

17 December 2025

REF: SHA/26739

**APPEAL AGAINST NORTHAMPTONSHIRE ICB
DECISION REGARDING A REMEDIAL NOTICE AT
BOOTS (FVL79), THE HEALTH CENTRE, DANETRE
HOSPITAL, LONDON ROAD, DAVENTRY,
NORTHAMPTON, NN11 4DY**

8th Floor
10 South Colonnade
Canary Wharf
London
E14 4PU

Tel: 020 3928 2000
Email: nhsr.appeals@nhs.net

1 Outcome

- 1.1 Pursuant to paragraph 9(5)(a) of Schedule 3 to the Regulations I confirm the decision of the Commissioner to issue a Remedial Notice.

A copy of this decision is being sent to:

Boots UK Ltd (FVL79)
East Midlands Primary Care Team for Northamptonshire ICB

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1 The Remedial Notice

A Remedial Notice dated 22 September 2025 was sent to Boots UK Limited (“the Appellant”) in respect of the Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY. The Remedial Notice stated:

- 1.1 **“Name of contractor: Boots Uk Limited**
- 1.2 **Address of premises: Boots (FVL79), The Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY**
- 1.3 **Date of inclusion in the pharmaceutical list for the area of West Northamptonshire Health and Wellbeing Board: 8th April 2008**
- 1.4 This is a Remedial Notice issued under regulation 70 of the National Health Services (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (the 2013 regulations).
- 1.5 **Nature of the breach**
- 1.6 Paragraph 35(4), Schedule 4 of the 2013 regulations states that contractors must, at the request of NHS England send to NHS England by means of an electronic communication of the type specified in the request any information to which a person authorised in writing by NHS England would have access during an inspection of the pharmacy premises pursuant to paragraph 35(1), Schedule 4, if—
 - 1.6.1 the contractor has that information in a form which means it may be sent by that form of electronic communication; or
 - 1.6.2 it is reasonable for NHS England to request that the contractor converts that information into a form which means that it may be sent by that form of electronic communication (and NHS England does so request).
- 1.7 Since 1 April 2023, NHS England has delegated the commissioning of pharmaceutical services to integrated care boards (ICBs) and therefore such requests may be made of pharmacy contractors by an ICB.

- 1.8 The five ICBs in the East Midlands have formed a Pharmaceutical Services Regulations Committee (PSRC) under section 65Z5 of the 2006 Act. By virtue of NHS England's Pharmacy Manual this Committee is responsible for making decisions required by the 2013 regulations. For the avoidance of doubt, this includes use of the fitness powers set out in the 2006 Act and the 2013 regulations. The PSRC is hosted by NHS Nottingham and Nottinghamshire ICB on behalf of the five ICBs.
- 1.9 The Directed Rota was created in conjunction with each individual East Midlands Integrated Care Board (ICB), Local Pharmaceutical Committee (LPC) and where attendance was made, the Local Medical Committee (LMC).
- 1.10 The Directed Rota was published on each individual East Midlands ICB's website in April 2025 and sent via email to all contractors, LPC's and General Practitioner contracting teams within the East Midlands footprint. Each East Midlands ICB contractor is required to update the Directory of Service website.
- 1.11 Contractors identified to take part in the Directed Rota for Easter Bank Holiday; **Good Friday 18th April 2025** received a proposal to direct letter, sent on 18 November 2024, in which contractors are advised they have 30 days to submit written representations to contest the proposal. The proposal to direct was sent via email to; pharmacy.fvl79@nhs.net; and cc'd #@boots.co.uk; #@boots.co.uk; #@boots.co.uk [redacted by NHS Resolution]
- 1.12 In the email, the pharmacy was advised 'The rate of commission for this service is £275 per hour for a maximum of 2 hours and can be claimed via PharmOutcomes, up to 28 days after the directed day. Should you not claim within this period assurance of the opening will be sought, and you will have upto 45 days from the directed day in which to make a final claim.' No representations were received from Boots within 30 days.
- 1.13 Upon completion of the 30-day representation window, a final direction letter is sent to all identified contractors to confirm they are required to provide pharmaceutical services on the day of direction. The final direction letters for the Easter Bank Holiday; Good Friday 18th April 2025 were sent via email on 18 December 2024, to the email addresses above. In the email, the pharmacy was advised "To claim for opening on Good Friday 2025, you will do so on PharmOutcomes, no later than 28 days after the directed days. If you fail to claim in this period, assurance will be sought, and you will have up to 45 days from the date of direction in which to make a final claim' No appeal was received by Boots.
- 1.14 Boots (FVL79), The Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY were directed to open as below;
- 1.15 **Good Friday, 18 April 2025**
- 1.16 **10:00-12:00**
- 1.17 The East Midlands Primary Care Team (EMPCT) provides each contractor with a reminder to claim on the 28th day following the date on which it was directed to open its pharmacy premises. This is sent to the contractor via the premises

