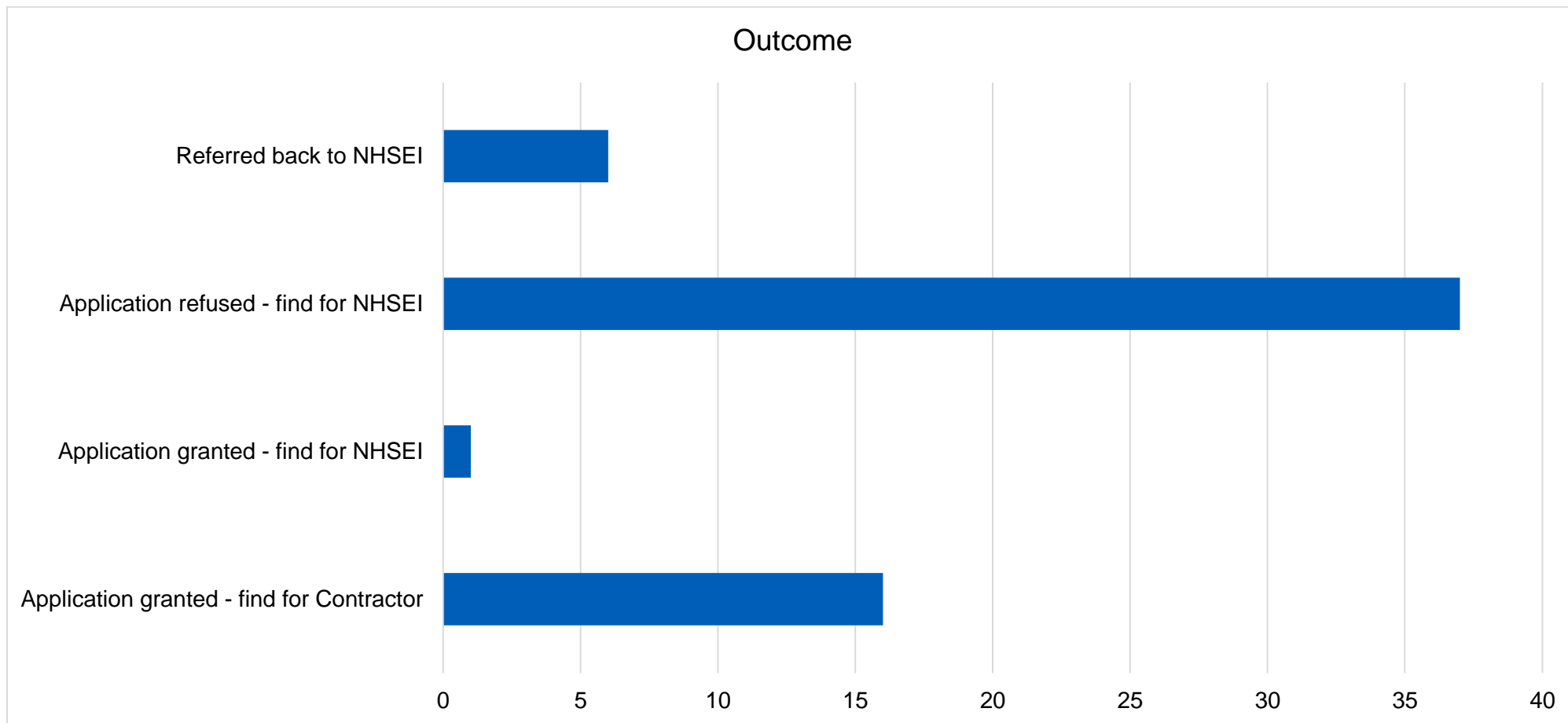
Regulation: GMS Contracts



