

OFFICIAL: SENSITIVE

8 May 2026

REF: SHA/26876

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**APPEAL AGAINST HERTFORDSHIRE AND WEST
ESSEX ICB DECISION REGARDING A REMEDIAL
NOTICE ISSUED TO ELMWOOD HEALTHCARE
LTD AT NUFFIELD ROAD MEDICAL CENTRE,
NUFFIELD ROAD, CAMBRIDGE,
CAMBRIDGESHIRE, CB4 1GL**

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:
Hertfordshire and West Essex ICB
Elmwood Healthcare Ltd t/a Nuffield Pharmacy

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1 The Remedial Notice

A Remedial Notice dated 6 January 2026 was sent to Elmwood Healthcare Ltd, t/a Nuffield Pharmacy (FAJ75) ("the Appellant") in respect of Nuffield Road Medical Centre, Nuffield Road, Cambridge, Cambridgeshire, CB4 1GL. The Remedial Notice stated:

- 1.1 "This is a remedial notice issued under regulation 70 of the National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended (the 2013 regulations) for failure of Elmwood Healthcare Ltd, t/a Nuffield Pharmacy to respond to a remedial notice which requested information under Schedule 4, Part 4, Paragraph 35(4) of the Regulations.
- 1.2 **Nature of the Remedial Notice:**
- 1.3 Failure of Elmwood Healthcare Ltd, t/a Nuffield Pharmacy to respond to a remedial notice which requested information under Schedule 4, Part 4, Paragraph 35(4) of the 2013 regulations.
- 1.4 **Background**
- 1.5 **Thursday 7 August 2025:** Pharmacy & Optometry Contracting Team (P&O Team) emailed the contractor on Thursday 7 August 2025, in line with Regulation 69 (*local dispute before serving remedial notices or breach notices*) requesting an explanation as to why pharmaceutical services are not being provided in line with the contracted hours held on the Pharmaceutical List.
- 1.6 The P&O Team also requested a copy of the Responsible Pharmacists Log (RP Log) for the period of Monday 3 March 2025 through to and including Thursday 7 August 2025. This was requested in line with Paragraph 35(4), Schedule 4 of the Regulations. A response date of COP Thursday 14th August 2025 was requested.
- 1.7 No response was received to this email.
- 1.8 **Wednesday 20th August 2025:** The P&O Team sent a follow up email to the contractor using an alternative email address for JL, Regional Pharmacist

Manager at Elmwood Healthcare Limited, using the email address of [redacted].

- 1.9 The P&O Team stated within the email that they had not received a response to their initial email sent on Thursday 7th August 2025. Again, an explanation as to why pharmaceutical services are not being provided was requested, along with the RP Log. A deadline date was given as COP Friday 22nd August 2025.
- 1.10 On 17 September 2025, PSRC agreed to issue a remedial notice. The remedial notice gave the contractor 30 days to provide the RP Log. The remedial notice was issued on 13th October 2025.
- 1.11 On Wednesday 5th November 2025 a follow up email was sent to JL and the pharmacy specific email address to remind them that the ICB required the requested RP Log.
- 1.12 As of Thursday 27th November 2025, Elmwood Healthcare Ltd, t/a Nuffield Pharmacy (FJA75) had not taken any steps to comply with the remedial notice issued on Monday 13th October 2025 which stated that the RP Log was to be provided to the ICB by COP Tuesday 13th November 2025.
- 1.13 **Current Position**
- 1.14 **Tuesday 2nd December 2025:** JL confirmed that they will provide the ICB with the requested RP Log by COP Friday 5th December 2025 and stated within their email *"I have just seen your email, have been a bit short staffed and late in replying"*
- 1.15 **Wednesday 10th December 2025:** During the Pharmaceutical Services Regulations Committee (PSRC) Meeting, the PSRC were informed that the requested RP Log outlined in the remedial notice dated Monday 13th October 2025 had not been provided to the ICB within the 30 days i.e. Tuesday 11th November 2025.
- 1.16 The PSRC were asked to consider further contractual action for the failure of Elmwood Healthcare Ltd, t/a Nuffield Pharmacy to comply with the requirements of the remedial notice.
- 1.17 Steps you are required to take to our satisfaction:
 - 1.17.1 A copy of the RP Log for the period of Monday 3rd March 2025 through to and including Tuesday 6th January 2026 is to be submitted within 30 days of this remedial notice i.e. by Thursday 5th February 2026 and submitted to hweicbhv.pharmacy@nhs.net
- 1.18 You have a right of appeal to the Secretary of State against the issuing of this remedial notice.
- 1.19 Should you choose to appeal then you should send a concise and reasoned statement of the grounds for your appeal within 30 calendar days of the date of this notice to appeals@resolution.nhs.uk or: NHS Resolution, 8th Floor, 10 South Colonnade, Canary Wharf, London, E14 4PU

- 1.20 Please note that 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 your inclusion in the pharmaceutical list in respect of the above-named premises.
- 1.21 This may include the issue of a Breach Notice or removal of the premises from the pharmaceutical list under regulation 73 of the 2013 regulations.”

