

# **South West Community Pharmacy Policy for Temporary Suspension of Service**

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Section	v4.0: Key Changes
<b>Introduction</b>	<ul style="list-style-type: none"> <li>Sets out the purpose of policy is to support those affected by the high volume of closures and who are bearing the impact.</li> </ul>
<b>Section 4</b>	<ul style="list-style-type: none"> <li>Review of temporary suspension of services (4 hours or less) – consecutive working days, repeats or similar themed closures.</li> <li>In the event of a closure contractors remaining on site where practicable and safe to do so</li> <li>Further detail on the requirement to inform local drug and alcohol services</li> <li>Include issues relating to leases, planning laws and rent payments.</li> <li>Process for a planned temporary suspension of service</li> </ul>
<b>Section 5</b>	<ul style="list-style-type: none"> <li>Reporting of temporary suspensions through Manage Your Service (MYS) portal</li> <li>Failure to or lack of reporting (third party notifications received)</li> <li>How to report a planned temporary suspension of service</li> </ul>
<b>Section 6</b>	<ul style="list-style-type: none"> <li>Setting out a clear escalation plan for consecutive working days, repeated for similar themed suspensions</li> <li>Monitoring of under 4 hours closures for consecutive working days, repeated or similar themed suspensions.</li> <li>Financial withholding cost increased from £50 to £60 per hour (in line with inflation)</li> <li>Removal of 4-hour threshold on financial withholdings for breaches under 4 hours.</li> </ul>
<b>Section 7</b>	<ul style="list-style-type: none"> <li>Further sanctions.</li> </ul>

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## 1. Introduction and Purpose

- 1.1. The NHS South West Collaborative Commissioning Hub, referred to as the Commissioner in this policy, is responsible for administering this policy on behalf of the 7 NHS Integrated Care Boards (ICBs) in the South West, who accepted delegated commissioning responsibility for Community Pharmacy services from 1st April 2023.
- 1.2. This local policy sets out the approach the South West Pharmaceutical Services Regulations Committee (SW PSRC) and the commissioner takes in the monitoring of and using contractual sanctions in relation to temporary suspension of services in Community Pharmacy across the ICBs.
- 1.3. There is a commitment across all South West Health partners and Community Pharmacy Locals (CPLs) to maximise the opportunities for Community Pharmacy, to become an integrated partner in delivering services that meet the needs of residents. To achieve this, it is important that Community Pharmacy can demonstrate its ability to provide consistent and high-quality services to its patients. This includes provision of dispensing services and other additional and enhanced services during the agreed opening hours for each Community Pharmacy.
- 1.4. For example, a significant amount of NHS England and CPLs capacity has been invested in supporting Community Pharmacy to engage in Pharmacy Integration Fund (PIF) pilots and the subsequent expansion of services. This includes supporting Community Pharmacy to develop relationships with health partners, particularly general practice. Experience of implementing PIF clearly shows that poorly managed or high volumes of temporary suspensions damage the relationship between Community Pharmacy and general practice/health partners, resulting in withdrawal of engagement in PIF with that pharmacy. This can also impact on the reputation of the pharmacy profession in an area.
- 1.5. It is important, therefore, that all Community Pharmacies across the South West are focused on seeking to provide stable and consistent services, with effective communication to partners in place to support this. The Commissioner recognises the wider community pharmacy network are bearing the impact in areas where there are consistently high volumes of temporary suspensions in service. The policy is intended to provide support to those affected by the impact of these closures by ensuring contractors act responsibly and fulfil their contractual obligations to support their patients. Hence, resulting in improved access for patients and a stabilised service provision.