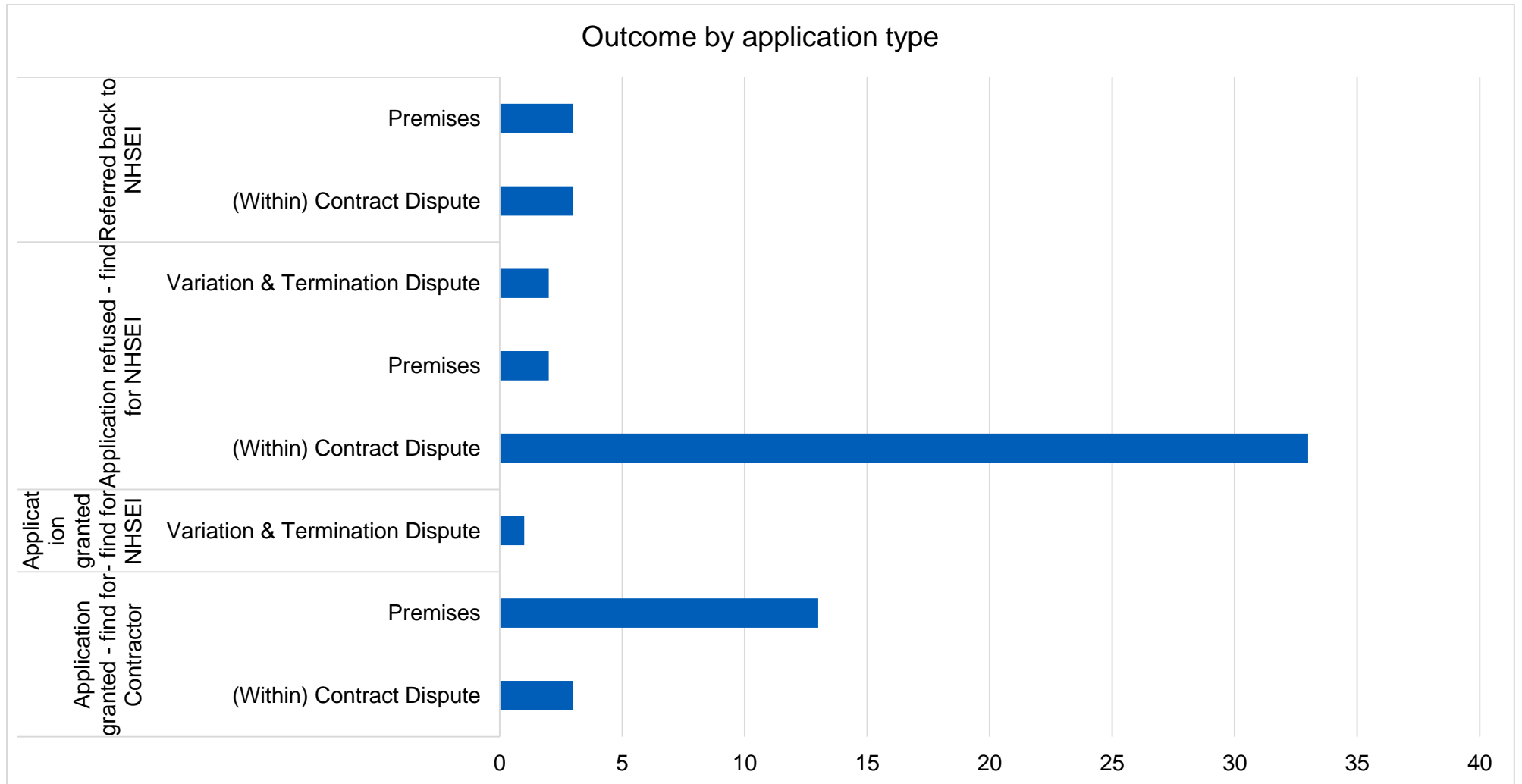
Regulation: GMS Contracts



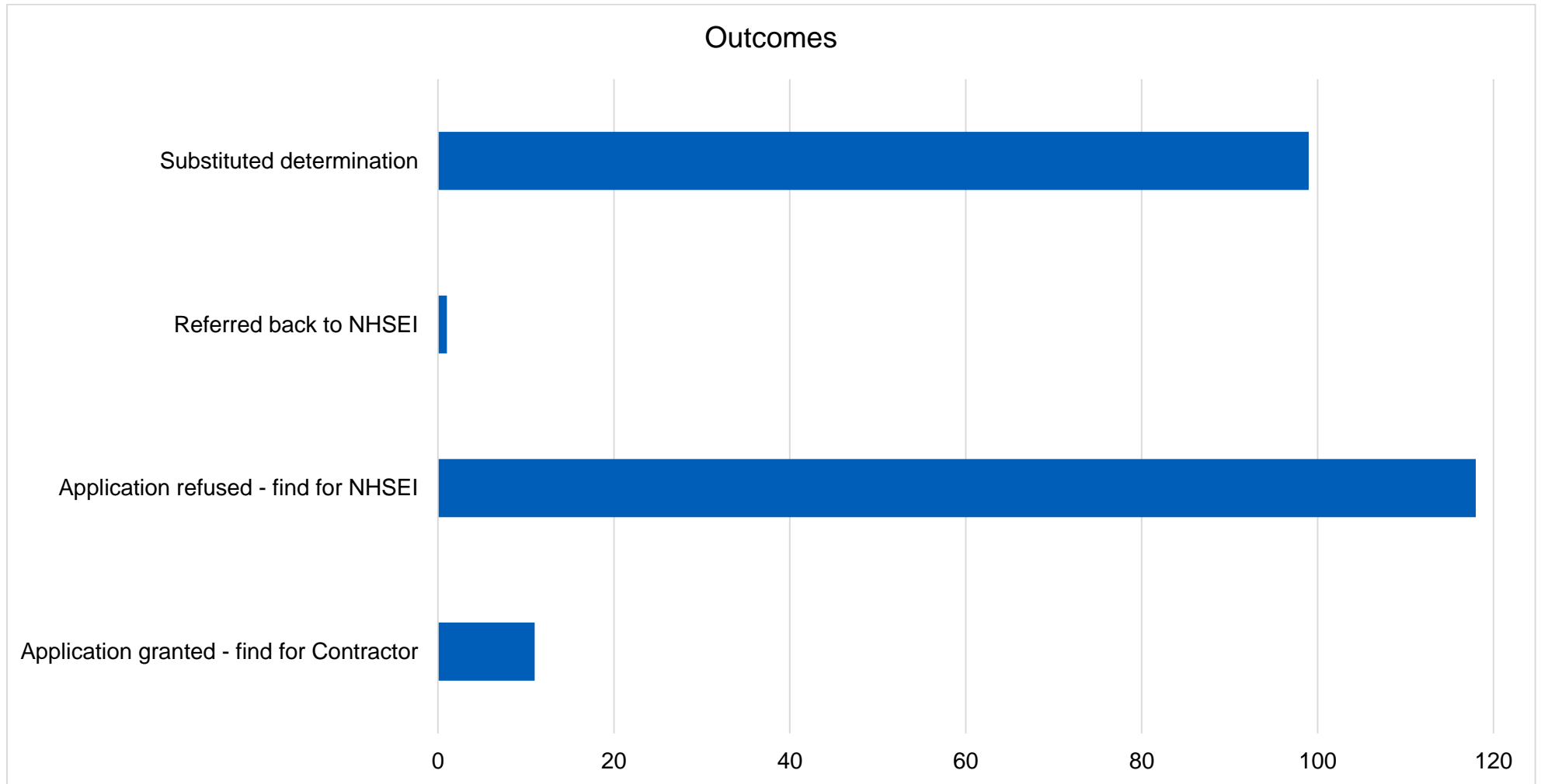
