

24 March 2026

FILE REF: **SHA/ 26918**

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

COMMISSIONER: **Derby and Derbyshire ICB**
("the Commissioner")

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

PHARMACIST: **PCT Healthcare Limited t/a Peak Pharmacy**
(FHA96)
("the Appellant")

PREMISES: **New Bridge Street, Clay Cross, Derbyshire**
S45 9NG

**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL AND LOCAL
PHARMACEUTICAL SERVICES) REGULATIONS 2013**

**SCHEDULE 4 [Terms of Service of NHS Pharmacists]
PART 3 [Hours of Opening]**

1 Outcome

- 1.1 The appeal is granted and, pursuant to paragraph 25(3)(c)(ii), no direction is issued.

A copy of this decision is being sent to:
PCT Healthcare Limited
Derby and Derbyshire ICB

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

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

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PHARMACIST: **PCT Healthcare Limited t/a Peak Pharmacy
(FHA96)
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**THE NATIONAL HEALTH SERVICE (PHARMACEUTICAL AND LOCAL
PHARMACEUTICAL SERVICES) REGULATIONS 2013 ["THE REGULATIONS"]**

**SCHEDULE 4 [Terms of Service of NHS Pharmacists]
PART 3 [Hours of Opening]**

DIRECTION OF ADDITIONAL CORE OPENING HOURS

1 Introduction

- 1.1 Relying on Paragraph 25 of Schedule 4, the Commissioner has requested that the Appellant open from 10:00 to 12:00 on 3 April 2026.
- 1.2 The Appellant seeks to appeal to NHS Resolution.

Rights of appeal

- 1.3 Where the Commissioner has directed a pharmacist to provide pharmaceutical services for its premises at set times and on set days in accordance with paragraph 25 of Schedule 4 of the Regulations, paragraph 25(7) provides a right of appeal to the Secretary of State for Health and Social Care ("the Secretary of State").
- 1.4 The Secretary of State has directed NHS Resolution to determine such appeals. As an authorised officer of NHS Resolution, I have considered the appeal and have determined it, in accordance with my delegated powers.

Opening hours

1.5 A pharmacy's opening hours may be categorised as:

- 1.5.1 'core' opening hours (days on and times at which the pharmacy is obliged to be open), which may incorporate a direction of the Commissioner requiring fewer or greater than 40 hours; or
- 1.5.2 'supplementary' opening hours (other days on and times at which the pharmacy undertakes to provide pharmaceutical services, as notified to the Commissioner).

Alteration of 'core' (including 'directed') opening hours

1.6 In accordance with paragraph 1(7)(c) of Schedule 2 to the Regulations, the pharmacy must provide, as part of an application for entry in the pharmaceutical list, the proposed core opening hours in respect of the premises during which it will be obliged to provide pharmaceutical services under paragraph 23(1) of Schedule 4 to the Regulations. These may be subject to a direction under paragraph 23(1)(c), (d) or (e).

Alteration of 'supplementary' opening hours

1.7 Other days or times at which services are to be provided (as set out in the original application for entry in the pharmaceutical list pursuant to paragraph 23(3) of Schedule 4 as "supplementary hours") may be altered by giving notice to the Commissioner, in accordance with paragraph 23(6)(a) without the need to make an application.

1.8 Notices under paragraph 23(6)(a) are not subject to review by NHS Resolution.

2 The Direction

In a letter to the Appellant dated 3 February 2026, the Commissioner stated:

- 2.1 "Pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may choose to do so. I can confirm that we have not been notified of any pharmacies that will be open in Chesterfield on Good Friday 3 April 2026, and no pharmacies have volunteered to open on this day.
- 2.2 Under section 126 of the NHS Act 2006 (Arrangements for pharmaceutical services), NHS England (now delegated to the ICBs) must make arrangements for the provision, to persons who are in England, of:
 - 2.2.1 (a) "proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,

- 2.2.2 (b) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—
 - 2.2.2.1 (i) his functions in the health service, the Scottish health service or the Northern Ireland health service (other than functions exercised in pursuance of the provision of services mentioned in paragraph (c)), or
 - 2.2.2.2 (ii) his functions in the armed forces of the Crown,
- 2.2.3 (c) listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service,
- 2.2.4 (d) such drugs and medicines and such listed appliances as may be determined by the Secretary of State for the purposes of this paragraph and which are ordered for those persons by a prescribed description of person in accordance with such conditions, if any, as may be prescribed, in pursuance of functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown, and
- 2.2.5 (e) such other services as may be prescribed.”
- 2.3 In light of the fact no pharmacies will be open on Good Friday 3 April 2026, NHS Derby and Derbyshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.
- 2.4 NHS Derby and Derbyshire ICB has therefore considered what arrangements need to be put in place on Good Friday 3 April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a day that is not a bank or public holiday, there will still be a need for pharmaceutical services by people who live within Chesterfield or are visiting the area. Whilst GP practices will be closed on Good Friday 3 April 2026, other providers of NHS services will be open to treat patients, such as the GP out of hours service and A&E departments.
- 2.5 We believe that, as a minimum, the services for which there will be a need on Good Friday are as follows.
 - 2.5.1 The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work.
 - 2.5.2 The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS111 for low acuity, minor illnesses or under one of the clinical pathways.