## 2. Background

- 2.1. NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 contain a clear contractual requirement for Community Pharmacies to open for all their core and supplementary opening hours. The Regulations were updated from 31st July 2023, to clarify the circumstances in which a temporary suspension would not result in a breach: see Schedule 4; Part 3 paragraph 23 (10). This includes considering suspensions linked to **illness** or **reasons beyond the control of the contractor** and whether or not the pharmacy has implemented its business continuity plan. Pharmacies are, however, still required to use all reasonable endeavours to resume the provision of services. They now state:

Where there is a temporary suspension in the provision of pharmaceutical services because of illness or another reason beyond the contractor's control, they are not in breach of their terms of service provided they:

- i. **notifies** the commissioner of that suspension as soon as practicable, in the manner required by paragraph 29D(2)(a), Schedule 4 and wherever possible before the start of the suspension.
  - ii. use all reasonable endeavours to implement the **business continuity plan** that they are required by paragraph 29D, Schedule 4 to have for the pharmacy premises; and
  - iii. use **all reasonable endeavours to resume** the provision of pharmaceutical services as soon as practicable (paragraph 23(10), Schedule 4)
- 2.2. The purpose of the regulation is to ensure each Community Pharmacy contractor has a Business Continuity Plan to deal with a temporary suspension in the provision of pharmaceutical services at or from their pharmacy premises. This recognises the increasing importance of maintaining delivery of these services, including extended services such as Pharmacy First, hypertension case finding monitoring, and Patient Group Directions (PGDs), as these are becoming critical to wider system resilience. These clinical services will be further extended, with the introduction of IP Pathfinder, with sites starting delivery of this service in 24/25.

### 3. Principles

- 3.1. The Regulations allow that a breach notice can be issued each time contractors fail to open, unless the circumstances in Schedule 4; Part 3 paragraph 23 (10) (see above) are met. Before this action is taken, the Commissioner (on behalf of the relevant South West ICB) will have first made reasonable effort to ask the Community Pharmacy what the cause was.
- 3.2. Where the Temporary Suspension is deemed not to meet the requirements of Schedule 4; Part 3 paragraph 23 (10) it is expected that local dispute resolution (set out in 6.1.3) takes place prior to any contractual action being taken. It is recognised that local dispute resolution can be resource intensive for both the Commissioner and Community Pharmacy but is important to ensure informed decision making by the Commissioner. It should be noted that a failure to engage in local dispute resolution may also result in NHS Resolution referring any appeals back for local resolution.
- 3.3. Breach notices may be used as a warning against future breaches and may be issued with or without financial withholdings. The amount to be withheld must be justifiable and proportionate, having regard to the nature and seriousness of the breach and the reasons for it. The breach notice should include the Commissioner's reasons for issuing the breach, along with the rationale for any withholding. Repeated breaches may be addressed by other sanctions and ultimately by removal from the Pharmaceutical List.
- 3.4. All decisions by the Commissioner made under these circumstances are appealable by the Community Pharmacy concerned. As such, and as a matter of natural justice, the approach undertaken by Commissioning teams must be lawful, reasonable, and

proportionate. The appeal process can create additional workload for the Commissioner, so decisions taken by Commissioning team should be scrutinised during the process, to minimise variations and inconsistency.

- 3.5. The management of Temporary Suspensions will be overseen by the South West Pharmaceutical Services Regulations Committee (SW PSRC) which consists of commissioners representing all South West ICBs and lay members.

## **4. Notification and Criteria of Temporary Suspension**

### **4.1 Notification**

- 4.1.1 In accordance with the regulations contractors must notify the Commissioner of any temporary suspension as soon as practical.
- 4.1.2 This policy defines “as soon as practical” as sending notification on the day of the temporary suspension in accordance with good practice and following your business continuity plan. In some instances, due to the reason for the suspension, notification on the same day may not always be practical: where this is the case, notification is expected by no later than the end of the next normal working day.
- 4.1.3 In the event of the Contractor not notifying the Commissioner of a temporary suspension and notification is then received from a third party; this will be reported to SW PSRC to consider if a breach notice or a sanction should be applied.

