

## **NHS Resolution**

### **Factsheet 6: Family Health Services Appeal Unit: Annual Statistics 2016-17**

#### **Introduction**

The role of NHS Resolution includes discharging the Secretary of State's appellate function. This is carried out by the Family Health Services Appeal Unit (FHS AU). The purpose of the FHS AU is to improve the provision of healthcare by ensuring a prompt and fair resolution of appeals and disputes between primary care contractors and NHS England. Primary care contractors include GPs, dentists, opticians and pharmacists. The FHS AU's work includes:

- Determining appeals against decisions concerning the provision of NHS pharmaceutical services. Such appeals generally relate to the proposed opening of a new pharmacy, relocation of an existing pharmacy, or the provision of dispensing services by GPs;
- Determining contractual disputes between primary care contractors and NHS England;
- Determining disputes over the assessment of GP Registrars' allowances under relevant Directions;
- Determining other occasional appeals and applications under various regulations governing primary care

NHS Resolution also has certain obligations under the Performers Lists Regulations, which are also handled by the FHS AU. These are:

- Maintaining a database of primary care contractors who have had restrictions placed upon their inclusion on Performers Lists: and
- Providing information to NHS England against the restrictions database

This Factsheet provides statistical information on the FHS AU's various workstreams, as follows:

Annex 1	Number of received and completed cases - all workstreams
Annex 2	Breakdown of pharmacy appeals under the 2005 Regulations
Annex 3	Breakdown of pharmacy appeals under the 2013 Regulations
Annex 4	Key Performance Indicators
Annex 5	Performers Lists notifications from NHS England and Health Boards to the NHS Litigation Authority
Annex 6	Performers Lists checks by profession Performers Lists suspensions in force at 31 March 2017
Annex 7	Abbreviations used in this Factsheet:

These statistics are produced on an annual basis shortly after NHS Resolution's Annual Report publication.

**Annex 1: All workstreams - 01/04/16 to 31/03/17**

	Cases received		Cases completed	
	16/17	15/16	16/17	15/16
<b>Pharmacy: 2005 &amp; 2013 Regulations - 'market entry'</b>	156	283	195	270
<b>Pharmacy disputes: 2013 Regulations - 'performance sanctions'</b>	94	14	89	8
<b>GP disputes: GMS 2015</b>	11	29	11	53
<b>GP disputes: PMS 2015</b>	14	19	18	34
<b>GP disputes: APMS</b>	20	0	0	0
<b>Performers Lists Regulations: Consent to withdraw and appeals regarding suspension payments</b>	2	6	3	6
<b>Dental disputes: GDS 2015</b>	17	4	18	1
<b>Dental disputes: PDS 2015</b>	2	3	3	3
<b>Ophthalmic disputes: GOS</b>	1	2	1	2
<b>GP Registrar Directions: allowance assessments</b>	1	9	1	9
<b>GP Registrar Directions: representations</b>	0	0	0	0
<b>Schedule 10 – Issue of Goodwill</b>	0	0	0	0

## Annex 2: Pharmacy appeals (2005 Regs) - 01/04/16 to 31/03/17

Case type	Cases received	Cases completed							Total
		Upheld		Dismissed			With-drawn	Non-Valid	
		With Site Visit/Oral Hearing	Without Oral Hearing	With Site Visit/Oral Hearing	Without Oral Hearing	Summary			
Minor relocations under 500m	0	0	0	0	0	0	0	0	0
Minor relocations 500m+	0	0	0	0	0	0	0	0	0
Ph. List inclusion (necessary/desirable/ expedient test only)	0	0	0	0	0	0	0	0	0
Ph. List change of premises (n/d/e test only)	0	0	0	0	0	0	0	0	0
Ph. List Application (controlled, prejudice & n/d/e test)	0	0	0	0	0	0	0	0	0
Outline consent, doctors (controlled, prejudice)	0	0	0	0	0	0	0	0	0
Exemptions (refused and variation)	0	0	0	0	0	0	0	0	0
Change of ownership, suspension, return	0	0	0	0	0	0	0	0	0
Amend premises in ph. application	0	0	0	0	0	0	0	0	0
Extension/comment of ph. application	0	0	0	0	0	0	0	0	0
Removal/withdrawal from Ph. List	0	0	0	0	0	0	0	0	0
Terms of service, hours	0	0	0	0	0	0	0	0	0
Rurality	0	0	0	0	0	0	0	0	0
Reserved location–inc gradualisation appeals	0	0	0	0	0	0	0	0	0
Doctors' ph. services arrangements	1	0	0	0	0	0	0	1	1
Doctors' premises - outline consent	0	0	0	0	0	0	0	0	0
Ph. or Drs. Application refused to consider (controlled)	0	0	0	0	0	0	0	0	0
<b>TOTAL 2016/17</b>	<b>1</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>0</b>	<b>1</b>	<b>1</b>
<i>2015/16</i>	<i>2</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>0</i>	<i>2</i>	<i>2</i>

