

OFFICIAL: SENSITIVE

17 March 2026

REF: SHA/26850

**APPEAL AGAINST HUMBER AND NORTH
YORKSHIRE ICB DECISION REGARDING A
BREACH NOTICE AT WEELSBY VIEW PHARMACY
LTD, THE SPRINGFIELD MEDICAL CENTRE,
SPRINGFIELD ROAD, GRIMSBY, DN33 3JF**

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1 Outcome

- 1.1 Pursuant to paragraph 9(5)(a) of Schedule 3 to the Regulations I substitute the decision to issue a breach notice with regard to 28(2)(f)(i) with a decision to issue a breach notice with regard to 28(2)(f)(ii).

A copy of this decision is being sent to:

Weelsby View Pharmacy Ltd
Humber and North Yorkshire ICB

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**APPEAL AGAINST HUMBER AND NORTH
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BREACH NOTICE AT WEELSBY VIEW
PHARMACY, THE SPRINGFIELD MEDICAL
CENTRE, SPRINGFIELD ROAD, GRIMSBY, DN33
3JF**

1 The Breach Notice

A Breach Notice dated 18 December 2025 was sent to Weelsby View Pharmacy Ltd ("the Appellant") in respect of Weelsby View Pharmacy, The Springfield Medical Centre, Springfield Road, Grimsby, DN33 3JF.

1.1 "Breach Notice"

1.2 Name of Contractor: FRM63, Weelsby View Pharmacy Ltd

1.3 Pharmacy Address: The Springfield Medical Centre, Springfield Road, Grimsby, North East Lincolnshire, DN33 3JF

1.4 Date of inclusion in the pharmaceutical list for the area of North East Lincolnshire Health and Wellbeing Board: 01/05/1990/12/2023

1.5 As of 18th December 2025, we hereby serve you notice in line with Regulation 71 (1) and (2) of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. Humber & North Yorkshire (HNY) Integrated Care Board (ICB) considers you to be in breach of:

1.6 3.1 Terms of Service of NHS Pharmacists, Schedule 4, Part 4 – Clinical Governance

(2) For these purposes a system of clinical governance is "acceptable" if it is considered acceptable by the NHSCB and comprises the following components

(f). an information governance programme, which provides for—

(i) compliance with approved procedures for information management and security, and

(ii) submission of an annual self-assessment of compliance (to an approved level) with those procedures via approved data submission arrangements which allow the NHSCB to access that assessment;

- 1.7 **Nature of the breach: HNY ICB considers you to be in breach of these regulations because.**
- 1.8 **3.1 Terms of Service of NHS Pharmacists, Schedule 4, Part 4 – Clinical Governance 28 (2)(f)(i) – non completion of the 2024/25 Data Protection Security Toolkit (DSPT)**
- 1.9 Community Pharmacy England (CPE) and the Local Pharmaceutical Committee (LPC) had reminded you by email and by posting in bulletins asking you to complete the DSPT by 30th June 2025.
- 1.10 On 4th November 2025, an email was sent to each contractor whose information published on the DSPT website showed that they had not completed the 2024/2025 toolkit. They were asked to respond by 14th November 2025 with supporting evidence, if they believed that the toolkit had been completed as required by the deadline.
- 1.11 We are satisfied that we have made every reasonable effort to communicate and co-operate with a view to resolving the issues presented, ahead of serving this breach notice.
- 1.12 Accordingly, HNY ICB is satisfied that it is now necessary to serve a breach notice to resolve this issue.
- 1.13 You are required to not repeat the breach again.
- 1.14 You have a right of appeal to the Secretary of State against the issuing of this breach 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 via email to: nhsr.appeals@nhs.net or in writing to:
- 1.15 NHS Resolution
Primary Care Appeals service
7&8 Wellington Place
Leeds
LS1 4AP
- 1.16 Please note that whilst we have determined that payment withholdings will not apply in respect of this breach, should you fail to comply with the requirements of this breach notice we reserve the right to exercise our powers to take further action in relation to the withholding of payments and your inclusion in the pharmaceutical list in respect of the above-named premises.
- 1.17 This may include removal of the premises from the pharmaceutical list under regulation 73 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.”