Regulation: PMS Agreements



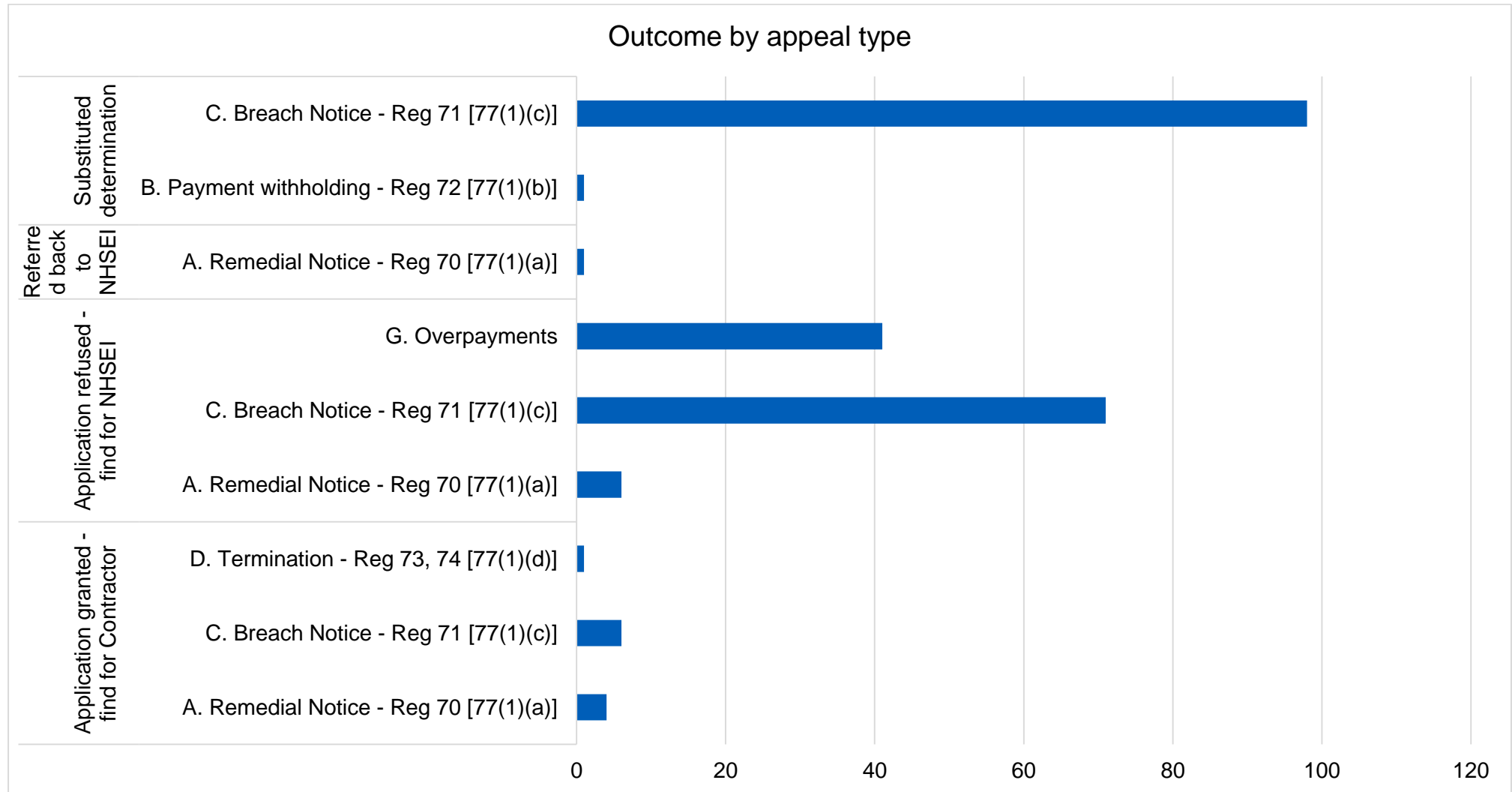