### **4.2 Temporary Suspension of Services (4 hours or less)**

- 4.2.1 Generally, SW PSRC recognises that suspensions lasting 4 hours or less will not normally result in the issue of a breach notice.
- 4.2.2 A temporary suspension of service event of 4 hours or less is sufficient time, a ‘grace’ period, for Contractors to act and deal with unexpected events and resume pharmaceutical services. Standard Operating Procedures for Workforce and Business Continuity Plans for each Pharmacy will set out the actions they will take to ensure services are resumed.
- 4.2.3 The threshold of 4 hours has been chosen as being roughly equivalent to half a day (based on 40 core opening hours provided evenly over five weekdays). This threshold will be applied whether the pharmacy concerned has 40 or 100 core opening hours (or any other number of core opening hours), and whether it has supplementary opening hours or not.
- 4.2.4 Consecutive working day closures of less than 4 hours, repeats or a similar theme to the temporary suspension of services will be reviewed by the Commissioner and SW PSRC monthly. Consideration will be given to additional regulatory sanctions as outlined in the SW Temporary Suspension Policy’s escalation process in section 6.1.

### 4.3 Temporary Suspension of Services (greater than 4 hours)

- 4.3.1 As temporary suspension of services is not capable of remedy, any temporary suspension of services reported for greater than 4 hours will be considered by SW PSRC, to decide whether a breach of terms of service has occurred.
- 4.3.2 Following changes to the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 from 31st July 2023, it is a Terms of Service requirement for each NHS community pharmacy owner to have a business continuity plan for a temporary suspension of service due to illness or other reasons beyond their control, and to action this when necessary.
- 4.3.3 In accordance with regulations, contractors must notify the Commissioner of any temporary suspension in service; including those for reasons due to illness or causes beyond the control of the contractor. In accordance with pharmacy regulations Contractors must provide evidence to the Commissioner they have undertaken the following:
- a) Notified the commissioner of the suspension as soon as practical (as defined in section 4).
  - b) Used all reasonable endeavours to implement the business continuity plan required by paragraph 29D, Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, and
  - c) Used all reasonable endeavours to resume the provision of pharmaceutical services as soon as is practicable. (Paragraph 23(10), Schedule 4, of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.
- 4.3.4 In the event of a temporary suspension of services the following evidence of action, in accordance with the above regulations, will be requested from the Contractor as a minimum requirement, to inform the Committee's decision about whether or not there has been a breach of terms of service:
1. Notification sent to the Commissioner by reporting the temporary suspension of service via the Manage Your Service Portal (MYS) (29D of Schedule 4 (2)(a))
  2. Name of Contractor, address, ODS code and contact details provided.
  3. Date(s) of the temporary suspension of service and its anticipated duration (29D of Schedule 4, 2(a)(ii))
  4. Times at which pharmaceutical services were not provided. (29D of Schedule 4, 2(a)(ii))
  5. Reason for temporary suspension of service (29D of Schedule 4, 2(a)(ii))
  6. Confirmation the pharmacy has updated their directory of services (DoS) profiles via Profile Manager to show the temporary suspension of services. (29D of Schedule 4, 2(b))