2 The Appeal

In a letter dated 23 December 2025 addressed to NHS Resolution, the Appellant appealed against Humber and North Yorkshire ICB's ("the Commissioner") decision. The grounds of appeal are:

- 2.1 "I am writing to lodge a formal appeal against the breach notice issued on 18th December 2025 to Weelsby View Pharmacy Ltd (FRM63) in relation to non-completion of the 2024/25 Data Security and Protection Toolkit (DSPT).
- 2.2 **Grounds for Appeal**
- 2.3 **The 2024/25 DSPT Was Completed and Published on Time**
- 2.4 Contrary to the breach notice's assertion, the 2024/25 DSPT was fully completed and submitted on **08 June 2025 @ 18:59** well before the required deadline.
- 2.5 We attach the official confirmation email from the DSPT system, issued by donotreply.dspt@nhs.net, confirming:
 - 2.5.1 Submission of the 2024-25 (version 6) Standards Met Data Security and Protection Toolkit assessment
 - 2.5.2 Submitted for WEELSBY VIEW PHARMACY LTD
 - 2.5.3 Confirmation that our "Standards Met" status was successfully published and made publicly available
 - 2.5.4 A certificate is also available through the DSPT portal
- 2.6 This evidence verifies that our organisation did complete the assessment, and that the submission was accepted, validated and published by the DSPT system.
- 2.7 **The Submission Was Made Under what was assumed to be the Head Office Organisation – Consistent with Our Governance Structure**
- 2.8 Weelsby View Pharmacy Ltd owns and operates two pharmacies, both of which:
 - 2.8.1 operate under identical governance systems,
 - 2.8.2 share the same policies and procedures,
 - 2.8.3 follow the same information governance programme,
 - 2.8.4 and have historically been covered by a single "head office" DSPT submission.

- 2.9 When completing the DSPT, we used the Weelsby View Pharmacy Ltd organisational profile, as we have done in previous years. The confirmation email stated clearly that the submission for WEELSBY VIEW PHARMACY LTD had been received and published, and there was no indication whatsoever that a separate premises-specific submission was required. The confirmation states no address or ODS details, so it was assumed to be related to both sites.”

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 9th January 2026 in relation to the above appeal which relates to the revised breach notice issued in relation to the pharmacy not completing the Data Security and Protection Toolkit (DSPT) 24/25 by the deadline of 30th June 2025.
- 3.1.2 The contractor has stated that the 24/25 DSPT was completed and published on time for FRM63 and that the submission was made under what was assumed to be the Head Office Organisation and therefore covered both organisations.
- 3.1.3 Weelsby View has 2 pharmacies; Ladysmith Road (FQV45) and Springfield Road (FRM63). In order to ascertain whether Community Pharmacies had completed the 24/25 DSPT, information was downloaded from [Organisation Search](#).
- 3.1.4 A download on 4th November 2025, for the pharmacies above showed: [screenshot provided]
- 3.1.5 For those pharmacies where the information was showing that the 24/25 toolkit had not been completed, an email was sent asking for evidence if they had completed it. Attached is an email confirming that no evidence could be found in relation to FRM63.
- 3.1.6 I look forward to hearing from you soon.”

4 **Observations**

4.1 The Appellant

- 4.1.1 “Thank you for your email and for providing the correspondence between NHS Humber and North Yorkshire ICB and my operations manager.
- 4.1.2 Having reviewed the email trail, it appears that there has been a genuine misunderstanding arising from internal communication within our organisation, for which I offer my sincere apologies.
- 4.1.3 As evidence in my appeal submission, I personally completed and submitted the 2024/25 Data Security and Protection Toolkit along with

the then (now late) super intendant [sic] pharmacist Mr [MP], achieving a “Standards Met” status which was successfully published on the DSPT system. The confirmation email from the DSPT platform and the published status demonstrate that the work was completed in full and within the required timeframe.