specific NHSmail account for the pharmacy premises or an alternative given email where the premises specific NHSmail account is not yet available. If a contractor has not submitted a claim via PharmOutcomes it is then requested to provide evidence within 7 days to demonstrate that the pharmacy premises were opened in line with the Direction. Evidence of opening may include the Responsible Pharmacist log or evidence such as receipts issued to users of the pharmacy premises during the times the pharmacy was directed to be open.

- 1.18 No response to this request for information was received and the matter was passed to the PSRC to determine the appropriate course of action to take.
- 1.19 At its meeting on 19th August 2025 the PSRC noted that the request for evidence of opening in line with the Direction was made under paragraph 35(4), Schedule 4 of the 2013 regulations. It is satisfied that the request was made to the premises specific NHSmail account for the pharmacy premises that had been directed to open. By virtue of paragraph 29C(2), Schedule 4 of the 2013 regulations, Boots Pharmacy is required to ensure that at least two members of the pharmacy staff have live, linked NHSmail accounts to the premises specific NHSmail account.
- 1.20 In addition, paragraph 22C, Schedule 4 of the 2013 regulations requires Boots to have procedures in place (as part of its standard operating procedures) for checking the premises specific NHSmail account, at appropriate intervals on the days that the pharmacy premises are open for business, whether any discharge medicines service referrals have been received. The PSRC was therefore satisfied that it is reasonable to expect staff to have read and either dealt with the request or forwarded it to the appropriate person to deal with.
- 1.21 The PSRC noted that no response to the email requesting evidence that the pharmacy premises were opened in line with the Direction has been received. It is therefore satisfied that Boots is in breach of paragraph 35(4), Schedule 4 at the above named pharmacy premises. It noted that this breach can be remedied by providing the requested information.
- 1.22 **Steps you are required to take, to our satisfaction, in order to remedy the breach:**
- 1.23 You must supply the PSRC with evidence to demonstrate that the pharmacy premises were open as directed. This may include the following:
 - 1.23.1 A copy of the responsible pharmacist log and/or
 - 1.23.2 Receipts for the day of opening.
- 1.24 This information is to be sent to **england.eastmidspharmacy@nhs.net**.
- 1.25 **The required step must be completed by: 22nd October 2025.**
- 1.26 You have a right of appeal to the Secretary of State against the issuing of this remedial notice Should you choose to appeal then you should send a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this notice to nhsr.appeals@nhs.net or:

- 1.27 Primary Care Appeals, NHS Resolution, 8th Floor 10 South Colonnade, Canary Wharf, London, E14 4PU
- 1.28 Please note that should you fail to comply with the requirements of this remedial notice we reserve the right to exercise our powers to take further action in relation to your inclusion in the pharmaceutical list in respect of the above named premises. This may include removal of the premises from the pharmaceutical list under regulation 73 of the 2013 regulations.”