- 2.5.3 The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.
- 2.6 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Good Friday 3 April 2026 and therefore at present the ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.
- 2.7 We have consulted with Community Pharmacy Derbyshire representatives and made them aware of our intentions to issue this direction, and the rationale behind the proposal. Community Pharmacy Derbyshire are in support of the need to ensure adequate pharmaceutical provision on Good Friday 3 April 2026 and are willing to provide guidance to contractors on this direction. The contact email address of Community Pharmacy Derbyshire should you wish to contact them is info@cpderbyshire.org.uk.
- 2.8 We informed your pharmacy that our team was conducting 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, as amended. The pharmacy was issued with a proposal to direct letter which was sent on Friday 17 October 2025 to the email address we have on file for your pharmacy, pharmacy.fha96@nhs.net.
- 2.9 This assessment has now concluded, and our team have not received any representations on your behalf, therefore we are now issuing the pharmacy with the enclosed direction.
- 2.10 Your core opening hours on **Good Friday 3 April 2026** are therefore: **10:00 – 12:00**
- 2.11 The reasons for directing the above pharmacy to open are:
- 2.11.1 There is a need to provide pharmaceutical services in Chesterfield where there is currently no provision on Good Friday 3 April 2026.
- 2.11.2 There has been no voluntary offer of pharmacy provision in the Chesterfield area to meet the needs of people living in the area on Good Friday 3 April 2026.
- 2.11.3 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Derby and Derbyshire which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Derby and Derbyshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.
- 2.12 The level of remuneration for Good Friday 3 April 2026, will be £275 per hour for a maximum of 2 hours. Please ensure that you submit a claim for opening

through PharmOutcomes within 28 calendar days of the directed day. If this is not claimed within 28 calendar days, our team will issue a final reminder and you will have a further 17 calendar days to submit a claim (within 45 calendar days of the directed day). Please note that claims submitted outside of this 45-calendar day deadline will not be paid. If you anticipate any difficulties in submitting the claim, please contact our team via england.eastmidsparmacy@nhs.net at your earliest convenience. If no claim is made, this will be investigated by NHS Derby and Derbyshire ICB in order to establish whether or not there has been a breach of the terms of service.

- 2.13 Please ensure that you update the pharmacy's profile on the NHS England directory of service (DOS) and NHS.UK using profile manager with the hours that you are being directed to open.
- 2.14 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

- 2.15 If you have any questions, please do not hesitate to contact me."

3 The Appeal

In a letter to NHS Resolution dated 2 March 2026 the Appellant appealed against the Commissioner's decision. The grounds of appeal are:

- 3.1 "Further to a direction of core opening hours received in a full direction letter for the above pharmacy to open on 3 April 2026, PCT Healthcare Limited writes to appeal to the Primary Care Appeals Unit.
- 3.2 PCT Healthcare Limited are aware of the need for adequate pharmaceutical services provision. However, we feel that this particular direction has not been based on adequate research and reasoning by East Midlands Primary Care Team (EMPCT).
- 3.3 There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FHA96 in the Clay Cross area.
- 3.4 Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of "the reasons for the change". We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local

population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Good Friday.

- 3.5 In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Good Friday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 3.6 With regards to the assessment mentioned where are the results of this assessment, why have they not been shared with contractors in our locality, and in particular our pharmacy FHA96.
- 3.7 In addition, where are the minutes of the engagement with Community Pharmacy Derbyshire and the ICB with reference to pharmaceutical provision on Good Friday.

3.7.1 Urgent treatment centres & hospitals

- 3.8 With regards to our pharmacy location within Clay Cross there are 29 community pharmacies located closer to the Urgent Treatment Centre (UCC) at Royal Primary Care Ashgate (S40 4AA) in Chesterfield according to NHS.uk.
[Find a pharmacy – NHS](#)

	Pharmacy	Postcode	Distance to UCC (miles)
	UCC Centre	S40 4AA	0
1	Peak Pharmacy	S40 4AA	0
2	Peak Pharmacy	S40 1LG	0.2
3	Dents of Chesterfield	S40 1LE	0.2
4	Peak Pharmacy @Wheatbridge	S40 2AB	0.3
5	Boots	S40 1PB	0.4
6	Peak Pharmacy	S40 1PJ	0.5
7	Tesco Pharmacy	S41 7JB	1.2
8	Peak Pharmacy	S41 8QW	1.2
9	Peak Pharmacy	S40 3JX	1.3

10	Cohens Chemist	S40 2HP	1.3
11	Dents of Chesterfield	S41 8DU	1.3
12	Holme Hall Pharmacy	S40 4SL	1.4
13	Peak Pharmacy	S41 8LX	1.5
14	Hasland Pharmacy	S41 0LJ	1.8
15	Calow Pharmacy	S44 5AH	2.1
16	Peak Pharmacy	S41 9JT	2.2
17	Brimington Pharmacy	S43 1JG	2.2
18	Peak Pharmacy	S42 6PX	2.6
19	Peak Pharmacy	S43 2AN	2.9
20	Peak Pharmacy	S43 3ST	3.0
21	Peak Pharmacy	S42 5ED	3.1
22	Tupton Pharmacy	S42 6BH	3.6
23	Peak Pharmacy	S43 3UX	4.1
24	Peak Pharmacy	S42 5LQ	4.5
25	Saviour Pharmacy	S18 1PY	4.7
26	Peak Pharmacy	S18 2LJ	4.7
27	Peak Pharmacy	S18 8UE	4.8
28	Tesco Instore Pharmacy	S45 9NU	4.9
29	Boots	S42 5RB	4.9
30	Peak Pharmacy (FHA96)	S45 9NG	5.0