2 The Appeal

In a letter dated 26 January 2026 addressed to NHS Resolution, the Appellant appealed against Hertfordshire and West Essex ICB (“the Commissioner”) decision. The grounds of appeal are:

- 2.1 “I believe we have unfairly been given two breaches notices for the same event.
- 2.2 A breach notice was given on 13th October asking us to provide information by 11th November.
- 2.3 These emails were not received in store, as the supervisor in charge of nhs emails didn't have access to her nhs email account.
- 2.4 This information has all come to light subsequently.
- 2.5 The notice then states that the manager was emailed, at [redacted].
- 2.6 THIS IS NOT HER CORRECT EMAIL.
- 2.7 When they were able to contact J on 2/12/25, this was the first time it was brought [sic] to my attention. As the superintendent, and previous correspondence i believe my details were held.
- 2.8 I emailed the below on 6/12/2025
- 2.9 'I am writing in my role as Superintendent Pharmacist for Elmwood Healthcare Ltd, T/A Nuffield Pharmacy (FAJ75), in response to the Remedial Notice dated 13 October 2025.
- 2.10 First, I would like to offer my sincere apologies for the lack of response to your earlier emails sent in August. Unfortunately, these emails were not received or brought to my attention at the time. It appears they may have been filtered into junk mail, as they were not visible in our main inboxes. I only became aware of the outstanding request last week, and I am very sorry for the delay and any inconvenience this may have caused.
- 2.11 Pharmacy Opening Hours:
- 2.12 Since March 2025, the pharmacy has been operating 09:00–18:00. This was based on the information provided to us by Lloyds Pharmacy during the acquisition. We were advised that the contractual hours were:
- 2.12.1 Core hours: 09:00–13:00 and 14:00–18:00

2.12.2 Supplementary hours: 08:30–09:00 and 18:00–18:30

- 2.13 On the basis of this information, we submitted a notification to reflect opening hours of 09:00–18:00 providing 3 months notice of confirmed opening hours.
- 2.14 I fully acknowledge that it is ultimately our responsibility to know, verify, and comply with the contracted core hours as listed on the Pharmaceutical List. As soon as I became aware last week that there may be a discrepancy between the hours we had been advised and those officially recorded, we immediately reverted to operating 08:30–18:30 to ensure full coverage.
- 2.15 We would be very grateful if you could kindly confirm the officially recorded core and supplementary hours for FAJ75 so that we can ensure complete accuracy and compliance moving forward.
- 2.16 Once again, I would like to express my sincere apologies for the delays in communication and for the administrative oversights from our side. We are reviewing our internal processes—particularly around email monitoring and verification of contractual information—to ensure this does not happen again.
- 2.17 If there is anything further you require, please do not hesitate to let me know.'
- 2.18 The committee the [sic] met on 10/12/25 and decided to give us a second breach notice for no response.
- 2.18.1 I believe this is unfair as the email for the manager was incorrect
- 2.18.2 The store wasn't contacted by telephone
- 2.18.3 as the superintendent, i wasn't contacted at any part of this process.
- 2.18.4 I replied before the meeting of 10/12/25 which states no reply was received
- 2.19 Please acknowledge receipt of this email, and if you require anything further."

3 **Summary of Representations**

This is a summary of representations received on the appeal.

- 3.1 The Commissioner
- 3.1.1 "Please note that from the 1 April 2023, community pharmacy contracting and commissioning has been delegated to Integrated Care Boards (ICBs). Hertfordshire and West Essex (HWE) ICB are hosting the function on behalf of the six East of England ICBs. The six ICBs have formed one Pharmaceutical Services Regulation Committee (PSRC) which is also hosted by HWE ICB.
- 3.1.2 Thank you for your letter dated 9 February 2026 advising that Elmwood Health Limited (the Appellant) has submitted an appeal against the decision to issue *'two breach notices for the same event'*.

