

NHS Litigation Authority

Factsheet 6: Family Health Services Appeal Unit: Annual Statistics 2008-09

Introduction

In April 2005, the role of the NHSLA expanded to include the functions of another Special Health Authority, the former Family Health Services Appeal Authority. The work of the former Authority is now carried out by the NHSLA's Family Health Services Appeal Unit. The purpose of the Appeal Unit is to improve the provision of healthcare by ensuring prompt, fair and reasoned resolution of disputes between primary care practitioners (GPs, dentists, opticians and pharmacists) and their local Primary Care Trusts. The Appeal Unit's main functions include:

- Determining appeals against PCT decisions concerning the provision of pharmaceutical services such as the proposed opening of a new pharmacy or the provision of dispensing services by GPs
- Dealing with contractual disputes between GPs/dentists and their local PCTs under the new GP and dental contracts
- Handling disputes over the assessment of GP Registrars' allowances under the Directions to Strategic Health Authorities concerning GP Registrars, which came into force in November 2003
- Handling other occasional appeals and applications under various Regulations governing primary care
- Maintaining a database of individual practitioners who have been suspended, removed from the local list by their PCT and hence not permitted to practise in that PCT area, or nationally disqualified from practising in the NHS.

The Appeal Unit also provides the secretariat for a separate independent tribunal, the Family Health Services Appeal Authority. The tribunal determines appeals by primary care practitioners against PCT and LHB decisions either to remove them from the local list of practitioners permitted to practise in the NHS, or not to permit them to join it in the first place.

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

Annex 1	All workstreams
Annex 2	Pharmaceutical appeals under the 2005 Regulations
Annex 3	Applications determined under Regulation 12 (2005 Regulations)
Annex 4	Notifications from PCTs/HSSBs/LHBs to the NHSLA & Appeals to the FHSAA
Annex 5	Practitioner checks by profession Table of Primary Care Practitioner suspensions in force at 31 March 2009
Annex 6	Abbreviations used in this Factsheet:

These statistics are produced on an annual basis shortly after NHSLA Annual Report publication.

Annex 1: All workstreams - 01/04/08 to 31/03/09

	Cases received		Cases completed	
	08/09	07/08	08/09	07/08
Pharmacy: 1992 & 2005 Regulations	515	362	512	337
<i>Average time – summary dismissal (weeks)</i>			3	4
<i>% in target (4 weeks)</i>			100%	17%
<i>Average time – papers (weeks)</i>			13	11
<i>% in target (15 weeks)</i>			95%	98%
<i>Average time – oral hearing (weeks)</i>			24	22
<i>% in target (26 weeks)</i>			85%	96%
GP disputes: GMS 2004	34	65	34	66
<i>Average time – papers (weeks)</i>			11	11
<i>% in target (15 weeks)</i>			88%	100%
<i>Average time – oral hearing (weeks)</i>			46	22
<i>% in target (26 weeks)</i>			0%	73%
GP disputes: PMS 2004	54	24	54	30
<i>Average time – papers (weeks)</i>			12	10
<i>% in target (15 weeks)</i>			90%	100%
<i>Average time – oral hearing (weeks)</i>			25	20
<i>% in target (26 weeks)</i>			100%	75%
Performer Regulations	1	6	2	7
<i>Average time – papers (weeks)</i>			8	5
<i>% in target (15 weeks)</i>			100%	100%
Dental disputes: GDS 2005	10	64	13	89
<i>Average time – papers (weeks)</i>			12	10
<i>% in target (15 weeks)</i>			100%	97%
Dental disputes: PDS 2005	5	17	6	26
<i>Average time – papers (weeks)</i>			10	11
<i>% in target (15 weeks)</i>			100%	96%

<i>Average time – oral hearing (weeks)</i>			30	
<i>% in target (26 weeks)</i>			0%	
GP Registrar Directions 2003: allowance assessments	22	46	22	46
<i>Average time (weeks)</i>			2	1
<i>% in target (4 weeks)</i>			100%	100%
GP Registrar Directions 2003: representations	15	22	18	20
<i>Average time (weeks)</i>			9	12
<i>% in target (15 weeks)</i>			100%	85%
Statement of Fees and Allowances	0	1	0	2
<i>Average time taken (weeks)</i>				11
<i>% in target (15 or 26 weeks)</i>				100%
Schedule 10 – Issue of Goodwill	1	2	1	2
<i>Average time taken (weeks)</i>			Withdrawn	4
<i>% in target (26 weeks)</i>			N/A	100%
Service Committee and Tribunal Regs 1992	0	2	2	0
<i>Average time taken (weeks)</i>			39	
<i>% in target (26 weeks)</i>			0%	