2 The Appeal

In an email dated 6 October 2025 addressed to NHS Resolution, the Appellant appealed against the Commissioner’s decision. The grounds of appeal are:

- 2.1 “I have been sent a remedial notice for failure to open on the 18th April 2025 (Good Friday) between 10am and 12pm.
- 2.2 We were never on the list to be open and never advised to open. I checked the rota’s and we are not listed.
- 2.3 Day and Night and Boots at Winbourne[sic] Place were advised to open but Boots DanFVL79 was not.”

3 Summary of Representations

This is a summary of representations received on the appeal.

3.1 THE COMMISSIONER

- 3.1.1 “Thank you for your letter dated 10 October 2025. The East Midlands Primary Care Team on behalf of Northamptonshire Integrated Care Board would like to make the following representations.
- 3.1.2 Following the local analysis assessment and in light of the fact no pharmacies will be open on Good Friday – 18 April 2025 from the Daventry area and engagement was made with Northamptonshire ICB and Northamptonshire LPC a proposal to direct letter was sent to Boots Pharmacy on 18 November 2024 to pharmacy.fvl79@nhs.net and also cc to #@boots.co.uk , #@boots.co.uk and #@boots.co.uk [redacted by NHS Resolution], if the pharmacy wished to make written representations about the proposed direction, they were asked to send representations to East Midlands Primary Care Team within 30 days of the date of this letter, no representations were received.
- 3.1.3 The Direction letter was then sent to the pharmacy on 19th December 2024 pursuant to paragraph 25(1) of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended and was issued the direction.
- 3.1.4 The post analysis showed that (FVL79) Boots Pharmacy had not claimed for the bank holiday as directed and so at 28 days an email was sent to the pharmacy on 19 May 2025 requesting that the pharmacy

make the necessary claim, and the claim window would remain open until 2 June 2025. A further email was sent to Boots Pharmacy on 11 June 2025 that the pharmacy had still failed to claim at the 45-day window. We then requested evidence that the pharmacy had opened no later than 18 June 2025. Nothing was received from the pharmacy from this request.

3.1.5 At a meeting on 19 August 2025 the PSRC noted that the request for evidence of opening in line with the Direction was made under paragraph 35(4), Schedule 4 of the 2013 regulations.

3.1.6 It was satisfied that the request was made to the premises specific NHSmail account for the pharmacy premises that had been directed to open. By virtue of paragraph 29C(2), Schedule 4 of the 2013 regulations, Boots Pharmacy is required to ensure that at least two members of the pharmacy staff have live, linked NHSmail accounts to the premises specific NHSmail account.

3.1.7 The PSRC noted that no response to the email requesting evidence that the pharmacy premises were opened in line with the Direction had been received. It was therefore satisfied that Boots is in breach of paragraph 35(4), Schedule 4 at the above-named pharmacy premises. It noted that this remedial notice can be remedied by providing the requested evidence to confirm if they were open.

3.1.7.1 A copy of the responsible pharmacist log and/or

3.1.7.2 Receipts for the day of opening.

3.1.8 The process that the East Midlands primary care team follow for directing for all bank holidays on behalf of Northamptonshire ICB is as follows;

3.1.8.1 With regards to the rota that was circulated, as Boots Pharmacy states within their appeal that Day and Night Pharmacy and also Boots (Wimborne Place) were open on that day, I have included the rota for the whole of the Easter Bank holiday and this confirms that Day and Night Pharmacy were due to open on Easter Sunday and Boots (Wimborne Place) were due to open on Easter Monday.

3.1.8.2 Please note that we consulted with Northamptonshire ICB and Northamptonshire LPC representatives and made them aware of our intentions to propose this direction, and the rationale behind the proposal. Community Pharmacy were in support of the need to ensure adequate pharmaceutical provision on Good Friday – 18th April 2025 and are willing to provide guidance to contractors on this proposed direction.

3.1.8.3 Following the assessment and engagement, if was felt that the pharmaceutical provision within any area would not meet the needs of the people or other likely users in the area and there

are 7 pharmacies, within the vicinity but we received no volunteers to work on Good Friday or throughout the Easter period.