- 3.1.3 The ICB would like to clarify that two 'remedial notices' were issued and not 'breach notices' as stated by the Appellant in their appeal document.
- 3.1.4 The ICB notes that the Appellant states in their appeal that *'the manager was emailed, at [redacted] THIS IS NOT HER CORRECT EMAIL'*.
- 3.1.5 The ICB would like to apologise as it would appear that due to an administrative error the email address in the remedial notice was incorrect and can confirm that all correspondence in relation to this matter was sent to the correct address at [redacted]
- 3.1.6 The ICB also notes the comment made by the Appellant in regard to the remedial notice dated 13 October 2025 *'asking us to provide information by 11th November. These emails were not received in store, as the supervisor in charge of nhs emails didn't have access to her nhs email account. This information has all come to light subsequently.'*
- 3.1.7 The ICB would like to remind the Appellant that it is a requirement under the Terms of Service that pharmacies maintain a premises-specific NHS.net shared mailbox which their staff can access and can send and receive NHSmail from. There must be **at least two members of staff** that have live personal NHSmail accounts that are linked to the premises specific NHSmail account.
- 3.1.8 An email was sent to the pharmacy shared email address pharmacy.faj75@nhs.net on 7 August 2025 requesting information under paragraph 35(4), Schedule 2 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, as amended. The contractor was asked to provide an explanation as to why pharmaceutical services were not being provided in line with the core contracted hours held on the pharmaceutical list. The contractor was also asked to provide a copy of the Responsible Pharmacist (RP) log for the period 3 March 2025 to 7 August 2025 to allow the ICB to ascertain exactly when pharmaceutical services were not provided. No response was received by the deadline of 14 August 2025.
- 3.1.9 A reminder email was sent on 20 August 2025 to [redacted] who is the Regional Pharmacist Manager of Elmwood Healthcare Limited. No response was received.
- 3.1.10 A remedial notice was sent on 13 October 2025 to the pharmacy shared email address pharmacy.faj75@nhs.net and [redacted] requesting a copy of the RP log within 30 days i.e. 11th November 2025. A read receipt was received from the pharmacy specific email address on 20 October 2025. No response was received.
- 3.1.11 A reminder email was sent on 5 November 2025 to the pharmacy shared email address pharmacy.faj75@nhs.net and [redacted]. No response was received.

- 3.1.12 A further email was sent on 25 November 2025 to the pharmacy shared email address pharmacy.faj75@nhs.net and to [redacted] reminding them to reinstate their hours with immediate effect and they were again asked what extenuating circumstances led to the reduction in hours and for the requested RP log. The Appellant was asked to provide a response by 2 December 2025. A response was received from Jasvinder Lali on 27 November 2025 stating:
- 3.1.13 *"Thank you for your e mail. I have just seen this e mail, have been a bit short staffed and been late replying. I am sorry but how have you managed to deduce this? We open 8:30am till 6:30pm, on the odd occasion we might not have had a Pharmacist or they might have been late in which case we would have to open when they have arrived. I can get the log for you, however will take me until next week as I am in branch all week and next. We have a few staff on holidays and are short."*
- 3.1.14 A further deadline of 5 December 2025 was given by the ICB to provide a copy of the RP log and a request made for the period 3 March 2025 through to 28 November 2025.
- 3.1.15 The ICB received an email on 8 December 2025 from the Superintendent Pharmacist, Parminder Singh, in response to the remedial notice dated 13 October 2025, via his Hotmail account, a copy of the RP log was not provided. A copy of the email can be found in **Appendix 1**. The ICB further notes that the period for appealing the remedial notice issued on 13 October 2025 has expired.
- 3.1.16 As the requirements of the first remedial notice were not met, a second remedial notice was sent to the pharmacy shared email address and also to [redacted] on 6 January 2026 requesting a copy of the RP log within 30 days i.e. 5 February 2026 and a request made for the period 3 March 2025 through to 6 January 2026.
- 3.1.17 The ICB note that a copy of the RP log was received on 9 January 2026 and remains of the opinion that it was justified in issuing the remedial notices of 13 October 2025 and 6 January 2026."

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 I note that the Commissioner contacted the Appellant by email on 7 August 2025 requesting an explanation, along with the RP Log with a deadline of 14 August 2025, as to why Elmwood Healthcare Ltd t/a Nuffield Pharmacy (FAJ75) was not fulfilling their contracted hours in line with the Terms of Service. I note that the Appellant did not provide a response to this email and they were subsequently emailed again on 20 August 2025 with a deadline of providing the information by close of business on 22 August 2025. A Remedial Notice was then issued to the pharmacy and an email was sent from the Commissioner on 25 November 2025 requesting a copy of the RP log and for the pharmacy to reinstate their current opening hours with immediate effect.
- 5.6 I note from the Commissioner’s representations that an email was sent by the Appellant on 28 November 2025 however the RP log was not attached to this email. I note that a Remedial Notice was sent to the Appellant on 6 January 2026 for the “*Failure of Elmwood Healthcare Ltd, t/a Nuffield Pharmacy to respond to a remedial notice which requested information under Schedule 4, Part 4, Paragraph 35(4) of the 2013 regulations.*”
- 5.7 I note that the Commissioner states that since August 2025 it has been in contact with the Appellant on several occasions relating to the issue of not providing services at the contracted hours. I note the Appellant’s view that the Commissioner was “*unfair as the email for the manager was incorrect, The store wasn’t contacted by telephone, [and] as the superintendent, i wasn’t contacted at any part of this process.*”
- 5.8 I have been provided with copies of the emails dated 7 August 2025, 20 August 2025, 25 November 2025, 27 November 2025, 2 December 2025 and 8 December 2025. I am mindful that the Appellant is not disputing that any of the emails were sent. I note the comment from the Appellant that the incorrect email address was used however I can see from the copies of the emails and the comment from the Commissioner that the correct email was used, “*due to an administrative error the email address in the remedial notice was incorrect and can confirm that all correspondence in relation to this matter was sent to the correct address at [redacted]*” and further that the pharmacy shared email address was also used as a means of contacting the Appellant. I am therefore