Regulation: PMS Agreements



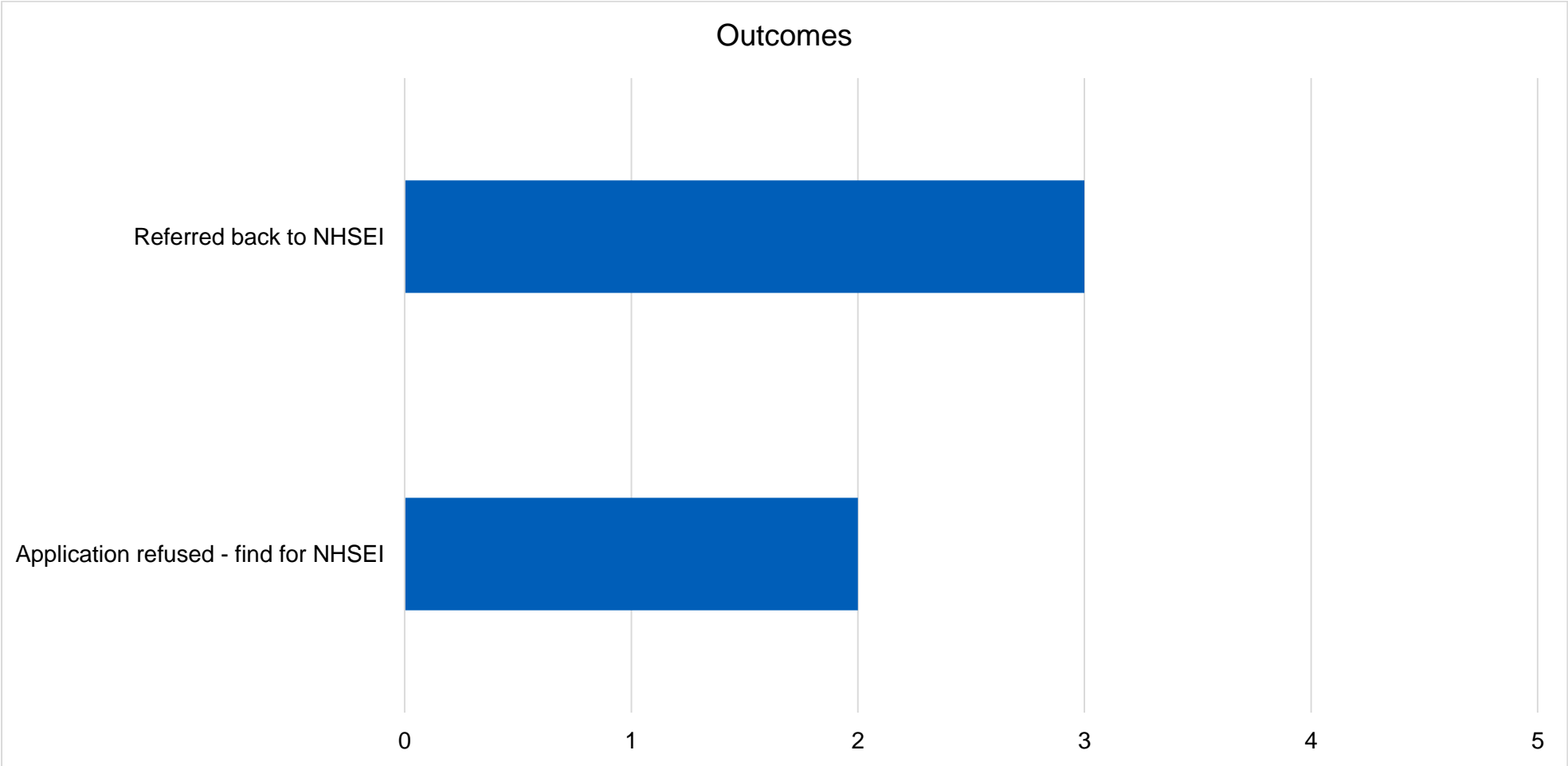
Regulation: Pharmacy