- 3.9 Our pharmacy is located 5.6 miles by road from the Urgent Treatment Centre (UCC) at Royal Primary Care Ashgate (S40 4AA), there is only limited bus provision on Good Friday the time for the journey between the UCC and our pharmacy is between 32 – 50 minutes one way. For carers with poorly children a round trip of approximately 100 minutes which is 1 hours 40 minutes, is too long, however this time goes not take into account the limited service and how long patients would be waiting to return into Chesterfield.
- 3.10 [Map provided]
- 3.11 This is a map from [Postcode IMD Decile Mapper 2025 – IMD2025](#) indicating the locations of the pharmacies identified within the table closest to the Urgent Treatment Centre in Chesterfield at S40 4AA. All the dots are pharmacies which are closer to the UCC centre than our pharmacy.
- 3.12 [Map provided]
- 3.13 In fact Clay Cross is a town in Derbyshire, located over 5 miles south of Chesterfield, it is not part of Chesterfield itself. Clay Cross Map - Town - North East Derbyshire, England, UK
- 3.14 Why has East Midlands Primary Care Team (EMPCT) directed our pharmacy in Clay Cross (FHA96) to open on Good Friday stating:
- 3.14.1 *There is a need to provide pharmaceutical services in Chesterfield...*
- 3.14.2 *There is no voluntary offer of pharmacy provision in the Chesterfield area...*
- 3.15 *When Clay Cross is not in Chesterfield but is a town in its own right.*
- 3.16 With regards to our pharmacy location within Clay Cross there are 28 community pharmacies located closer to the A&E department at Chesterfield Royal Hospital, Calow, Top Road, Chesterfield S44 5BL, which operates 24 hours according to NHS.uk. [Find a pharmacy – NHS](#)

	Pharmacy	Postcode	Distance to UCC (miles)
	Hospital A&E Department	S44 5BL	0
1	Calow Pharmacy	S44 5AH	0.5
2	Hasland Pharmacy	S41 0LJ	1.1

3	Peak Pharmacy	S40 1PJ	1.2
4	Boots	S40 1PB	1.2
5	Dents of Chesterfield	S40 1LE	1.4
6	Tesco instore pharmacy	S41 7JB	1.4
7	Peak Pharmacy	S40 1LG	1.4
8	Brimington Pharmacy	S43 1JG	1.5
9	Peak Pharmacy	S40 4AA	1.6
10	Peak Pharmacy @ Wheatbridge	S40 2AB	1.6
11	Peak Pharmacy	S43 3ST	1.8
12	Cohens Chemist	S40 2HP	1.9
13	Peak Pharmacy	S41 8LX	2.0
14	Peak Pharmacy	S41 8QW	2.3
15	Peak Pharmacy	S42 5ED	2.4
16	Peak Pharmacy	S41 9JT	2.5

17	Dents of Chesterfield	S41 8DU	2.5
18	Peak Pharmacy	S43 2AN	2.7
19	Peak Pharmacy	S40 3JX	2.8
20	Peak Pharmacy	S42 6PX	2.9
21	Peak Pharmacy	S43 3UX	2.9
22	Holme Hall Pharmacy	S40 4SL	2.9
23	Tupton Pharmacy	S42 6BH	3.2
24	Peak Pharmacy	S42 5LQ	3.8
25	Boots	S42 5RB	3.8
26	Rowlands	S44 6DT	4.6
27	Day-Night Pharmacy	S44 6DT	4.6
28	Tesco instore Pharmacy	S45 9NU	4.6
29	Peak Pharmacy (FHA96)	S45 9NG	4.7

- 3.17 Our pharmacy is located over 6.5 miles by road from the A&E department at Chesterfield Royal Hospital, Calow, Top Road, Chesterfield S44 5BL, there is only limited bus provision on Good Friday the time for the journey between the A&E department and our pharmacy is between 46 to 1 hour 8 minutes, one

way. For carers with poorly children a round trip of approximately 1 hours 40 minutes is too long, however this does not take into account the limited service and how long patients would be waiting to return into Chesterfield.

- 3.18 [Map provided]
- 3.19 Deprivation details for pharmacies in Derbyshire
- 3.20 PCT Healthcare Limited has completed a review of the pharmacies located close to the Chesterfield Urgent Treatment Centre at Royal Primary Care Ashgate (S40 4AA), regarding the IMD for their postcodes.
- 3.21 The details provided in the table below, are from the Ministry of Housing Communities & Local Government – English indices of deprivation. [Postcode IMD Decile Mapper 2025 – IMD2025](#)
- 3.22 The highlighted pharmacies of which there are five in column E of the table are all in LSOA areas with a similar overall Index of Multiple Deprivation Decile (IMD) as our pharmacy FHA96.
- 3.23 Decile 1 represents the 10% most deprived areas in England. There are five pharmacies in the top 10% most deprived areas of England which are located closer to the Chesterfield Urgent Treatment Centre at Royal Primary Care Ashgate (S40 4AA).
- 3.24 Additionally, considering column H, the Health and Disability Rank, there are eight pharmacies located in areas with a similar Health and Disability Ranking compared to our pharmacy located within Clay Cross (FHA96). These eight pharmacies are located closer to the UCC centre in Chesterfield.
- 3.25 Excel spreadsheet below: [provided]
- 3.26 PCT Healthcare Limited has proved that FHA96 is located within a similarly deprived area compared to several pharmacies closer to the Urgent Treatment Centre in Chesterfield. There is no evidence provided in the direction letter to indicate why our pharmacy in Clay Cross is required to open on Good Friday and no evidence from any assessment indicating a need from pharmaceutical provision within Clay Cross.
- 3.27 The letter mentions a need to provide pharmaceutical service to patients within Chesterfield but does not mention Clay Cross, there are no specific points within the direction letter explaining why FHA96 was specifically directed to open on Good Friday based on the Regulations.
- 3.28 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy, in particular, has been chosen to open at on Good Friday. Our pharmacy is not located within Chesterfield but is over 5 miles south of Chesterfield in Clay Cross.”

