

NHS Resolution

Factsheet 6: Primary Care Appeals: Annual Statistics 2018-19

Introduction

The role of NHS Resolution includes discharging the Secretary of State's appellate function. This work is carried out by Primary Care Appeals. Its purpose is to improve the provision of healthcare by ensuring the prompt and fair resolution of appeals and disputes between primary care contractors and NHS England. Primary care contractors include GPs, dentists, opticians and pharmacists. Its 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 Primary Care Appeals. 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 various workstreams, as follows:

Annex 1	Number of received and completed cases - all workstreams
Annex 2	Breakdown of pharmacy appeals under the 2013 Regulations
Annex 3	Key Performance Indicators
Annex 4	Performers Lists notifications from NHS England and Health Boards to NHS Resolution
Annex 5	Performers Lists checks by profession Performers Lists suspensions in force at 31 March 2019
Annex 6	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 - 01/04/18 to 31/03/19

	Cases received		Cases completed	
	18/19	17/18	18/19	17/18
Pharmacy: 2005 & 2013 Regulations - 'market entry'	136	139	135	140
Pharmacy disputes: 2013 Regulations - 'performance sanctions' and 'overpayments'	35	31	30	42
GP disputes: GMS 2015	20	13	18	13
GP disputes: PMS 2015	5	9	7	7
GP disputes: APMS	0	0	20	0
Performers Lists Regulations: Consent to withdraw and appeals regarding suspension payments	1	0	1	0
Dental disputes: GDS 2015	10	1	6	1
Dental disputes: PDS 2015	0	0	0	0
Ophthalmic disputes: GOS	0	1	0	1
GP Registrar Directions: allowance assessments	0	1	0	1
GP Registrar Directions: representations	0	0	0	0
Schedule 10 – Issue of Goodwill	0	0	0	0

Annex 2: Pharmacy appeals (2013 Regs) - 01/04/18 to 31/03/19

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)	1	0	0	2	0	1	0	3
Routine App (future need)	2	0	0	2	0	0	0	2
Routine App (improvements/better access)	12	0	0	2	0	4	2	8
Routine App (unforeseen benefits)	61	4	0	29	12	8	6	59
Routine App (future improvements/better access)	1	0	0	1	0	0	0	1
Routine App (neither PNA/unforeseen benefits)	0	0	0	0	0	0	0	0
Excepted App (relocations)- inc joint change of ownership	15	7	0	7	1	0	2	17
Excepted App (distance selling)	22	17	0	4	0	0	3	24
Excepted App (change of ownership)	0	0	0	0	0	0	0	0
Consolidation	1	0	0	0	0	0	0	0
Substantial change (reg 40)	3	0	0	0	3	0	0	3
Reserved location and GP dispensing discontinuation	2							2*
Outline Consent/Premises Approval	1	0	0	0	0	0	0	0
Doctors provision – serious difficulty	0	0	0	0	0	0	0	0
Terms of service (hours)	15	3	0	0	8	1	4	16
3 rd Party appeal rights	0							0
TOTAL 2018/19	136	31	0	47	24	14	17	135
2017/18	139	44	4	58	19	0	11	140

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

Annex 3:

Performance against Key Performance Indicators 2018-19

Brackets indicates data for 2017-18

Indicator	Actual	Target
% of "first step" letters sent out within 7 days of receiving the appeal or dispute	100% [99%]	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	91% [88%]	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	12 [12]	Maximum 15 weeks
The average number of weeks taken to resolve appeals and disputes – additional input	15*[18]	Maximum 19 weeks
The average number of weeks taken to resolve appeals and disputes - Oral Hearing	24 [23]	Maximum 25 weeks
The average number of weeks taken to resolve disputes – Current Market Rent valuation input required	33 [22]	Maximum 33 weeks

*Excludes 20 APMS cases

Annex 4:

Performers Lists notifications from NHS England and Health Boards - 01/04/18 to 31/03/19

Profession	Criterion	Notifications	In force at 31/03/19
Dental	Suspensions	23	17
	Removals*	264	
	Refusals to include	6	
	Conditions	481	
	Reviews, variations etc	503	
Medical	Suspensions	52	50
	Removals*	910	
	Refusals to include	5	
	Conditions	181	
	Reviews, variations etc	233	
Ophthalmic	Suspensions	4	4
	Removals*	89	
	Refusals to include	1	
	Conditions	17	
	Reviews, variations etc	17	
Pharmaceutical	Suspensions	0	2
	Removals	0	
	Refusals to include	2	
	Conditions	0	
	Reviews, variations etc	0	

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

Criterion of removal	Number
14(1)(a),(b),14(3)(a),(b),(c)&(d) - murder, national disqualification, conviction efficiency, fraud or suitability (inc 11(1)(c))	77
14(1)(c) – died	19
14(1)(d) - no longer registered	1028
14(5) - has not performed services	111
Other	32

Annex 6: Performers Lists checks by profession - 2016/17 – 2018/19

Profession	18/19	17/18	16/17
Medical	17,234	14,324	11,342
Dental	5,458	6,237	4,820
Ophthalmic	1,687	2,189	1,933
Pharmaceutical	3,055	3,370	2,192
Director	548	564	987
Total	27,982	26,684	21,274

Performers Lists suspensions as at 31/03/2019

	Less than 6 months	6-12 months	Over 12 months
Medical (General Practitioner)			
Pending NHS Investigation: <i>(2017/18 in italics)</i>	7 (9)	7 (1)	2 (4)
Pending non-NHS Investigations: <i>(2017/18 in italics)</i>	10 (6)	8 (7)	16 (25)
Dental			
Pending NHS Investigation: <i>(2017/18 in italics)</i>	1 (1)	0 (0)	1 (1)
Pending non-NHS Investigations: <i>(2017/18 in italics)</i>	6 (1)	2 (4)	7 (7)
Ophthalmic			
Pending NHS Investigation: <i>(2017/18 in italics)</i>	0 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2017/18 in italics)</i>	2 (0)	1 (1)	1 (1)
Pharmaceutical			
Pending NHS Investigation: <i>(2017/18 in italics)</i>	0 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2017/18 in italics)</i>	0 (0)	0 (0)	2 (2)

Annex 7:

Abbreviations used in this Factsheet

Abbreviations

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*

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