- 4.1.4 At the time of submission, I was under the genuine and reasonable belief that the DSPT submission was being completed on behalf of both pharmacy premises operated by Weelsby View Pharmacy Ltd. This belief was based on the fact that both pharmacies operate under the same legal entity, share identical governance arrangements, policies, procedures and information governance systems.
- 4.1.5 The confirmation email issued by the DSPT system did not reference individual premises addresses or ODS codes, and there was no indication that separate, premises-specific submissions were required. Accordingly, I believed the submission applied across the organisation. In the previous year I had made 2 submissions but was advised by a colleague who owns a group of pharmacies that only 1 was needed if governance structures were identical.
- 4.1.6 My operations manager did not have access to the DSPT account used for submission, nor to the email address that received the DSPT confirmation at the time. As a result, when contacted by the ICB in November 2025, she was unable to locate evidence of submission and understandably responded based on incomplete information. This led to an inadvertent miscommunication, rather than an accurate reflection of the DSPT position.
- 4.1.7 It was only upon receipt of the breach notice that I investigated the matter further, at which point the confirmation of submission and publication was retrieved and provided as evidence.
- 4.1.8 Neither Schedule 4, Part 4 of the Terms of Service nor the DSPT requirements mandate a fixed approach as to whether submissions must always be made per premises rather than at organisational level, particularly where governance arrangements are identical.
- 4.1.9 The relevant question for the purposes of Regulation 71 is whether the company/pharmacy had an acceptable information governance programme in place and whether this was submitted by the required deadline. The DSPT system record confirms that this requirement was met.
- 4.1.10 I trust that this clarification demonstrates that the DSPT was completed as required and that any confusion arose from internal communication issues rather than a failure to comply with the Terms of Service. I regret the confusion caused and appreciate the opportunity to clarify the position.”

5 Consideration

- 5.1 Under Regulation 71(1) “Breaches of terms of service: breach notices” of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 (“the Regulations”), a Breach Notice may be issued:

71. (1) Where an NHS chemist (C) breaches a term of service and the breach is not capable of remedy, NHS England may by a notice (“a breach notice”) require C not to repeat 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 I note that the Breach Notice was issued pursuant to Regulation 71(1) and is compliant with the requirements of a breach 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 The Breach Notice goes on to indicate that reminders to complete the Data Security Protection Toolkit (“DSPT”) had been provided by Community Pharmacy England and the LPC through emails and posting in bulletins. The Commissioner also states that on 4 November 2025 it emailed contractors who had not completed the 2024/25 DSPT inviting them to provide supporting evidence by 14 November 2025 if they believed they had completed it. A copy of the email and the resulting email chain has been provided.
- 5.7 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 dispute resolution has been exhausted I am content that I can deal with this matter.
- 5.8 The Commissioner found the Appellant in breach of paragraph 28(2)(f), Schedule 4 of the Regulations, which states:

28.—(1) An NHS pharmacist (P) must, in connection with the pharmaceutical services provided by P, participate, in the manner reasonably required by NHS England, in an acceptable system of clinical governance and for the promotion of healthy living.

(2) For these purposes a system of clinical governance and for the promotion of healthy living is “acceptable” if it is considered acceptable by NHS England and comprises the following components—

f) an information governance programme, which provides for—

(i) compliance with approved procedures for information management and security, and

ii) submission of an annual self assessment of compliance (to an approved level) with those procedures via approved data submission arrangements which allow the NHSCB to access that assessment; ...

and for the purposes of this sub-paragraph, “approved” means approved by NHS England.