4 Representations

In a letter to NHS Resolution dated 16 March 2026 the Commissioner stated:

- 4.1 “Thank you for your letter dated 2 March 2026 notifying us that Peak Pharmacy (FHA96) has appealed against NHS Derby and Derbyshire Integrated Care Boards (ICB) decision to direct their pharmacy (FHA96) to open on Good Friday 3 April 2026.
- 4.2 We note that Peak Pharmacy (FHA96) are appealing this direction for the reasons listed below;
- 4.2.1 *A. There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FHA96 in the Clay Cross area.*
- 4.2.2 *B. Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Good Friday.*
- 4.2.3 *In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Good Friday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.*
- 4.3 The East Midlands Primary Care Team (EMPCT) on behalf of NHS Derby and Derbyshire ICB would like to make the following representations:
- 4.4 NHS Derby and Derbyshire ICB under Schedule 4, Part 3, paragraph 25(2)(b) of the NHS (Pharmaceutical Services and Local Pharmaceutical Services) Regulations 2013 (As amended) has the ability to direct a pharmacy to open where a need is determined.
- 4.5 The regulations state;
- 4.6 “(6) The NHSCB must notify P of any direction issued or any other action taken under subparagraph(3), and where it sets new days on which or times at which P is to provide pharmaceutical services at pharmacy premises, it must include with the notification a statement of -
- (a) the reasons for the change and
- (b) P’s right of appeal under paragraph (7).”
- 4.7 As you will be aware, pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may choose to do so.

- 4.8 NHS Derby and Derbyshire ICB have not been notified of any pharmacies that will be open in the Clay Cross area on Good Friday 3rd April 2026 and no pharmacies have volunteered to open on this day. Under section 126 of the NHS Act 2006 (Arrangement for pharmaceutical services), NHS England (now delegated to the ICBS) must make arrangements for the provision, to person's who are in England of;
- 4.8.1 (a) *"proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,*
- 4.8.2 (b) *proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—*
- 4.8.2.1 (i) *his functions in the health service, the Scottish health service or the Northern Ireland health service (other than functions exercised in pursuance of the provision of services mentioned in paragraph (c)), or*
- 4.8.2.2 (ii) *his functions in the armed forces of the Crown,*
- 4.8.3 (c) *listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service,*
- 4.8.4 (d) *such drugs and medicines and such listed appliances as may be determined by the Secretary of State for the purposes of this paragraph and which are ordered for those persons by a prescribed description of person in accordance with such conditions, if any, as may be prescribed, in pursuance of functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown, and*
- 4.8.5 (e) *such other services as may be prescribed."*
- 4.9 In light of the fact no pharmacies will be open on Good Friday 3rd April 2026 NHS Derby and Derbyshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.
- 4.10 NHS Derby and Derbyshire ICB has considered what arrangements need to be put in place on Good Friday 3rd April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a Friday that is not a public holiday, there will still be a need for pharmaceutical services by people who live within Clay Cross and surrounding areas or are visiting during the festive period. Whilst GP practices will be closed on Good Friday 3rd April 2026, other providers of NHS services will be open such as the out of hours services and A&E departments.

- 4.11 We believe that, as a minimum, the services for which there will be a need on Good Friday 3rd April 2026 are as follows.
- 4.11.1 The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours on Good Friday.
 - 4.11.2 The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS11 for low acuity, minor illnesses or under one of the clinical pathways.
 - 4.11.3 The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.
- 4.12 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Good Friday 3rd April 2026 and therefore at present NHS Derby and Derbyshire ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.
- 4.13 NHS Derby and Derbyshire ICB emailed out to all contractors on 21 March 2025 to request that pharmacy contractors complete a Microsoft Form to inform us of their intentions over the bank holiday periods during 2025-26 and return the completed form to england.eastmidsparmacy@nhs.net by 18 April 2025. This form enables NHS Derby and Derbyshire ICB to identify whether any pharmacies intend to open voluntarily. NHS Derby and Derbyshire ICB did not receive any volunteers within the area. As set out above, NHS England (now delegated to the ICBS) must make arrangements for the provision of pharmaceutical care, and in the absence of this provision, look to issue a direction.
- 4.14 An initial assessment undertaken by the East Midlands Primary Care Team, drawing on the Pharmaceutical Needs Assessment (PNA), levels of deprivation within Derbyshire, and the distribution of urgent care centres and emergency departments, identified a requirement for pharmaceutical provision in the area. Peak Pharmacy (FHA96) has been determined to meet the needs of the Clay Cross population for the following reasons:
- 4.14.1 There is a need to provide pharmaceutical services in Clay Cross where there is currently no provision on Good Friday 3rd April 2026.
 - 4.14.2 There has been no voluntary offer of pharmacy provision in the Clay Cross area to meet the needs of people living in the area on Good Friday 3rd April 2026.
 - 4.14.3 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Derby and Derbyshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This direction ensures that there is coverage of pharmaceutical services in an area of deprivation,

which is a priority for NHS Derby and Derbyshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this direction would ensure provision of dispensing for these patients.

- 4.14.4 Consultations are held regularly with the Local Pharmaceutical Committee for pharmaceutical provision of upcoming public or bank holidays. On this occasion a meeting was held on 21 May 2025 with a representative of the LPC to discuss the proposed pharmacies for direction, and no rationale was provided to oppose the direction of Peak Pharmacy (FHA96) on Good Friday 3rd April 2026.
- 4.15 As a result of NHS Derby and Derbyshire ICB assessment, it has been determined that direction is required to provide adequate pharmaceutical services. Peak Pharmacy (FHA96) was directed to open for the hours of 10:00-12:00 as the pharmacy satisfies the above assessment criteria, The pharmacy will receive £275.00 per hour for up to a maximum of 2 hours for opening as directed.
- 4.16 In response to:
- 4.16.1 *There is no detail within the letter from the EMPCT, as it is generic, to indicate the reasons as to how or why this direction supports an assessment which concluded the pharmaceutical needs of the relevant persons (our patients) will not be met on this day that we are required to open our pharmacy, FHA96 in the Clay Cross area.*
- 4.17 A diligent assessment was undertaken, as set out above, with the pharmacy being identified as meeting this assessment criteria and subsequently being issued with a direction. An explanation as to why the pharmacy was issued with a direction was provided to them in their direction letter, sent to the pharmacy via email on 3 February 2026.
- 4.18 In response to:
- 4.18.1 *Under Schedule 4 paragraph (25)(6)(a) of the NHS Pharmaceutical and LPS Regulations NHS England must include with the notification a statement of “the reasons for the change”. We note that the Regulations envisage the reasons for the direction should be based on the results of an assessment, which followed a consultation, which should conclude with the needs of the local population and likely users of our pharmacy not being met on this day such that we are required to open from 10:00 to 12:00 on Good Friday.*
- 4.18.2 *In particular, the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Good Friday. Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.*
- 4.19 As previously stated, Peak Pharmacy (FHA96) was issued with a direction following NHS Derby and Derbyshire ICB’s diligent assessment process. Other