Regulations



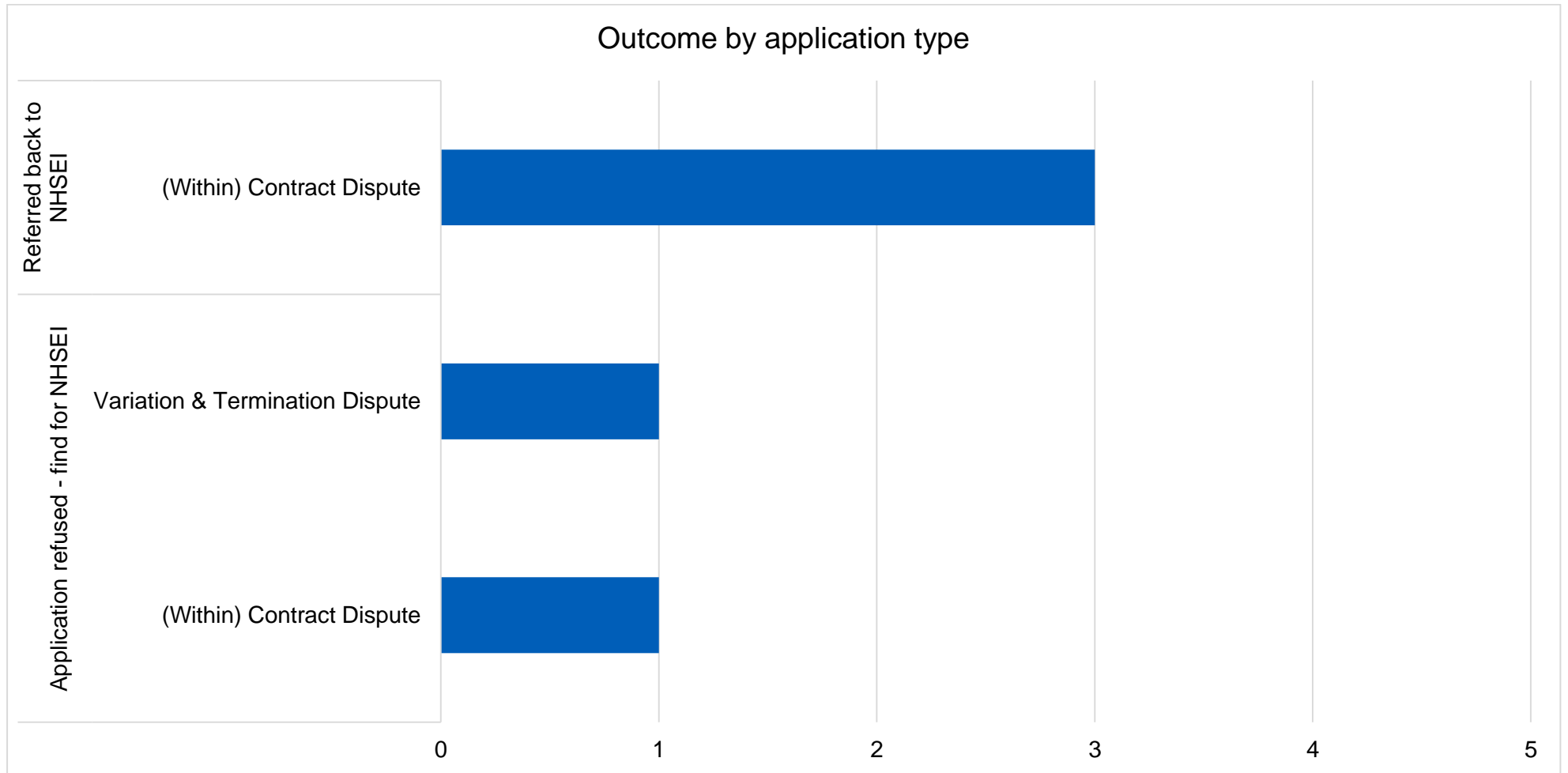