3.1.8.4 Please find enclosed a copy of the rota that was sent out to all pharmacies, GPs etc and copies of the proposal to direct and direction letters that were sent to the pharmacy confirming the information.

3.1.9 I would like to take this opportunity to respond to any further representations provided by Boots Pharmacy, The Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY.”

Copy letter addressed to Boots Pharmacy, The Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY dated 18 November 2025

3.1.10 **“Re: Direction of opening hours on Good Friday 18th April 2025 Bank holiday at FVL79, Boots Pharmacy, The Health Centre, Danetre Hospital, London Road, Daventry, NN11 4DY.**

3.1.11 **Your current core opening hours are:**

3.1.11.1 Monday: 09:00 – 13:00 14:00 – 18:00

3.1.11.2 Tuesday: 09:00 – 13:00 14:00 – 18:00

3.1.11.3 Wednesday: 09:00 – 13:00 14:00 – 18:00

3.1.11.4 Thursday: 09:00 – 13:00 14:00 – 18:00

3.1.11.5 Friday: 09:00 – 13:00 14:00 – 18:00

3.1.11.6 Saturday: 08:30 – 12:30

3.1.11.7 Sunday: Closed

3.1.12 **The total opening hours (core & supplementary) of the above pharmacy premises are:**

3.1.12.1 Monday: 09:00 – 18:00

3.1.12.2 Tuesday: 09:00 – 18:00

3.1.12.3 Wednesday: 09:00 – 18:00

3.1.12.4 Thursday: 09:00 – 18:00

3.1.12.5 Friday: 09:00 – 18:00

3.1.12.6 Saturday: 08:30 – 12:30

3.1.12.7 Sunday: Closed

3.1.13 We consider that the current core opening hours may not meet the needs of people in the area or other likely users of the pharmacy premises for the following reasons:

3.1.14 There is no pharmacy provision in the Daventry area on Good Friday 18th April 2025, following requests for a pharmacy to volunteer.

3.1.15 We are carrying out an assessment as to whether to issue a direction pursuant to paragraph 25(1) of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 requiring you to provide pharmaceutical services on the following date and time:

3.1.15.1 Good Friday, 18 April 2025

3.1.15.2 10:00 – 12:00

3.1.16 If you wish to make written representations about the proposed direction, they should be sent to england.eastmidsparmacy@nhs.net within 30 days of the date of this letter, i.e. by 18th December 2024.

3.1.17 If you have any questions, please do not hesitate to contact me.”

Copy letter addressed to Boots Pharmacy, The Health Centre, Danetre Hospital, London Road, Daventry, Northampton, NN11 4DY dated 18 December 2025

3.1.18 “Re: Direction of opening hours on Good Friday 2025 at Boots Pharmacy, The Health Centre, Danetre Hospital, London Road, Daventry, Northamptonshire, NN11 4DY.

3.1.19 We have concluded our assessment as to whether to issue a direction pursuant to paragraph 25(1) of Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended and have issued the enclosed direction.

3.1.20 Your core opening hours on **Friday 18 April 2025** are therefore: **10:00 – 12:00**

3.1.21 The reasons for directing the above pharmacy to open are:

3.1.22 There has been no voluntary offer of pharmacy provision in the Daventry area to meet the needs of people living in the area on 18 April 2025. We have reviewed which pharmacies have opened on previous bank holidays to ensure that directing pharmacies to open has taken place on a fair share basis.

3.1.23 Please be advised that the level of remuneration for Good Friday – 18 April 2025, will be £275.00 per hour for a maximum of 2 hours. This should be claimed through Pharm Outcomes within 28 days of the directed day. If this is not claimed within 28 days, assurance will be sought, and you will have to a maximum of 45 days from the directed day to claim.