pharmacies in the Clay Cross area were considered as part of this process. However, the assessment takes into account the geographical location of pharmacies within the agreed locality, the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FHA96 was selected to ensure equitable access for patients and likely users of the service.

- 4.20 As set out in the direction letter, Peak Pharmacy (FHA96) is located within, or in close proximity to, a deprived area. This direction secures pharmaceutical service provision within a designated area of deprivation, supporting the ICB's statutory responsibility to improve access to healthcare and address health inequalities. Deprived areas typically show higher prevalence of long-term conditions that require consistent management, and the direction ensures appropriate dispensing provision to meet these population health needs.
- 4.21 While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FHA96 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.
- 4.22 I would like to take this opportunity to respond to any further representations provided by Peak Pharmacy (FHA96) New Bridge Street, Claycross, Derbyshire, S45 9NG."

Proposal to direct letter and cover email dated 21 October 2025

- 4.23 "Following the publication of the rota for 24/25 and 25/26 in conjunction with the ICB and LPC. We are proposing to direct your pharmacy to open on Good Friday 2026 to provide pharmaceutical services to the local population.
- 4.24 This will be for 2 hours only and full details are on the letter provided.
- 4.25 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.
- 4.26 Should you not claim within this time period, assurance of the opening will be sought, and you will have up to 45 days from the directed day in which to make a final claim."
- 4.27 **"Proposal to direct the above-named pharmacy to open on Good Friday 3 April 2026**
- 4.28 **The pharmacy's current core opening hours are**
- 4.29 Monday - Friday 08:30 – 12:30 & 13:30 – 17:30
- 4.30 **The total opening hours (core & supplementary) are:**
- 4.31 Monday - Friday 08:30 – 12:30 & 13:30 – 17:30
- 4.32 Pharmacies are not required by their terms of service to open on Christmas Day, Good Friday, Easter Sunday or on a bank holiday, although they may

choose to do so. I can confirm that we have not been notified of any pharmacies that will be open in Chesterfield on Good Friday 3 April 2026, and no pharmacies have volunteered to open on this day. Under section 126 of the NHS Act 2006 (Arrangements for pharmaceutical services), NHS England (now delegated to the ICBs) must make arrangements for the provision, to persons who are in England, of:

- 4.32.1 (a) “proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a medical practitioner in pursuance of his functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown,
 - 4.32.2 (b) proper and sufficient drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of—
 - 4.32.2.1(i) his functions in the health service, the Scottish health service or the Northern Ireland health service (other than functions exercised in pursuance of the provision of services mentioned in paragraph (c)), or
 - 4.32.2.2(ii) his functions in the armed forces of the Crown,
 - 4.32.3 (c) listed drugs and medicines and listed appliances which are ordered for those persons by a dental practitioner in pursuance of the provision of primary dental services or equivalent services in the Scottish health service or the Northern Ireland health service,
 - 4.32.4 (d) such drugs and medicines and such listed appliances as may be determined by the Secretary of State for the purposes of this paragraph and which are ordered for those persons by a prescribed description of person in accordance with such conditions, if any, as may be prescribed, in pursuance of functions in the health service, the Scottish health service, the Northern Ireland health service or the armed forces of the Crown, and
 - 4.32.5 (e) such other services as may be prescribed.”
- 4.33 In light of the fact no pharmacies will be open on Good Friday 3 April 2026, NHS Derby and Derbyshire ICB is of the opinion that the needs of people in its area or other likely users of pharmacy premises for pharmaceutical services will not be met on this day.
- 4.34 NHS Derby and Derbyshire ICB has therefore considered what arrangements need to be put in place on Good Friday 3 April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a day that is not a bank or public holiday, there will still be a need for pharmaceutical services by people who live within Chesterfield or are visiting the area. Whilst GP practices will be closed on Good Friday 3 April 2026, other providers of NHS services will be open to treat patients, such as the GP out of hours service and A&E departments.

- 4.35 We believe that, as a minimum, the services for which there will be a need on Good Friday are as follows.
- 4.35.1 The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours on Good Friday.
- 4.35.2 The Pharmacy First service for the urgent supply of repeat medicines, referrals from NHS11 for low acuity, minor illnesses or under one of the clinical pathways.
- 4.35.3 The NHS pharmacy contraception advanced service, particularly as it is being expanded to include the provision of emergency contraception from October 2025.
- 4.36 Of course, some people may wish to access other essential and advanced services. As stated above, we are not aware of any pharmacies that will be open on Good Friday 3 April 2026 and therefore at present the ICB is unable to discharge the duty as set out in section 126 of the NHS Act 2006.
- 4.37 Following an initial assessment by our team, your pharmacy has been identified as meeting the needs of people in the Chesterfield area for the following reasons:
- 4.37.1 There is a need to provide pharmaceutical services in Chesterfield where there is currently no provision on Good Friday 3 April 2026.
- 4.37.2 Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Derby and Derbyshire ICB which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Derby and Derbyshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.
- 4.38 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:
- 4.39 **Good Friday 3 April 2026**
- 4.40 **10:00 – 12:00**
- 4.41 Please note that we have consulted with Community Pharmacy Derbyshire representatives and made them aware of our intentions to propose this direction, and the rationale behind the proposal. Community Pharmacy Derbyshire are in support of the need to ensure adequate pharmaceutical

provision on Good Friday and are willing to provide guidance to contractors on this proposed direction. The contact email address of Community Pharmacy Derbyshire should you wish to contact them is info@cpderbyshire.org.uk

4.42 If you wish to make written representations to assist us in our assessment as to whether or not to issue a direction and/or about the proposed direction, they should be sent to england.eastmidspharmacy@nhs.net within 30 days of the date of this letter, i.e. by 19 November 2025.

