

## **NHS Resolution**

### **Factsheet 6: Primary Care Appeals: Annual Statistics 2019-20**

#### **Introduction**

The role of NHS Resolution includes discharging the Secretary of State for Health and Social Care 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 2020
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 - 01/04/19 to 31/03/20**

	Cases received		Cases completed	
	19/20	18/19	19/20	18/19
<b>Pharmacy: 2013 Regulations - 'market entry'</b>	92	136	112	135
<b>Pharmacy disputes: 2013 Regulations - 'performance sanctions' and 'overpayments'</b>	70	35	75	30
<b>GP disputes: GMS 2015</b>	39	20	28	18
<b>GP disputes: PMS 2015</b>	7	5	7	7
<b>GP disputes: APMS</b>	0	0	0	20
<b>Performers Lists Regulations: Consent to withdraw and appeals regarding suspension payments</b>	6	1	5	1
<b>Dental disputes: GDS 2015</b>	21	10	21	6
<b>Dental disputes: PDS 2015</b>	2	0	2	0
<b>Ophthalmic disputes: GOS</b>	2	0	2	0
<b>GP Registrar Directions: allowance assessments</b>	0	0	0	0
<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 (2013 Regs) - 01/04/19 to 31/03/20

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)	2	0	0	0	0	0	1	1
Routine App (future need)	1	0	1	1	0	0	0	2
Routine App (improvements/better access)	1	0	0	5	0	0	0	5
Routine App (unforeseen benefits)	24	5	0	14	11	1	3	34
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	16	14	0	5	0	0	1	20
Excepted App (distance selling)	12	7	0	3	0	0	1	11
Excepted App (change of ownership)	1	0	0	1	0	0	0	1
Consolidation	2	1	0	0	1	0	1	3
Substantial change (reg 40)	0	0	0	0	0	0	0	0
Rurality, reserved	1							2*
Outline Consent/Premises Approval	0	1	0	0	0	0	0	1
Doctors provision – serious difficulty	0	0	0	0	0	0	0	0
Terms of service (hours)	30	10	0	2	11	0	7	30
3 <sup>rd</sup> Party appeal rights	2							2*
<b>TOTAL 2019/20</b>	<b>92</b>	<b>38</b>	<b>1</b>	<b>31</b>	<b>23</b>	<b>1</b>	<b>14</b>	<b>112</b>
<i>2018/19</i>	<b>136</b>	<b>31</b>	<b>0</b>	<b>47</b>	<b>24</b>	<b>14</b>	<b>17</b>	<b>135</b>

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

**22 cases required an oral hearing**

### Annex 3:

#### Performance against Key Performance Indicators 2019-20

*Brackets indicates data for 2018-19*

Indicator	Actual	Target
% of "first step" letters sent out within 7 days of receiving the appeal or dispute	99% [100%]	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	95% [91%]	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 and disputes – additional input	16 [15*]	Maximum 19 weeks
The average number of weeks taken to resolve appeals and disputes - Oral Hearing	28 [24]	Maximum 25 weeks
The average number of weeks taken to resolve disputes – Current Market Rent valuation input required	30 [33]	Maximum 33 weeks

\*Excludes 20 APMS cases

## Annex 4:

### Performers Lists notifications from NHS England and Health Boards - 01/04/19 to 31/03/20

Profession	Criterion	Notifications	In force at 31/03/20
Dental	Suspensions	44	19
	Removals*	280	
	Refusals to include	5	
	Conditions	435	
	Reviews, variations etc	344	
Medical	Suspensions	20	47
	Removals*	843	
	Refusals to include	63	
	Conditions	228	
	Reviews, variations etc	185	
Ophthalmic	Suspensions	5	5
	Removals*	40	
	Refusals to include	2	
	Conditions	19	
	Reviews, variations etc	18	
Pharmaceutical	Suspensions	0	2
	Removals	3	
	Refusals to include	4	
	Conditions	1	
	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))	40
14(1)(c) – died	20
14(1)(d) - no longer registered	998
14(5) - has not performed services	90
Other	18
Total	1166

## Annex 6: Performers Lists checks by profession – 2017/18 – 2019/20

Profession	19/20	18/19	17/18
Medical	21,667	17,234	14,324
Dental	5,621	5,458	6,237
Ophthalmic	1,562	1,687	2,189
Pharmaceutical	2,391	3,055	3,370
Director	471	548	564
<b>Total</b>	<b>31,712</b>	<b>27,982</b>	<b>26,684</b>

## Performers Lists suspensions as at 31/03/2020

	Less than 6 months	6-12 months	Over 12 months
Medical (General Practitioner)			
Pending NHS Investigation: <i>(2018/19 in italics)</i>	3 (7)	0 (7)	4 (2)
Pending non-NHS Investigations: <i>(2018/19 in italics)</i>	7 (10)	10 (8)	23 (16)
Dental			
Pending NHS Investigation: <i>(2018/19 in italics)</i>	2 (1)	0 (0)	0 (1)
Pending non-NHS Investigations: <i>(2018/19 in italics)</i>	7 (6)	6 (2)	4 (7)
Ophthalmic			
Pending NHS Investigation: <i>(2018/19 in italics)</i>	0 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2018/19 in italics)</i>	2 (2)	2 (1)	1 (1)
Pharmaceutical			
Pending NHS Investigation: <i>(2018/19 in italics)</i>	0 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2018/19 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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