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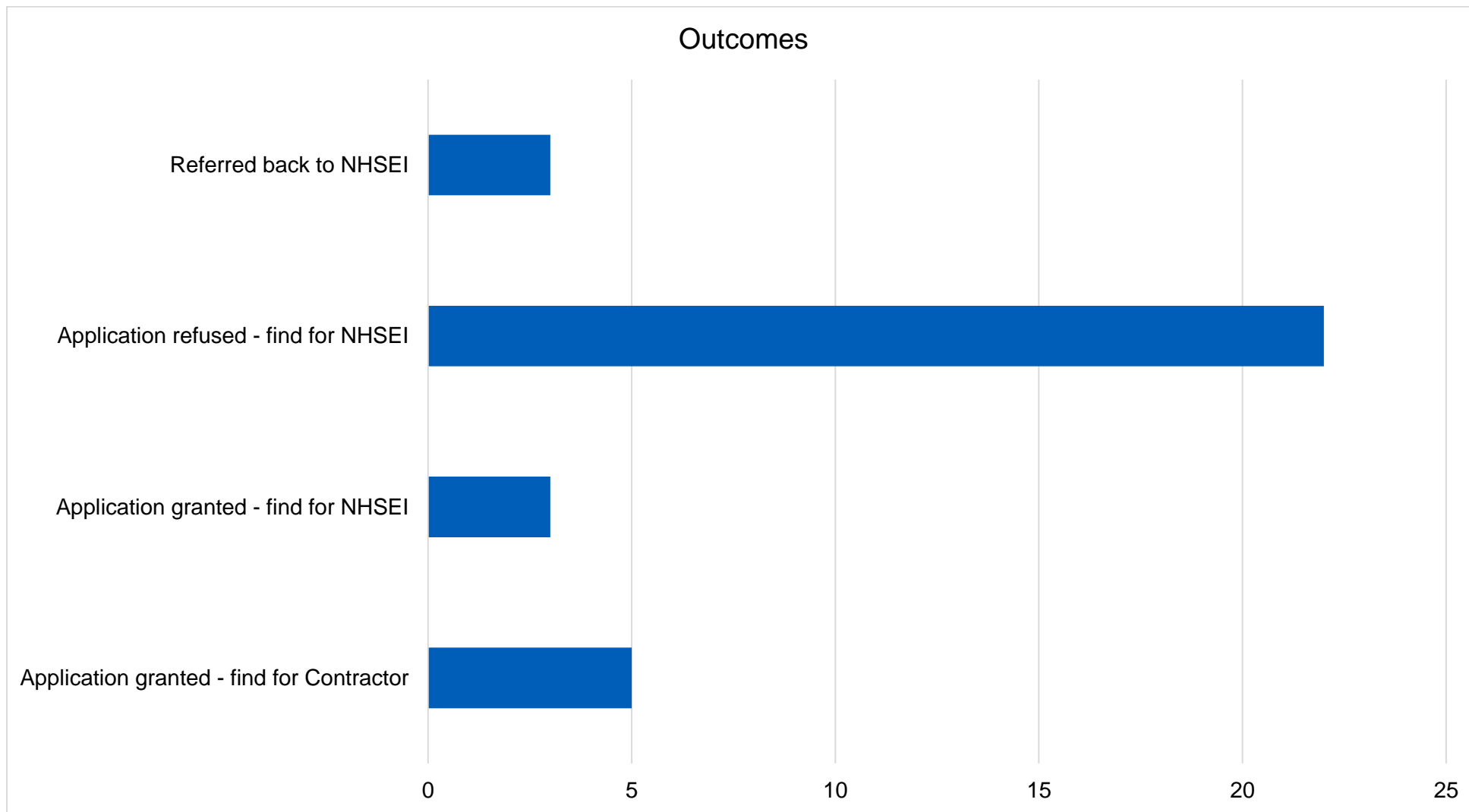
Regulation: PDS