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

Email from the Commissioner to the Appellant dated 3 February 2026

4.44 “Following the publication of the rota for 26/27 in conjunction with the ICB and LPC, and recent proposal to direct letter please now find attached your Direction Letter in relation to opening on Good Friday 3 April 2026.

4.45 This will be for 2 hours only, and full details are on the letter provided which also includes the rate of pay.

4.46 To claim for opening on Good Friday 2026 you will need to do this on Pharmoutcomes, no later than 28 days after the directed day. 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.”

5 Observations

In a letter to NHS Resolution dated 19 March 2026 the Appellant stated:

5.1 “Thank you for your email including the representations from East Midlands Primary Care Team (EMPCT) on behalf of NHS Derby and Derbyshire ICB dated 16 March 2026.

5.2 PCT Healthcare Limited shall consider each of the points from the representations in turn.

5.3 **On page 3, Regarding the ICBs response to PCT Healthcare Limited.**

5.4 *NHS Derby and Derbyshire ICB has considered what arrangements need to be put in place on Good Friday 3rd April 2026 in order to discharge this duty. We are of the opinion that whilst demand for the full range of pharmaceutical services may be lower on this day compared to a Friday that is not a public holiday, there will still be a need for pharmaceutical services by people who live within Clay Cross and surrounding areas or are visiting during the festive period. Whilst GP practices will be closed on Good Friday 3rd April 2026, other providers of NHS services will be open such as the out of hours services and A&E departments.*

5.5 We presume the reference to the festive period is a typographical error, in the above paragraph.

5.6 **Additionally on page 3 of the representations.**

- 5.7 *We believe that, as a minimum, the services for which there will be a need on Good Friday 3rd April 2026 are as follows.*
- 5.8 *The dispensing service for prescriptions issued by a NHS service provider that is open on that day or for prescriptions that have been issued on a previous day but which a person has not been able to have dispensed due, for example, being at work and pharmacies reducing their supplementary opening hours on Good Friday.*
- 5.9 We wish to reiterate the evidence submitted in our appeal letter dated 2 March 2026 to NHS Resolution, there are several pharmacies which are located in LSOA areas with equivalent overall Index of Multiple Deprivation Decile (IMD) than our pharmacy FHA96, all of these pharmacies are closer to the Queens Hospital A&E Department than our pharmacy.
- 5.10 As advised in our appeal letter dated 2 March 2026, with regards to our pharmacy location within Clay Cross there are twenty-nine community pharmacies located closer to the Urgent Treatment Centre (UCC) at Royal Primary Care Ashgate (S40 4AA) in Chesterfield according to NHS.uk. Find a pharmacy - NHS
- 5.11 PCT Healthcare Limited reviewed pharmacies close to the A&E department closest to Clay Cross located at Chesterfield Royal Hospital where patients are advised to access emergency healthcare on Bank Holidays when their GP Surgeries are closed.
- 5.12 With regards to our pharmacy location within Clay Cross there are twenty-eight community pharmacies located closer to the A&E Department at Chesterfield Royal Hospital, Calow, Top Road, Chesterfield S44 5BL which operates 24 hours according to [NHS.uk. Find a pharmacy - NHS](#)
- 5.13 NOTE: Clay Cross hospital does not have an A&E department.
- 5.14 **On page 3,**
- 5.14.1 *“Pharmacy First service...”*
- 5.15 What are the numbers of Pharmacy First provisions during a previous Good Friday Bank Holiday in Clay Cross as this detail was not included in the direction to FHA96?
- 5.16 **On page 3,**
- 5.16.1 *“NHS pharmacy contraception advanced service...”*
- 5.17 What are the numbers of emergency contraception (EHC) provisions during previous Good Friday Bank Holidays in Clay Cross as this detail was not included in the direction to FHA96? The EHC service within Derbyshire has operated via Derbyshire County Council for over a decade, the ICB would have access to this detail.
- 5.18 With regards to our pharmacy location within Clay Cross there are three community pharmacies located within this locality. Postcode IMD Decile

Mapper 2025 – IMD2025 (as indicated by the blue circles or large grey rectangle indicating Tesco Express)

5.18.1 Peak Pharmacy S45 9NG FHA96

5.18.2 Peak Pharmacy, Market Street Pharmacy, S45 9JE

5.18.3 Tesco Instore Pharmacy, S45 9NU

5.19 Deprivation details for the pharmacies within Clay Cross; one is the most deprived areas within England and ten is the least deprived areas.

Pharmacy Name	Postcode	PCD sector	IMD decile	Health
Peak Pharmacy (FHA96)	S45 9NG	S45 9	1	1
Peak Pharmacy, Market Street	S45 9JE	S45 9	1	1
Tesco Instore Pharmacy	S45 9NU	S45 9 [sic]	1	1

5.20 [Map provided]

5.21 Why has the ICB selected our pharmacy to be directed to open on Good Friday? When there are another two pharmacies in Clay Cross within a similarly deprived area.