7. How has the pharmacy made arrangements for ensuring that patients are not referred to the pharmacy premises for directed urgent care services during the temporary suspension where practicable? (29D of Schedule 4, 2(c))
  8. How has the pharmacy made arrangements for notifying other pharmaceutical service providers and GP practices about the suspension, and its anticipated duration, where practicable? (29D of Schedule 4, 2(d))
  9. How has the pharmacy made arrangements for displaying the necessary information to patients about the suspension, and its anticipated duration, in the approved manner, so that it is visible from outside the pharmacy (or for DSPs made the necessary changes to their website). (29D of Schedule 4, 2(e)). A template to display the necessary information can be found [here](#).
  10. Where practicable and safe to do so the Commissioner's expectation is staff remain on the premises to signpost patients and for any prescriptions to be put back on the spine where appropriate. Focusing on support to patients and neighbours.
  11. How has the pharmacy made arrangements for the continuity of patient care including for those patients with booked appointments or those attending the pharmacy regularly for the supervised administration of medicines? (29D of Schedule 4, 2(f)). This relates to informing the local drug and alcohol service to arrange alternative provision (including supervised administration).
  12. How has the pharmacy used all reasonable endeavours to implement its business continuity plan?
  13. Details of any other actions taken.
- 4.3.5 The information received from the contractor will be reported to SW PSRC to consider if a breach notice or a sanction should be applied. If SW PSRC is content the contractor has met the requirements of Schedule 4; Part 3 paragraph 23 (10), a breach will not be issued.
- 4.3.6 It should be noted that failing to provide the requested further information will mean that relevant information from the Contractor may not be considered when deciding whether to issue a breach notice and may itself be a breach of paragraph 35(3)(a) of the Terms of Service (broadly, where that information could be obtained by a visit to the pharmacy premises).
- 4.4 Temporary Suspension of Services - Issues with landlords preventing access to the premises**
- 4.4.1 Issues with landlords preventing access to the premises; including difficulties with leases or planning laws, are not generally considered to be reasons beyond the control of the contractor. Chapter 41 (71) Pharmacy Manual (version 2 10 February 2023). The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 Part 4 Regulation 29(1)(b).
- 4.4.2 The Commissioner considers Contractors who are tenants should ensure the arrangements they have with their landlords enable them to always meet their obligations



under the Terms of Service of The National Health Service (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013 29D Schedule 4.

4.4.3 For example, it is expected that:

- Contractors will not allow leases to expire without having applied for, and been granted permission to, relocate to alternative premises.
- Rent payments are made in a timely manner to ensure issues do not arise with the landlord on access to the premises.
- Contractors will ensure that landlords give them sufficient notice of changes which may affect a pharmacy's opening hours, to enable the Contractor to give 3 months' notice to the Commissioner (as required by the Terms of Service).
- If other parts of the premises are closed when the pharmacy is open, the pharmacy will still be able to operate, and patients will still be able to access the pharmacy.

#### **4.5 Temporary Suspension of Services - Supporting another Contractor to remain open**

4.5.1 The Commissioner recognises splitting temporary suspensions across two sites reduces risk towards patients and help supports them. In doing so, the support site temporary suspension (if greater than 4 hours) should not result in a breach. However, if this approach is used on a regular basis by a specific pharmacy, to avoid regulatory action, the principle of 'no breach' will be reconsidered by the SW PSRC.

*Worked example: On a Monday, pharmacy A opening hours are 08:00 – 18:30 and pharmacy B opening hours are 08:00 – 18:30. Pharmacy B could not get a pharmacist to cover the opening hours of 08:00 – 18:30 for that Monday.*

*Pharmacy A decides to open 08:00 – 12:30 and then the pharmacist moves to support pharmacy B by working there 13:00 – 18:30.*

*This results in pharmacy A closing 12:30 – 18:30 but this should not result in a breach as the pharmacist has gone to pharmacy B to help support them to open. Pharmacy B was shut from 08:00 – 13:00 which would result in a potential breach as it was closed greater than 4 hours.*

4.5.2 Both Contractor sites are still required to report any temporary suspension relating to this event to the Commissioner by completing the online Microsoft Form "The Pharmacy Contractor Notification of a Temporary Suspension of Service".

4.5.3 The Contractor supporting another site should clearly state on their temporary suspension form the following:

- the time the pharmacy was closed from.
- the pharmacy they were supporting.
- the reasons for supporting the pharmacy.
- details of how they implemented their business continuity plans while closed.

- the time they resumed the provision of pharmaceutical services.

4.5.4 When the supporting Contractor is only able to partially cover the opening hours for that day, the Contractor receiving the support will be required to report via MYS any additional hours they will be closed.

4.5.5 When supporting another Contractor to remain open; both Contractors should share the support to ensure there is only a partial impact on the suspension of service across both sites. It is not considered acceptable for the supporting site to close all day to support another Contractor to remain open.

## **4.6 Planned Temporary Suspension of Service**

4.6.1 Where a contractor knows in advance, they will not be able to open their premises, they may request a temporary suspension of services for a set period.

