

Primary Care Appeals - Pharmacy User Group

2 December 2025

10am

Via MS Teams

Attendees	Job Title/Organisation
Jonathan Haley (JDH)	Head of Appeals, NHS Resolution
Sanjay Sekhri (SS)	Deputy Director of Advice and Appeals
Rachel White (RW)	Technical Case Manager, Primary Care Appeals
Phil Bratley (PB)	Panel member (Pharmacy) Primary Care Appeals
Jo Severn (JS)	Boots UK Ltd
Claire Smithies (CS)	Well Pharmacy
Gordon Hockey (GH)	Community Pharmacy England
Sally-Anne Kayes (SAK)	North East London ICB
Jane Horsfall (JH)	NHS England
Kelvin Rowland-Jones (KRJ)	NHS England
Noel Wardle (NW)	Temple Bright LLP
Susan Hunneyball (SH)	Gordons Partnership
Apologies	Job Title/Organisation
Charlotte Goodson (CG)	Primary Care Commissioning
Marie Wharton (MW)	West Yorkshire ICB

Minutes

Item		Action
1.	Welcome and apologies for absence JDH noted apologies had been received from Charlotte Goodson and Marie Wharton. Claire Smithies and Susan Hunneyball were welcomed to the meeting.	
2.	Minutes of last meeting The minutes from the last meeting were agreed and will be published.	
3.	Outstanding actions None.	

4.1	Appeals update JDH updated the group on activity levels over the past six months. JDH highlighted case numbers were similar to the same period last year, but what is noticeable is the high number of cases the Appeals service has closed in the last six months compared to the previous year. Activity is expected to maintain at current levels or even increase due to the number of DSP applications at local level. NHS Resolution has received 26 appeals relating to DSP applications in the last two months. Other activity includes a wide mix of performance sanction cases, although low in numbers. NHS England are still pushing forward with the post payment verification. In terms of timely resolution, JDH reported that the service is meeting its key indicators.	
4.2.	JR guidance JDH updated the Group on a recent JR decision (Medis Pharma Ltd vs NHS Resolution) concerning a DSP application that was refused on appeal. Permission was granted on two grounds; that the Pharmacy Appeals Committee was irrational/unreasonable and there was a lack of reasoning given for the refusal. The Judge dismissed the claim. The judgment provides confirmation of the approach that PAC is taking with regard to DSP applications.	
6.	Demographic data collection JDH presented the latest figures on the collection of demographic data for appellants. JDH noted that in 2024/25, the Appeals service had a response rate of 23%, which is an increase from 19%. JDH noted that the data has its limitations as we are dealing with body corporates but recognised its importance and the service will continue with this work.	

4.3	Panel members (Pharmacy) JDH reported that all current appointments across the panel end next year, therefore Appeals has begun the recruitment process by advertising for pharmacy members first, receiving 111 applications. This was much higher than expected as there are some exclusions to applying, such as the individual cannot be on a pharmaceutical list, nor can they be employed by someone who is on a list. There has been a significant volume of applicants who have previous experience in community pharmacy which is an essential criteria. Shortlisted candidates will be going through a rigorous interview process early next year, and successful applicants will be onboarded and trained which will include observing hearings. Appeals will advertise for lay chairs and members in Spring next year. NW asked if there is a limitation of tenure. JDH advised that panel members can only serve for 5 years plus a 3 year extension. After the 8 years, we have to recruit, however existing panel members can reapply. Panel member biographies are published on the Appeals website.	
5.1	Performance related sanction and removal from list appeals GH suggested that it would be helpful if Appeals created further guidance notes, particularly around removals from the Pharmaceutical List appeals, to assist those who are less familiar with the powers that are available in terms of decision making. NW and SH echoed GH comments regarding the usefulness of a guidance note around market exit provisions. JDH advised that there had not been a huge number of appeals in this space, so a guidance note might take some time to produce. ACTION There was also a discussion regarding the current guidance note relating to Breach and Remedial Notice appeals, and it was agreed that this should be updated. ACTION NW asked whether there was a current guidance note relating to change of hours applications. GH advised that CPE are intending on issuing guidance to assist contractors in applying under the correct regulation. JDH advised that the Appeals service removed the previous guidance due to the change in Regulations in 2023 and that a high proportion of subsequent applications had been refused so finding a balance of cases to	

	reflect upon was difficult. However, JDH agreed that given the June amended regulations and decisions due to be made on appeals, guidance should be produced as soon as practical. ACTION	
5.2.	Difficult cases GH raised the issue of the handling of challenging cases, and CPE's approach to let Appeals deal with these without their intervention. GH expressed his support for the system and of the right to appeal. He thinks the system is working well. JDH was conscious that the service should be accessible and appellants want to be heard. GH supported the preference for virtual hearings, and the circumstances under which in-person hearings may occur. NW queried the approach to oral hearings. JDH advised that a recent hybrid hearing was a one-off, but that it was the right decision for the particular circumstances. It was noted that the virtual method works; service users have not said otherwise. The Group discussed that if another appeal is determined by in-person hearing, that the Appeals team ensures there is the option to also attend virtually given the costs and logistics that would be involved.	
6.	Casehub – Appeals new case management system JDH provided an update on the development and rollout of a new case management system for Appeals, outlining the current status and anticipated challenges to handling this alongside casework. JDH advised that if we see a slip in timeliness for handling cases, the team will communicate with parties on a case by case basis. GH queried the average time taken to determine appeals, JDH advised 12 weeks for routine cases, 16 weeks for more complex cases and 24 weeks if cases require an oral hearing.	
11.	<u>AOB</u> <u>Notification of appeals</u> KRJ raised an issue from an ICB regarding confirmation of appeals or non appeals being received. The Group discussed the process for confirming the validity of appeals i.e if in time and whether rights exist. JDH agreed that the team would consider and he would update the Group as to an agreed timeframe and process for confirming whether an appeal has been validly lodged. ACTION	

	JDH thanked everyone for attending and advised that the next meeting will be in June 2026; one of the Appeals team will be in touch.	
--	--	--

Actions Summary:

Action	Owner	Date Required
Update guidance note regarding Breach and Remedial Notices	RW	21 June 2026
Prepare guidance note regarding market exit provisions	RW	21 June 2026
Prepare guidance note on Opening Hours applications	RW	21 June 2026
Consider and communicate timeframe and process for confirmation of receipt of valid appeals	RW	30 December 2026