- 3.1.24 Please ensure that you update the directory of service (DOS) and NHS UK using profile manager with the hours that you are being directed to open.
- 3.1.25 You have the right of appeal to the Secretary of State against our decision. Should you choose to appeal, then you should send in writing a concise and reasoned statement of the grounds for your appeal within 30 days of the date of this letter to: nhsr.appeals@nhs.net or Primary Care Appeals Case Manager, NHS Resolution, 8th Floor 10 South Colonnade, Canary Wharf, London, E14 4PU.
- 3.1.26 If you have any questions, please do not hesitate to contact me.”
- 3.1.27 [Enclosure: Spreadsheet listing pharmacy opening times for Good Friday 2025, Friday 18 April 2025 and Easter Sunday 2025, 20 April 2025. Specific lines in the table extracted below, as referred to by parties above.]
- 3.1.28 “Good Friday 2025 Friday 18 April 2025:
- 3.1.29 FVL79 **Boots** The Health Centre Danetre Hospital, London Road Daventry NN11 4DY 10:00 - 12:00
- 3.1.30 Easter Sunday 2025 20 April 2025
- 3.1.31 FQR82 **Daventry Day and Night Pharmacy** 5 St Johns Square Daventry NN11 4FG 10:00 - 12:00.”

4 **Observations**

No observations were received by NHS Resolution in response to the representations received on appeal.

5 **Consideration**

- 5.1 Under Regulation 70(1) “Breaches of terms of service: remedial notices” of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”), a remedial notice may be issued:

70. (1) Where an NHS chemist (C) breaches a term of service and the breach is capable of remedy, NHS England may by a notice (“a remedial notice”) require C to remedy the breach.

- 5.2 I note that in the Regulations an NHS Chemist means “an NHS appliance contractor or an NHS pharmacist”. An NHS pharmacist is defined as “a person included in a pharmaceutical list of the type referred to in regulation 10(2)(a);”. Regulation 10(2)(a) states:

10(2) “Those lists (which are pharmaceutical lists) are

(a) a list of persons who undertake to provide pharmaceutical services in particular by way of the provision of drugs;”

- 5.3 The Regulations contain no definition as to what constitutes a breach of terms of service which is not capable of remedy.
- 5.4 I note that the pharmacy is included on the pharmaceutical list and that there is no dispute between the parties with regard to this.
- 5.5 The Remedial Notice was issued pursuant to Regulation 70(1) and is compliant with the requirements of a remedial notice as it includes the nature of the breach and an explanation of the Appellant's right of appeal under regulation 77(1)(c).
- 5.6 I note in its representations the Commissioner states that it emailed the pharmacy on 19 May 2025 and 11 June 2025 extending the window for the claim form to be submitted for opening in line with the Direction letter of 18 December 2024.
- 5.7 The Remedial Notice states "*The PSRC noted that no response to the email requesting evidence that the pharmacy premises were opened in line with the Direction has been received. It is therefore satisfied that Boots is in breach of paragraph 35(4), Schedule 4 at the above named pharmacy premises. It noted that this breach can be remedied by providing the requested information.*"
- 5.8 I have been provided with copy letters dated 18 November and 18 December 2024 addressed to the Appellant but not copies of the emails dated 19 May and 11 June 2025. I am mindful that the Appellant has not disputed they were sent or that any of the four email addresses used were incorrect. I am therefore of the view that the Appellant had the opportunity to enter into local dispute resolution with the Commissioner but did not do so. There is no dispute raised by either party that the local dispute resolution process has not been exhausted. Given that both parties do not dispute that local resolution has been exhausted I am content that I can deal with this matter.
- 5.9 The Appellant seeks to appeal against the decision of the Commissioner to issue the Remedial Notice for its failure to provide the requested information in response to the Commissioner's email dated 11 June 2025.
- 5.10 I note that the Breach Notice refers to Schedule 4, Part 4, Paragraph 35 of the Regulations which states:

35. Inspections and access to information

...