4.6.2 At least three months' notice must be given of a planned temporary suspension under paragraph 23(1), Schedule 4 or paragraph 13(1), Schedule 5 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013. If less than three months' notice has been given to the Commissioner, the request will be refused as stated in the pharmacy manual.

4.6.3 Once the application for a planned temporary suspension of service is received by the Commissioner, the application will be presented to the SW PSRC for a decision as to whether the planned temporary suspension is to be approved.

4.6.4 Following the SW PSRC the Commissioner will notify the Contractor of the decision. As stated in the pharmacy manual there are no rights of appeal against the decision.

4.6.5 When a planned temporary suspension is approved, the Commissioner will notify the appropriate Community Pharmacy Local (CPL), confirming the duration of the closure.

4.6.6 The Contractor will be required to commence implementing their business continuity plan in the lead up to the planned closure, including updating their NHS website and DoS profiles using the NHS Profile Manager.

4.6.7 Examples of a planned temporary suspension of service includes but not limited to:

- Road closures due to a planned event
- Planned utilities work

## **5. Process**

### **5.1 Reporting an Unplanned Temporary Suspension of Services**

5.1.1 Temporary suspension of services may be reported to the Commissioner by:

- a) the Contractor whose pharmacy has a temporary suspension of service – as required by paragraph 23(10)(a)

- b) third parties – for example patients, other providers of health or social care services, other Commissioners of Community Pharmacy services.
- 5.1.2 In the event of a temporary suspension of service in accordance with the regulations, Contractors must notify the Commissioner of any temporary suspension as soon as practical.
- 5.1.3 This policy defines “as soon as practical” as sending notification on the day of the temporary suspension in accordance with good practice and following the business continuity plan. In some instances, due to the reason for the suspension, notification on the same day may not always be practical: where this is the case, notification is expected by no later than the end of the next normal working day.
- 5.1.4 The Contractor should complete a notification of an unplanned temporary suspension of services closure via the Manage Your Service (MYS) Portal [MYS Portal](#).
- 5.1.5 The MYS portal provides a digital route for notifications. The portal can be updated with one or more unplanned, temporary suspensions and is editable for 7 days after it is submitted. It can be used for unplanned temporary suspensions and deleted if there is no subsequent suspension of services.
- 5.1.6 Once completed the MYS notification form will be automatically sent to the Commissioner. All further correspondence relating to the temporary suspension of services will be communicated using the pharmacy’s NHS mail shared pharmacy email account.
- 5.1.7 The Contractor’s response will be considered against the following regulations:
  - a) you use all reasonable endeavours to implement the business continuity plan required by paragraph 29D, Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013, and
  - b) you use all reasonable endeavours to resume the provision of pharmaceutical services as soon as is practicable. (Paragraph 23(10), Schedule 4, of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013).
- 5.1.8 Where a third party has reported a Contractor as being closed, the Commissioner will log and wait for the Contractor to report the closure within the definition of ‘as soon as practical’.
- 5.1.9 If no temporary suspension is reported by the Contractor, the Commissioner will contact the Contractor via their NHS shared mail account for the Contractor to confirm whether the premises was closed or not. The Contractor has until the end of the next working day to respond. If the Contractor was closed, they will be required to complete a temporary suspension of service report via the MYS Portal immediately. If the reported closure is over 4 hours this will follow the process set out in section 4.2. If the closure was under 4 hours but the Contractor did not report the temporary suspension within the timescale set out above, this will also be reported to SW PSRC for consideration of a breach.

## 5.2 Providing Additional Information

5.2.1 The Commissioner may request that a Contractor provides further details regarding a temporary suspension of services in appropriate cases.