of the view that the Appellant had the opportunity to enter into local dispute resolution with the Commissioner. 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 an earlier remedial notice.
- 5.10 I note that the Remedial 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 sub paragraph (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 “25 November 2025 to the pharmacy shared email address pharmacy.faj75@nhs.net and to [redacted] reminding them to reinstate their hours with immediate effect and they were again asked what extenuating circumstances led to the reduction in hours and for the requested RP log. The Appellant was asked to provide a response by 2 December 2025. A response was received from JL on 27 November 2025 stating:
- 5.12 “Thank you for your e mail. I have just seen this e mail, have been a bit short staffed and been late replying. I am sorry but how have you managed to deduce this? We open 8:30am till 6:30pm, on the odd occasion we might not have had a Pharmacist or they might have been late in which case we would have to open when they have arrived. I can get the log for you, however will take me until next week as I am in branch all week and next. We have a few staff on holidays and are short.”
- 5.13 A further deadline of 5 December 2025 was given by the ICB to provide a copy of the RP log and a request made for the period 3 March 2025 through to 28 November 2025.”
- 5.14 The Appellant, in its appeal, states that “these emails were not received or brought to my attention at the time. It appears they may have been filtered into

junk mail, as they were not visible in our main inboxes. I only became aware of the outstanding request last week.”

- 5.15 I note, however, that the Commissioner has provided copies of the covering emails addressed to the pharmacy specific email address (Pharmacy.faj75@nhs.net) and the Appellants email address [redacted] which provided the Appellant the opportunity to respond to the first Remedial Notice. I note that the Appellant did not submit any further comments after being given the opportunity to do so.
- 5.16 It is not disputed that the Appellant failed to submit the required information within the deadlines set by the Commissioner, notwithstanding its assertion that the emails from the Commissioner were not received. The information provided by the Appellant demonstrates that the cover letter issued to Elmwood Healthcare Ltd, t/a Nuffield Pharmacy (FAJ75) contained an incorrect email address. However, the Commissioner has explained in its representations that, although the email address in the body of the cover letter was incorrect, both the emails sent prior to the issuance of the Remedial Notice and the Remedial Notice itself with accompanying cover letter were sent to the correct email address, namely [redacted] and Pharmacy.faj75@nhs.net. Copies of the covering emails have been provided by the Commissioner and circulated to the Appellant for comment.
- 5.17 In response to the Appellant’s submission that the emails were not brought to their attention, I note that Paragraph 29C of Schedule 4 to the Regulations requires pharmacies to ensure that at least two members of staff have access to the pharmacy-specific email inbox:
- “29C.—(1) An NHS pharmacist (P) must ensure that pharmacy staff at pharmacy premises (including locums) have access to, and are able to send and receive [messages via NHS.net Connect] from, a premises-specific [NHS.net Connect] account.*
- (2) P must ensure that at least two members of the pharmacy staff have live, linked [NHS.net Connect] accounts to the premises-specific [NHS.net Connect] account (unless fewer than two members of the pharmacy staff are engaged in the provision of NHS services).”*
- 5.18 The Appellant does not dispute this requirement and, in the appeal, states that they are *“reviewing our internal processes—particularly around email monitoring and verification of contractual information”*. In those circumstances, I consider that responsibility for this matter rests with the Appellant. While it is regrettable that the emails sent prior to the remedial notice were apparently neither acted upon nor recognised by the Appellant’s staff as relating to contractual matters, that does not displace the Appellant’s responsibility for ensuring appropriate oversight of the pharmacy-specific inbox.
- 5.19 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.”

- 5.20 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.
- 5.21 Given that the Appellant did not provide the requested information or evidence within the timescales given by the Commissioner relating to the RP log, I am satisfied that it was appropriate, at the time the Remedial Notice was issued, 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**