(4)P must, at the request of the NHSCB, send to the NHSCB by means of an electronic communication of the type specified in the request any information to which a person authorised in writing by the NHSCB would have access during an inspection of P's pharmacy premises pursuant to subparagraph (1), if—

(a)P has that information in a form which means it may be sent by that form of electronic communication; or

(b) it is reasonable for the NHSCB to request that P convert that information into a form which means that it may be sent by that form of electronic communication (and does so request).

- 5.11 I note the Commissioner states it emailed the Appellant “on 19 May 2025 requesting that the pharmacy make the necessary claim, and the claim window would remain open until 2 June 2025. A further email was sent to Boots Pharmacy on 11 June 2025 that the pharmacy had still failed to claim at the 45-day window. We then requested evidence that the pharmacy had opened no later than 18 June 2025. Nothing was received from the pharmacy from this request.”
- 5.12 The Appellant, in its appeal, states “We were never on the list to be open and never advised to open. I checked the rota's and we are not listed.” I am mindful that the Appellant has not provided a copy of the rota to which it refers but has not disputed the rota provided by the Commissioner in its representations which clearly list FVL79 Boots The Health Centre Danetre Hospital, London Road Daventry NN11 4DY 10:00 - 12:00 on line number 8 of the spreadsheet for Friday 18 April 2025 nor has it disputed the letters provided by the Commissioner dated 18 November and 18 December 2024 both of which are addressed to the Appellant.
- 5.13 The Commissioner states in its representations that the matter had been discussed at a Pharmaceutical Services Regulations Committee (“PSRC”) meeting on 19 August 2025. “It was satisfied that the request was made to the premises specific NHSmail account for the pharmacy premises that had been directed to open. By virtue of paragraph 29C(2), Schedule 4 of the 2013 regulations, Boots Pharmacy is required to ensure that at least two members of the pharmacy staff have live, linked NHSmail accounts to the premises specific NHSmail account.
- The PSRC noted that no response to the email requesting evidence that the pharmacy premises were opened in line with the Direction had been received. It was therefore satisfied that Boots is in breach of paragraph 35(4), Schedule 4 at the above-named pharmacy premises. It noted that this remedial notice can be remedied by providing the requested evidence to confirm if they were open.”*
- 5.14 It is undisputed that the Appellant did not submit the required information within the deadlines established by the Commissioner although the Appellant states that it “was never on the list to open and never advised to open” and the inference is that there was no evidence to supply. This assertion appears inconsistent with the Commissioner's copy letters addressed to the Appellant, as well as the Appellant's awareness of the “list.” The Appellant has not indicated any issues with the referenced mailbox or with any of the three additional email addresses to which the correspondence was also sent, including the pharmacy nhs.net email address. According to the Commissioner, subsequent emails were delivered to the same mailbox.
- 5.15 Under Regulation 70 of the Regulations, a remedial notice may be issued:

“70(1) Where an NHS chemist (C) breaches a term of service and the breach is capable of remedy, the NHSCB may by a notice (“a remedial notice”) require C to remedy the breach.”

- 5.16 I consider that both remedial and breach notices carry the same weight in terms of severity of possible consequence, with the difference being that a remedial notice requires the remedy of the breach, and the breach notice requires an NHS chemist to not repeat the breach.
- 5.17 The fact that the Appellant was not open on Friday 18 April 2025 and so the breach cannot be remedied is new information. However, at the time the Remedial Notice was issued, as the Appellant was directed to open and failed to provide the information within the timescale set by the Commissioner, it was entirely appropriate to require the Appellant to remedy the breach.

6 Decision

- 6.1 I am of the view that under NHS Resolution's powers, as set out in paragraph 9(5) of Schedule 3 to the Regulations, I may either confirm the decision of the Commissioner or substitute for that decision any decision that the Commissioner could have taken when it took that decision.
- 6.2 Pursuant to paragraph 9(5)(a) of Schedule 3 to the Regulations I confirm the decision of the Commissioner to issue a Remedial Notice.

Head of Appeals
NHS Resolution