5.2.2 These may include:

- a) Where a temporary suspension of services is for more than 4 hours.
- b) Suspensions reported to the Commissioner by a third party but not by the contractor.
- c) Suspensions which, based on information received so far, indicate they have not met the minimum criteria required e.g., evidence the Contractor has used all reasonable endeavours to implement their Business Continuity Plan for the temporary suspension of service; and used all reasonable endeavours to resume the provision of pharmaceutical services as soon as is practicable which could therefore lead to a breach of terms of service.

5.2.3 Where the above points apply the Commissioner will contact the pharmacy concerned via their NHS shared mail account, and where the information is available or it has been agreed with the Contractor, to an area manager or head office. The Contractor has 10 working days to provide further information regarding the suspension. Additional information should be sent to the Commissioner generic email address [england.pharmacysouthwest@nhs.net](mailto:england.pharmacysouthwest@nhs.net).

## 5.3 Reporting a Planned Temporary Suspension of Service

5.3.1 To apply for a planned temporary suspension of service Annex 19 from Chapter 36 of the Pharmacy Manual should be used Annex-19 as set out under paragraph 23(1), Schedule 4 or paragraph 13(1), Schedule 5 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.

5.3.2 A minimum of 3 months' notice should be given.

5.3.3 The Contractor must ensure they have provided all the required information on the form including:

- The advanced and enhanced services the Contractor provides at the premises.
- Other contractors in the area, in particular their opening hours, details of any advanced and enhanced services provided and distance from the Contractor's premises by the most practicable route
- Any needs, improvements or better access that are included in the PNA for the area within which the Contractor's premises are located.

5.3.4 Once Annex 19 form is completed the Contractor should e-mail the form to the South West Collaborative Commissioning Hub at [england.pharmacysouthwest@nhs.net](mailto:england.pharmacysouthwest@nhs.net).

## 5.4 Monitoring of Temporary Suspensions of Service

- 5.4.1 The information received by the Contractor may be reported to SW PSRC to consider if a breach notice or a sanction should be applied.
- 5.4.2 It should be noted that failing to provide the requested further information will mean that relevant information from the Contractor may not be considered when deciding whether to issue a breach notice. This may itself be a breach of paragraph 35(3)(a) of the Terms of Service (broadly, where that information could be obtained by a visit to the pharmacy premises).
- 5.4.3 The details of every temporary suspension of service, the number of suspensions at each pharmacy, plus the total number of temporary suspensions and hours lost, are reported to the SW PSRC and ICBs each month.

## 6. Monitoring, Escalation and Financial Withholding

### 6.1 Monitoring and Escalation Process

- 6.1.1 Consecutive working day closures, repeats or a similar theme to the temporary suspension of services will be reviewed by the Commissioner and SW PSRC monthly. Consideration will be given to additional regulatory sanctions as outlined below.
- 6.1.2 In the event of escalation being required, the following plan will be implemented.
- 6.1.3 Part 10 of The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations clearly outlines the performance related sanctions available when managing a Community Pharmacy Issue as detailed below: -
- **Informal discussion** – All conversations held to be recorded and shared between the Commissioner and the Contractor.
  - **Local Dispute Resolution** - Both the Commissioner and the Contractor should seek to resolve any issue before next steps are taken. Regulation 69 requires the Commissioner to make every reasonable effort to engage in local dispute resolution with the Contractor, with a view to resolving the dispute in relation to the compliance with the Contractor's terms of service, prior to proceeding with the issue of the breach or remedial notices. There is a similar requirement in Regulation 68 on the Contractor to engage with the Commissioner, with a view to resolving any dispute in relation to the compliance with the Contractor's terms of service.
  - **Remedial Notice** (where a breach is capable of remedy)
  - **Breach Notice** (where a breach cannot be "made good") - Regulation 71 states that where a Contractor breaches a term of service and that breach is not capable of remedy, the Commissioner may issue a breach notice requiring the Contractor not to repeat the breach. The Regulations contain no definition as to what constitutes a breach of a term of service which is not capable of remedy. A common-sense interpretation is that it is a breach that cannot be rectified.

- **Withholding** of payment can be used alongside Remedial or Breach Notices, where SW PSRC has determined that this action is justified and proportionate in accordance with the South West Temporary Suspension Policy.