- 5.9 I note that the Appellant seeks to appeal against the issuing of the Breach Notice on the grounds that its DSPT for 2024/25 was completed and submitted on time and that the submission was made under “*what was assumed to be the Head Office Organisation*”. The Appellant states that an official confirmation email from the DSPT system has been provided, but I note that this was not enclosed with the appeal. Further, the Appellant states that “*When completing the DSPT, we used the Weelsby View Pharmacy Ltd organisational profile, as we have done in previous years. The confirmation email stated clearly that the submission for WEELSBY VIEW PHARMACY LTD had been received and published, and there was no indication whatsoever that a separate premises-specific submission was required. The confirmation states no address or ODS details, so it was assumed to be related to both sites.*”
- 5.10 In response, the Commissioner states “*Weelsby View has 2 pharmacies; Ladysmith Road (FQV45) and Springfield Road (FRM63). In order to ascertain whether Community Pharmacies had completed the 24/25 DSPT, information was downloaded from Organisation Search. A download on 4th November 2025, for the pharmacies above showed:...*” with a screenshot of the results for both pharmacies provided. I note that the results show that whilst the Appellant’s pharmacy “WEELSBY VIEW PHARMACY LTD” with ODS code FQV45 had completed the 2024-25 DSPT on 8 June 2025, the pharmacy “WEELSBY VIEW PHARMACY” with ODS code FRM63 had completed the DSPT for 2023-24 on 23 November 2023, with the comment “*Confirmation not completed 24/25 but have done 25/26*”.
- 5.11 On 4 November 2025, the Commissioner emailed the Appellant to query whether the information shown on the DSPT web page was correct, with follow up emails sent on 12 November and 13 November 2025. The Appellant responded on 13 November 2025 with an attachment, stating “*Please see attached. But would you be so kind to call please as I believe this is for Ladysmith Road, FQV45 and not Springfield Road, FRM63. Would you be able to check if FRM63 is registered please.*” In a further email dated 13 November 2025 the Appellant stated “*I have spoken to the director. He believed he had completed the previous year DSPT. I now have access to the portal for completing this coming year which I will complete. I don’t have any evidence*

either way as to the previous year completion and unsure as to where to look for the publishing, though I know it is too late now. Please accept my apologies for this”.

- 5.12 I note that in its observations, the Appellant states:

“At the time of submission, I was under the genuine and reasonable belief that the DSPT submission was being completed on behalf of both pharmacy premises operated by Weelsby View Pharmacy Ltd. This belief was based on the fact that both pharmacies operate under the same legal entity, share identical governance arrangements, policies, procedures and information governance systems.

The confirmation email issued by the DSPT system did not reference individual premises addresses or ODS codes, and there was no indication that separate, premises-specific submissions were required. Accordingly, I believed the submission applied across the organisation. In the previous year I had made 2 submissions but was advised by a colleague who owns a group of pharmacies that only 1 was needed if governance structures were identical.”

- 5.13 The Appellant further comments that confusion had been caused as their Operations Manager did not have access to the account used for submission.
- 5.14 On reviewing the information provided, I note that whilst the Appellant considered that it had, in good faith, submitted the DSPT on behalf of both its pharmacies, it appears that there has unfortunately been a misunderstanding and that information for only the Appellant's other pharmacy (FQV45) has been submitted, as indicated by the results provided by the Commissioner.
- 5.15 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.
- 5.16 As a result of the comments I make above, I am of the view that:
- 5.16.1 the Appellant did not submit the Data Security and Protection Toolkit for 2024/25 by the deadline set by the Commissioner; and
- 5.16.2 such action constitutes a breach of the Appellant's terms of service by virtue of paragraph 28(2)(f)(ii).
- 5.17 Therefore on the basis of this information I consider it appropriate to substitute a decision to issue a breach notice with regard to 28(2)(f)(i) with a decision to issue a breach notice with regard to 28(2)(f)(ii).

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 substitute the decision to issue a breach notice with regard to 28(2)(f)(i) with a decision to issue a breach notice with regard to 28(2)(f)(ii).

Head of Appeals
NHS Resolution