Agreements



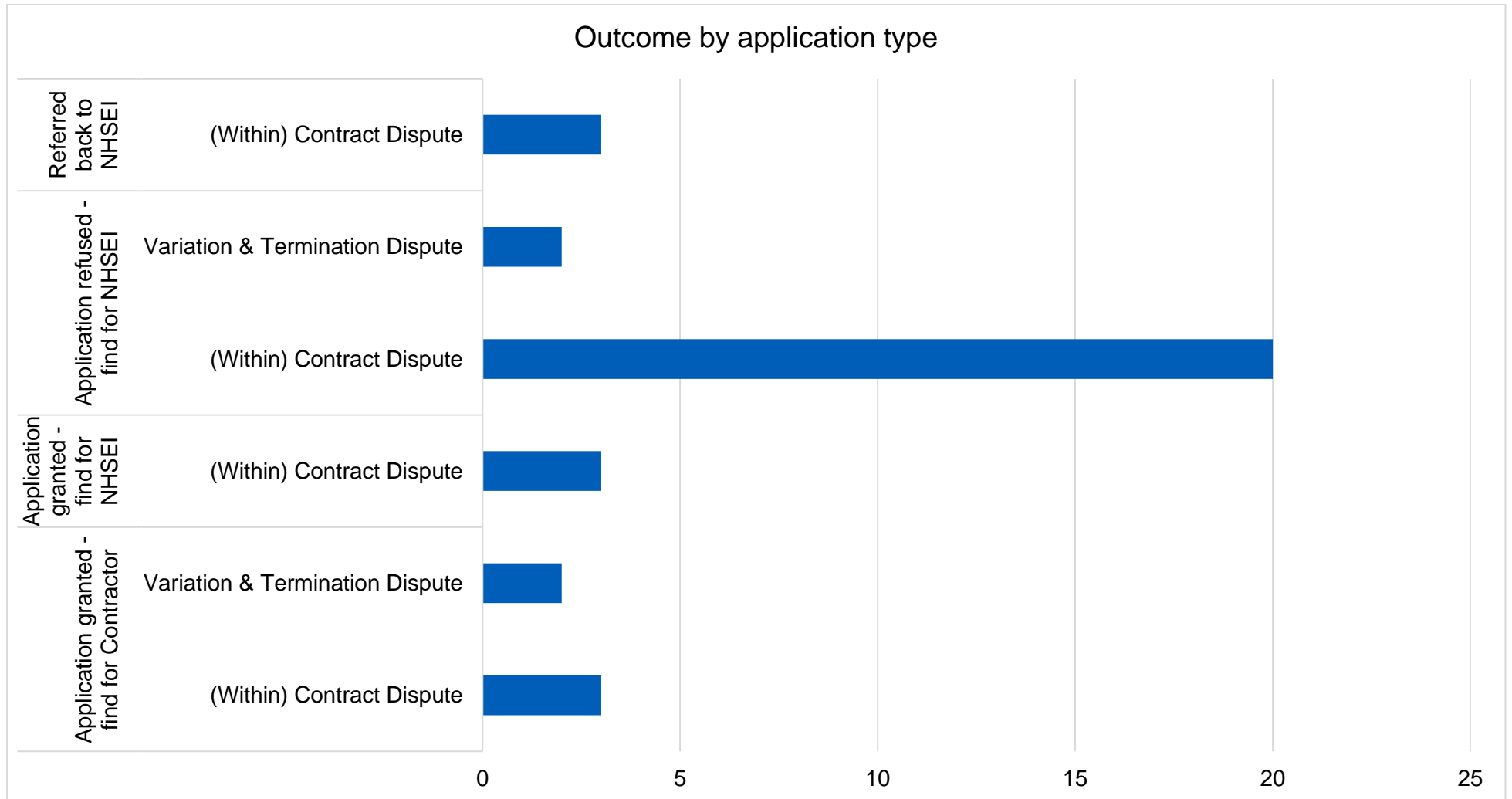
Regulation: PDS Agreements



Regulation: GDS Contracts



Regulation: GDS Contracts



Regulation: GOS Contracts