## 6.2 Recording and monitoring the number of breaches

- 6.2.1 Temporary suspension of services of more than 4 hours will be taken to SW PSRC where a decision will be taken as to whether the pharmacy will be issued with a breach notice.
- 6.2.2 Temporary suspension of services of less than 4 hours, relating to consecutive working days, repeats or a similar theme to temporary suspensions of services, will also be monitored by the Commissioner and taken to SW PSRC, where a decision will be taken as to whether the pharmacy will be issued a breach notice.
- 6.2.3 SW PSRC will also consider whether it is appropriate to withhold payment as part of any breach notice issued.
- 6.2.2 In accordance with this policy, breaches will be recorded in a 6-month rolling period i.e., if a pharmacy had their first breach on the 1 August, they would then be monitored in a 6-month rolling period until the 31 January the following year.

## 6.3 Financial Withholding Structure

- 6.3.1 In accordance with Payment withholdings: supplementary matters (The National Health Service Pharmaceutical and Local Pharmaceutical Services Regulations 2013 Part 10 Section 72), there will be no financial withholding for the first breach relating to temporary suspension of services within a 6-month rolling period. Thereafter, the Commissioner will consider making a financial withholding of £60 per hour over the 4-hour threshold for a temporary suspension of service occurring during the Contractor’s contractual opening hours, as per the payment structure below:
- 6.3.2 In the case of where the Contractor has had a repeated breach issued in a 6-month period, a financial withholding will be considered. For example, where a Contractor has been closed for 7 hours (4-hour threshold removed) means the remaining 3 hours will be considered towards the breach notice with a withholding; calculated as follows 3 hours x £60 per hour equalling a total withholding amount of £180.

Suspension Event	Contractual Action
1st Suspension event	Breach notice, no financial withholding
2nd or more Suspension event	Breach notice + £60 per hour withholding over the 4-hour threshold

- 6.3.3 In relation to temporary suspension of services of less than 4 hours, where SW PSRC have agreed a breach and withholding, the 4-hour threshold does not apply, and the withholding amount will be calculated on the number of hours closed.
- 6.3.4 The financial withholding cost of £60\* per hour for a temporary suspension of service is based on a minimum of 3 members of staff required to open the pharmacy:
- Pharmacist
  - Pharmacy Technician

- Counter Staff

*\*The financial withholding cost is based on an average hourly rate for a Pharmacist and Pharmacy Technician role within a South West (December 2024) and the UK Government minimum wage for the role of counter staff as of April 2025.*

- 6.3.5 Where a temporary suspension occurs on consecutive working days, SW PSRC will consider whether it is still appropriate to remove the 4-hour threshold for each day.
- 6.3.6 While being fair and proportionate, the amount withheld in the event of a temporary suspension of service needs to be sufficient to provide an incentive to the Contractor to take all necessary steps to prevent or minimise the length of the suspension. It is not intended to be punitive. In this context it should be remembered that the comparison is against the costs the Contractor may need to incur in resuming service provision (e.g., paying for a last-minute locum and their travel), which may be higher than normal running costs.

## 7. Further Sanctions

- 7.1. In cases where there has been a lack of pharmaceutical services provided by a Contractor for a significant period these closures will sit outside of the temporary suspension policy and will be reviewed by SW PSRC independently.
- 7.2. Where the Contractor has not been providing any pharmaceutical services for its contracted hours for a significant period, paragraph 23(1) and 23(7) of schedule 4 of the Terms of Service for NHS Pharmacists (the financial withholding for any agreed breach in terms of service) will be evaluated separately from the temporary suspension policy.