Annex 2: Pharmaceutical appeals (2005 Regs) - 01/04/08 to 31/03/09

Case type	Cases received	Cases completed							Total
		Upheld		Dismissed			With-drawn	Not Valid	
		With Site Visit/Oral Hearing	Without Oral Hearing	With Site Visit/Oral Hearing	Without Oral Hearing	Summary			
Minor relocations under 500m	29	2	3	1	18	1	6	3	34
Minor relocations 500m+	29	5	2	0	8	0	5	6	26
Ph. List inclusion (necessary/desirable test only)	312	47	21	37	183	8	11	7	314
Ph. List change of premises (necessary/desirable test only)	6	0	1	3	1	0	1	1	7
Ph. List Application (controlled, prejudice & nec /desirable test)	67	1	18	5	26	5	3	7	65
Outline consent, doctors (controlled, prejudice)	2	1	0	0	0	1	0	0	2
Exemptions (refused and variation)	18	2	5	0	5	0	0	5	17
Change of ownership, suspension, return	8	0	3	0	0	2	2	1	8
Amend premises in ph. application	0	0	1	0	0	0	0	0	1
Extension/commencement of ph. application	1	0	0	0	0	0	1	0	1
Removal/withdrawal from Ph. List	0	0	0	0	0	0	0	0	0
Terms of service, hours	13	0	0	0	0	0	0	0	0
Rurality	15	6	2	2	6	0	2	2	20
Reserved location (controlled)	8	0	2	0	5	1	0	2	10
Doctors' ph. services arrangements	0	0	0	0	0	0	0	0	0
Doctors' premises - outline consent	1	0	1	0	0	0	0	0	1
Ph. or Drs. Application refused to consider (controlled)	4	0	0	0	4	0	0	0	4
TOTALS									
2008/09	513	64	59	48	256	18	31	34	510
2007/08	360	37	40	49	161	6	21	20	333
Ave time taken for 2008/09 (weeks) <i>2007/08 in italics</i>		24 (22)	11 (11)	25 (24)	12 (10)	3 (4)			
% of cases in target time for 2008/09 <i>(2007/08 in italics)</i>		89 (100)	95 (98)	83 (92)	96 (99)	100 (17)			

ANNEX 3:

**Applications determined under Regulation 29 (2005 Regulations) -
01/04/08 to 31/03/09**

Applications:	Granted	Refused
Pharmaceutical List inclusion/ additional premises or services (necessary or desirable test only) <i>(2007/08 in italics)</i>	109 <i>(71)</i>	205 <i>(128)</i>
Minor Relocations: Under 500m 500m + <i>(2007/08 in italics)</i>	26 <i>(19)</i> 17 <i>(22)</i>	8 <i>(4)</i> 9 <i>(13)</i>
Pharmaceutical List change of premises (necessary or desirable test only) <i>(2007/08 in italics)</i>	6 <i>(6)</i>	1 <i>(4)</i>

ANNEX 4:

Notifications from PCTs, HSSBs (Northern Ireland) and LHBs (Wales) to the NHSLA - 01/04/08 to 31/03/09

Appeals to the FHSAA (the Tribunal) - 01/04/09 to 31/03/09

Profession	Criterion	Notifications	Appeals	Allowed	Outstanding at 31/03/09	In force at 31/03/09
Dental	Suspensions	11				6
	Removals	261	8	1	2	
	Contingent removals	7	0	0	0	
	Refusals to include	13	3	1	1	
	Conditional inclusions	144	0	0	0	
Medical	Suspensions	74				68
	Removals	302	18	3	7	
	Contingent removals	34	7	1	2	
	Refusals to include	13	6	2	2	
	Conditional inclusions	26	0	1	0	
Ophthalmic	Suspensions	0				0
	Removals	27	2	0	0	
	Contingent removals	2	1	0	0	
	Refusals to include	5	2	0	2	
	Conditional inclusions	5	1	0	1	
Pharmaceutical	Suspensions	3				2
	Removals	0	0	0	0	
	Contingent removals	2	1	0	0	
	Refusals to include	0	0	0	0	
	Conditional inclusions	0	0	0	0	
All professions	Reviews of, or variations, to earlier decisions	114				

***Removals from the List under the NHS (Performers Lists) Regulations 2004 (all professions)**

Criterion of removal	Number
Lapsed professional registration	168
Performance under fraud, efficiency, suitability provisions (Regulations 10(4))	51
Mandatory under Regulation 10(1)	62
Non provision of services for 6/12 months (Regulation 10(6))	307
No Enhanced CRB - Directions to remove	2
Voluntary removal	0

ANNEX 5: Practitioner checks by profession - 2006/07 - 2008/09

Profession	08/09	07/08	06/07
Medical	7,543	5,531	6,638
Dental	3,686	3,356	4,412
Ophthalmic	2,936	1,340	1,301
Pharmaceutical	833	846	987
Total	14,998	11,073	13,338

Primary Care Practitioner suspensions as at 31/03/2009

	Less than 6 months	6-12 months	Over 12 months
General Practitioner			
Pending PCT Investigation: <i>(2007/08 in italics)</i>	26 (13)	3 (15)	4 (9)
Pending non-NHS Investigations: <i>(2007/08 in italics)</i>	5 (7)	11 (12)	19 (29)
Dentist			
Pending PCT Investigation: <i>(2007/08 in italics)</i>	5 (3)	0 (2)	0 (1)
Pending non-NHS Investigations: <i>(2007/08 in italics)</i>	1 (2)	0 (1)	0 (3)
Optician			
Pending PCT Investigation: <i>(2007/08 in italics)</i>	0 (0)	0 (0)	0 (1)
Pending non-NHS Investigations: <i>(2007/08 in italics)</i>	0 (0)	0 (1)	0 (0)
Pharmaceutical			
Pending PCT Investigation: <i>(2007/08 in italics)</i>	2 (0)	0 (0)	0 (0)
Pending non-NHS Investigations: <i>(2007/08 in italics)</i>	0 (0)	0 (0)	0 (0)

Annex 7:

Abbreviations used in this Factsheet

Abbreviations

1992 Regulations - *NHS (Pharmaceutical Services) Regulations 1992*
2005 Regulations – *NHS (Pharmaceutical Services) Regulations 2005*
GDS – *NHS (General Dental Services Contracts) Regulations 2005*
GMS – *NHS (General Medical Services Contracts) Regulations 2004*
PDS – *NHS (Personal Dental Services Agreements) Regulations 2005*
PMS – *NHS (Personal Medical Services Agreements) Regulations 2004*