5.22 Why was our pharmacy directed to open over any other, where is the evidence?

5.23 Why has our pharmacy FHA96 been directed to open on Good Friday when another contractor within Clay Cross is open and trading from 10am until 4pm as advised on NHS.uk? This website page was updated on 11 March 2026 by the contractor.

5.24 [Contact details and opening times - TESCO INSTORE PHARMACY - NHS](#)

5.25 [screenshot of opening times provided]

5.26 **On page 5, “A diligent assessment was undertaken...”**

- 5.27 With regards to the “diligent assessment” mentioned within this paragraph where are the results of this assessment, why have they not been shared with contractors in the Clay Cross locality, and in particular our pharmacy FHA96?
- 5.28 **On page 5, regarding the paragraph**
- 5.29 While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FHA96 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers.
- 5.30 PCT Healthcare Limited t/a Peak Pharmacy respectfully submit to NHS Resolution that it is not a robust enough argument to direct our pharmacy based on “fairness.”
- 5.31 Furthermore, there is no actual details of the findings of a consultation or assessment, and therefore no reasons behind the direction which is contrary to paragraph 25(1) and 25(6) of Schedule 4.
- 5.32 In conclusion, our pharmacy has received this direction, however for the reasons discussed above we do not feel it has been made clear as to why our pharmacy has been chosen to open on Good Friday 2026, as opposed to another pharmacy in Clay Cross.”

6 **Assessment**

- 6.1 I have considered paragraph 25 of Schedule 4 (Determination of pharmacy premises core opening hours instigated by NHS England), which reads as follows:
1. *Where it appears to NHS England, after consultation with or having considered the matter at the request of the Local Pharmaceutical Committee for the area in which the premises are situated, that the days on which or times at which pharmacy premises are or are to be open for the provision of pharmaceutical services will not, or no longer, meet the needs of—*
 - (a) *people in its area; or*
 - (b) *other likely users of the pharmacy premises,**for the pharmaceutical services available at or from those premises, it must carry out an assessment as to whether to issue a direction requiring the NHS pharmacist (P) whose premises they are to provide pharmaceutical services at or from the pharmacy premises at set times and on set days (which may include Christmas Day, Good Friday and bank holidays).*
 2. *Before concluding the assessment under sub-paragraph (1) NHS England must—*
 - (a) *give notice to P of any proposed changes to the days on which or times at which the pharmacy premises are to be open; and*
 - (b) *allow P 30 days within which to make written representations to NHS England about the proposed changes.*

3. *When it determines the outcome of its assessment, NHS England must—*
 - (a) *issue a direction (which replaces any existing direction) which meets the requirements of sub-paragraphs (4) and (5);*
 - (b) *confirm any existing direction in respect of the times at which P must provide pharmaceutical services at or from the pharmacy premises, provided that the existing direction (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations) would meet the requirements of sub-paragraphs (4) and (5); or*
 - (c) *either—*
 - (i) *revoke, without replacing it, any existing direction in respect of the times at which P must provide pharmaceutical services at or from the pharmacy premises (whether issued under regulation 65, this Part, the 2012 Regulations, the 2005 Regulations or the 1992 Regulations), or*
 - (ii) *in a case where there is no existing direction, issue no direction,*
in which case, by virtue of whichever of paragraph 23(1)(a) or (b) applies, the pharmacy will need to be open for 40 hours each week or for at least 100 hours each week.
4. *Where NHS England issues a direction under sub-paragraph (3) in respect of pharmacy premises that are to be required to be open—*
 - (a) *for more than 40 hours each week, it must set out in that direction—*
 - (i) *the total number of hours each week for which P must provide pharmaceutical services at or from the pharmacy, and*
 - (ii) *as regards the additional opening hours, the days on which and the times at which P is required to provide those services during those hours,*
but it must not set out in that direction the days on which or times at which P is to provide pharmaceutical services during hours which are not additional opening hours; or
 - (b) *for less than 40 hours each week, it shall set out in that direction the days on which and times at which pharmaceutical services are to be provided at or from the pharmacy premises.*
5. *NHS England must not issue a direction under sub-paragraph (3) that has the effect simply of requiring pharmacy premises to be open for 40 hours each week on set days and at set times (that is, the direction must have the effect of requiring pharmacy premises to be open for either more or less than 40 hours each week).*
6. *NHS England must notify P of any direction issued or any other action taken under sub-paragraph (3), and where it sets new days on which or times at which P is to provide pharmaceutical services at or from pharmacy premises, it must include with the notification a statement of—*

- (a) *the reasons for the change; and*
 - (b) *P's right of appeal under paragraph (7).*
- 7. *P may, within 30 days of receiving notification under sub-paragraph (6), appeal in writing to the Secretary of State against any direction issued or any other action taken under sub-paragraph (3) which sets new days on which or times at which P is to provide pharmaceutical services.*
- 8. *The Secretary of State may, when determining an appeal, either confirm the action taken by NHS England or take any action that NHS England could have taken under paragraph (3).*
- 9. *The Secretary of State shall notify P of the determination and shall in every case include with the notification a statement of the reasons for the determination.*
- 10. *If the days on which or times at which P is to provide pharmaceutical services at or from pharmacy premises have been changed in accordance with this paragraph, P must introduce the changes—*
 - (a) if P has not appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (6); or*
 - (b) if P has appealed under sub-paragraph (7), not later than 8 weeks after the date on which P receives notification under sub-paragraph (9).*
- 11. *This paragraph does not apply where regulation 65(5) to (7) applies.*

6.2 I am mindful that paragraph 23(12) of Schedule 4 states:

For the purposes of calculating the number of hours that a pharmacy premises are open during a week that includes Christmas Day, Good Friday, Easter Sunday or a bank holiday, it is to be deemed that the pharmacy premises were open on that day at the times at which they would ordinarily have been open on that day of the week.