## 8. Support and Guidance

- 8.1. The South West Community Pharmacy Resilience Guide is a tool created to help support the Contractor and pharmacy teams when a temporary suspension of service occurs. The guide can be found on the South West Community Pharmacy Website [resilience-guide-Final.pdf](#)
- 8.2. Community Pharmacy England have also created a briefing and template plan to help guide Contractors through the temporary suspension of service process:
- [Briefing 023/23: Business Continuity Plan for Temporary Suspensions](#)
  - [Template Plan](#)
  - [Checklist in the event of a temporary suspension](#)
  - [Emergency closure information sheet](#)
- 8.3. Each temporary suspension of service will be considered by the SW PSRC on the facts of the case; however, the following factors may make the issue of a breach notice more likely:
- 1) Failure to inform the commissioner of the suspension.

- 2) Failure to open once their application to change their core hours has been determined and refused (where there is no good cause for the suspension)
- 3) Failure to open once their application to change supplementary hours with less than the regulatory period of notice has been determined and refused (where there is no good cause for the suspension)
- 4) Failure to update their DoS profile or the NHS website.
- 5) A temporary suspension of service without good cause/not beyond the control of the pharmacy.
- 6) Failure to put in place contingency plans to ensure patients receive their medication, including returning prescriptions to the Spine where required.
- 7) Failure to take any actions previously agreed with the commissioner.
- 8) Repeated failure to open during their contracted hours.
- 9) The length and/or frequency of suspension(s) is considered to be affecting the adequate provision of pharmaceutical services for the local population.
- 10) The reason for the suspension is clearly within the control of the contractor, for example: not making arrangements for access to the premises.
- 11) Closing even though permission to close has been sought and refused (and either not appealed or refusal confirmed on appeal)
- 12) A failure to open in accordance with a specific direction to open (for example, on a bank holiday) – this is because local health partners were specifically relying on the community pharmacy being open to ensure the availability of services for patients.
- 13) A trend of suspending services temporarily during the preceding 6-12 months, either at an individual pharmacy or across a contractor's pharmacies in the area – this may include the same locum pharmacist causing numerous short suspensions at several of the contractor's pharmacies.
- 14) A failure by the contractor to make any attempt to re-open as soon as practicable.
- 15) A failure by the contractor to take steps to mitigate the effect of the suspension on patients – The commissioner expects the contractor to advise patients presenting (or telephoning) at the pharmacy of when the pharmacy is expected to re-open, and of nearby alternative pharmacies which are open.
- 16) The commissioner receives complaints from patients regarding the suspension, or evidence of patient harm resulting from the suspension or a serious risk of this.
- 17) The period for which the pharmacy was closed is the whole of the pharmacy's opening hours on the day in question – particularly if the pharmacy does not open on the following day (for example, the temporary suspension of service is for a Saturday morning, and the pharmacy is normally closed on Saturday afternoons and on Sundays) (where there is no good cause).



## 9. Review

- 9.1. The South West Community Pharmacy Local Policy for Temporary Suspension of Service will be kept under regular review by the SW PSRC. The next formal review will be April 2026 and annually thereafter.
- 9.2. If revised national guidance is issued prior to the annual review, an interim review will be undertaken.

## 10. References

- Paragraph 29D, Schedule 4 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013  
[The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) \(Amendment\) Regulations 2023 \(legislation.gov.uk\)](#)
- (Paragraph 23(10), Schedule 4, of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.  
[The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013 \(legislation.gov.uk\)](#)
- Paragraph 23(1), Schedule 4 or paragraph 13(1), Schedule 5 of the NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations 2013.  
[The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#)
- Guidance on the NHS (pharmaceutical and local pharmaceutical services) (amendment) regulations 2023  
[NHS England » Guidance on the NHS \(pharmaceutical and local pharmaceutical services\) \(amendment\) regulations 2023](#)
- Part 10 of The NHS (Pharmaceutical and Local Pharmaceutical Services) Regulations on performance related sanctions  
[The National Health Service \(Pharmaceutical and Local Pharmaceutical Services\) Regulations 2013](#)
- [Regulation 73 Removal of listings: cases relating to remedial notices and breach notices.](#)
- [Regulation 74 Removal of listings: cases relating to death, incapacity or cessation of service](#)