### Annex 3: Pharmacy appeals (2013 Regs) - 01/04/16 to 31/03/17

Case type	Cases received	Cases completed						Total
		Application granted		Application refused		Remit Back	Non-Valid Withdrawn	
		Decision quashed and redetermined	Decision confirmed	Decision quashed and redetermined	Decision confirmed			
Routine App (current need)	6	1	0	4	4	0	1	10
Routine App (future need)	1	0	0	1	0	0	0	1
Routine App (improvements/better access)	3	2	0	3	0	0	0	5
Routine App (unforeseen benefits)	73	13	3	34	17	1	5	73
Routine App (future improvements/better access)	0	0	0	0	0	0	0	0
Routine App (neither PNA/unforeseen benefits)	0	0	0	0	0	0	0	0
Excepted App (relocations)- inc joint change of ownership	20	13	4	6	1	0	4	28
Excepted App (distance selling)	26	18	0	24	0	0	1	43
Excepted App (change of ownership)	1	0	0	1	0	0	0	1
Rurality	1							2*
Substantial change (reg 40)	3	0	0	2	4	1	0	7
Reserved location, prejudice and discontinuation	1							1*
Outline Consent/Premises Approval	1	0	0	1	1	0	0	2
Doctors provision – serious difficulty	0	0	0	0	0	0	0	0
Terms of service (hours)	19	4	0	0	14	0	3	21
3 <sup>rd</sup> Party appeal rights	0							0
<b>TOTAL 2016/17</b>	<b>155</b>	<b>51</b>	<b>7</b>	<b>76</b>	<b>41</b>	<b>2</b>	<b>14</b>	<b>194</b>
2015/16	281	50	4	93	82	2	28	268

\*Decisions where 'grant' or 'refusal' is not applicable

## Annex 4:

### FHSAU Performance against Key Performance Indicators 2016-17

Indicator	Actual	Target
% of "first step" letters sent out within 7 days of receiving the appeal or dispute	99% [98%]	90%
% of appeals or disputes where 14 or more days notice of hearing has been given	100% [100%]	100%
% of appeals where Decision Maker agreed with recommendation of Case Manager	83% [92%]	80%
% outcome of quality audits for appeals and dispute files	100% [100%]	80%
The average number of weeks taken to resolve appeals and disputes - Internal input only	11 [12]	Maximum 15 weeks
The average number of weeks taken to resolve appeals - External input	25 [24]	Maximum 25 weeks
The average number of weeks taken to resolve disputes - External input	25 [22]	Maximum 33 weeks

**Annex 5:**

**Performers Lists notifications from NHS England and Health Boards to the NHS LA - 01/04/16 to 31/03/17**

<b>Profession</b>	<b>Criterion</b>	<b>Notifications</b>	<b>In force at 31/03/17</b>
<b>Dental</b>	<b>Suspensions</b>	13	16
	<b>Removals*</b>	171	
	<b>Refusals to include</b>	8	
	<b>Conditions</b>	300	
	<b>Reviews, variations etc</b>	253	
<b>Medical</b>	<b>Suspensions</b>	53	45
	<b>Removals*</b>	377	
	<b>Refusals to include</b>	5	
	<b>Conditions</b>	141	
	<b>Reviews, variations etc</b>	141	
<b>Ophthalmic</b>	<b>Suspensions</b>	7	2
	<b>Removals*</b>	238	
	<b>Refusals to include</b>	1	
	<b>Conditions</b>	21	
	<b>Reviews, variations etc</b>	13	
<b>Pharmaceutical</b>	<b>Suspensions</b>	0	1
	<b>Removals</b>	1	
	<b>Refusals to include</b>	0	
	<b>Conditions</b>	0	
	<b>Reviews, variations etc</b>	1	

**\*Removals from the List (all professions)**

<b>Criterion of removal</b>	<b>Number</b>
14(1)(a),(b),14(3)(a),(b),(c)&(d) - murder, national disqualification, conviction efficiency, fraud or suitability (inc 11(1)(c))	53
14(1)(c) – died	17
14(1)(d) - no longer registered	395
14(5) - has not performed services	307
Other	15

## Annex 6: PLR checks by profession - 2014/15 – 2016/17

Profession	16/17	15/16	14/15
Medical	11,342	5,417	3,872
Dental	4,820	2,310	2,043
Ophthalmic	1,933	1,549	1,489
Pharmaceutical	2,192	1,429	1,049
Director	987	661	371
<b>Total</b>	<b>21,274</b>	<b>11,366</b>	<b>8,824</b>

### Performers Lists suspensions as at 31/03/2017

	Less than 6 months	6-12 months	Over 12 months
Medical (General Practitioner)			
Pending NHS Investigation: <i>(2014/15 in italics)</i>	3 (18)	2 (5)	1 (0)
Pending non-NHS Investigations: <i>(2014/15 in italics)</i>	17 (9)	8 (15)	18 (27)
Dental			
Pending NHS Investigation: <i>(2014/15 in italics)</i>	0 (4)	1 (1)	0 (0)
Pending non-NHS Investigations: <i>(2014/15 in italics)</i>	3 (4)	4 (4)	8 (6)
Ophthalmic			
Pending NHS Investigation: <i>(2014/15 in italics)</i>	0 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2014/15 in italics)</i>	0 (0)	2 (1)	0 (0)
Pharmaceutical			
Pending NHS Investigation: <i>(2014/15 in italics)</i>	0 (1)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2014/15 in italics)</i>	0 (0)	0 (0)	1 (0)

## **Annex 7:**

### **Abbreviations used in this Factsheet**

#### **Abbreviations**

2005 Regulations - *NHS (Pharmaceutical Services) Regulations 2005*

2013 Regulations - *NHS (Pharmaceutical & Local Pharmaceutical Services) Regulations 2013*

APMS - *Alternative Provider Medical Services*

GDS - *NHS (General Dental Services Contracts) Regulations 2015*

GMS - *NHS (General Medical Services Contracts) Regulations 2015*

Ophthalmic - *The General Ophthalmic Services Contracts Regulations 2015*

Performers Lists - *NHS (Performers Lists) (England) Regulations 2013*

PDS - *NHS (Personal Dental Services Agreements) Regulations 2015*

PMS - *NHS (Personal Medical Services Agreements) Regulations 2015*