- 6.3 I am of the view that the pharmacy would normally be closed on Good Friday and that this would be in accordance with the Regulations.
- 6.4 I am conscious that paragraphs 25(1) and (2) require that before any direction is made, an assessment must be undertaken and that, before the assessment is concluded, the pharmacist providing services at or from the premises must be given notice of the proposed changes and given 30 days to make written representations about the proposed changes.
- 6.5 Although I have not been provided with a copy of the consultation with the LPC, the Commissioner, in its direction letter confirms that a consultation took place, but this is disputed by the Appellant. Further, I note that the Commissioner wrote to the Appellant under cover of an email of 21 October 2025 which provided the Appellant with the opportunity to make representations within 30 days.

- 6.6 From the information before me I am of the view that the Commissioner carried out some form of assessment in line with the Regulations.
- 6.7 I am mindful that the Commissioner is required by paragraph 25(6) of Schedule 4 to provide reasons for its decision. In my view, these reasons should set out the basis of any determination that days and times of opening will no longer be such as will meet the pharmaceutical needs of relevant persons and (if they are, such that a direction *may* be made) the assessment that led to the direction, taking into account any written representations from the pharmacist.
- 6.8 The direction letter stated:
- 6.8.1 *“There is a need to provide pharmaceutical services in Chesterfield where there is currently no provision on Good Friday 3 April 2026.*
- 6.8.2 *There has been no voluntary offer of pharmacy provision in the Chesterfield area to meet the needs of people living in the area on Good Friday 3 April 2026.*
- 6.8.3 *Your pharmacy is also identified as being located within, or close to, a Middle Layer Super Output Area (MSOA) within NHS Derby and Derbyshire which has been identified as deprived, based on its Index of Multiple Deprivation (IMD) decile. This proposal ensures that there is coverage of pharmaceutical services in an area of deprivation, which is a priority for NHS Derby and Derbyshire ICB to improve access to healthcare for vulnerable groups and reduce health inequalities. Areas of high deprivation are also likely to have more patients with long-term conditions requiring management, and this proposed direction would ensure provision of dispensing for these patients.”*
- 6.9 The Appellant describes the above as “generic” and that “*the letter received makes no reference to any specific results linking our pharmacy to any lack of service provision on Good Friday*” and further that “*there is no actual details of the findings of a consultation or assessment ...*”.
- 6.10 I note the Appellant’s undisputed comments in relation to its location within Clay Cross; that there are 29 community pharmacies “*located closer to the Urgent Treatment Centre (UCC) at Royal Primary Care Ashgate (S40 4AA) in Chesterfield*” and “*28 community pharmacies located closer to the A&E department at Chesterfield Royal Hospital*”. Further that “*Clay Cross is a town in Derbyshire, located over 5 miles south of Chesterfield, it is not part of Chesterfield itself*”.
- 6.11 In its representations, the Commissioner goes on to explain further the reasoning behind the direction and the assessment that was carried out. The Commissioner considers that there will be a need for dispensing services, the Pharmacy First service and the NHS pharmacy contraception advanced service. Further, the Commissioner confirms that other pharmacies in the area were “considered” but that “*the assessment takes into account the geographical location of pharmacies within the agreed locality, the proximity to an urgent care centre and the proximity to a deprived MSOA and in this instance FHA96 was selected to ensure equitable access for patients and likely users of the service.*

- 6.12 *As set out in the direction letter, Peak Pharmacy (FHA96) is located within, or in close proximity to, a deprived area. This direction secures pharmaceutical service provision within a designated area of deprivation, supporting the ICB's statutory responsibility to improve access to healthcare and address health inequalities. Deprived areas typically show higher prevalence of long-term conditions that require consistent management, and the direction ensures appropriate dispensing provision to meet these population health needs."*
- 6.13 Whilst I am of the view that distance is only one factor which the Commissioner should take into account when determining which pharmacies should open, given the Commissioner's assertion that geographical location was important, it does seem odd that the Commissioner should direct a pharmacy which is 5.6 miles and over 6.5 miles away, by road, from the key sources of prescriptions, particularly on a day when public transport is limited.
- 6.14 Further, I note the Appellant's comments that there are other pharmacies in areas of similar deprivation which are located closer to the sources of prescriptions and that there are other pharmacies located in areas with a similar ranking in terms of Health and Disability deprivation that are also located closer. The Commissioner has not disputed the Appellant's comments and whilst I agree that the Appellant's pharmacy is located in an area of deprivation, there are other nearby areas with higher deprivation which would therefore appear at odds with the Commissioner's rationale for issuing the direction.
- 6.15 I note in its representations, the Commissioner stated that *"While other pharmacies were considered, the ICB is mindful of fairness in the application of directions and seeks to avoid disproportionately impacting the same contractors. On this occasion, FHA96 was identified as the most appropriate pharmacy to secure service provision and maintain equity across providers"*. However, I do not consider that directing pharmacies to open on a fair share basis provides a robust assessment of the need for pharmaceutical services in terms of providing services to patients. I further note that in its observations, the Appellant has provided evidence which indicates that another pharmacy is going to be open on Good Friday although this is not confirmed by the Commissioner.
- 6.16 On appeal, I may (in accordance with paragraph 25(8) of Schedule 4) either confirm the action of the Commissioner or take such other action as it could have taken.
- 6.17 The letters dated 3 February 2026 and 16 March 2026 provide me with no information which I consider sufficient to provide reasons on the basis of which I can confirm the decision, nor information upon which I might rely to make a direction for alternative reasons.
- 6.18 On the basis of the information available to me, I am not satisfied that the Commissioner has demonstrated that the needs of people in its area or other likely users of the pharmacy for pharmaceutical services will not be met on Friday 3 April 2026.

7 Determination

- 7.1 The appeal is granted and, pursuant to paragraph 25(3)(c)(ii), no direction is issued.

Head of Appeals
NHS Resolution