

## ICB withdraws GP contract termination after court ruling



**By Eliza Parr**

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An ICB has withdrawn its termination notices to a London GP who refused to cooperate with the local PCN, after a Court of Appeal ruled in his favour.

Following a dispute lasting almost five years, North West London ICB wrote to Dr Sashi Shashikanth earlier this month revealing its decision to withdraw the contract termination notices for his two GMS practices.

The ICB noted the Court of Appeal judgement from December which 'upheld' Dr Shashikanth's claim for a judicial review and quashed NHS Resolution's original ruling on the matter.

As well as the court ruling, the ICB's decision also followed [the public support of London MP John McDonnell](#), who called on the health secretary in February to 'reinstate' the GP principal's contracts.

After the notices were withdrawn, Dr Shashikanth later received notification from the ICB of a series of GMS contract variations which will apply from tomorrow.

The team at West London Medical Centre and Church Road Surgery have raised concerns that these backdated contract variations, covering 2015 to 2024, could be a 'prelude' to the ICB 'resurrecting' the original dispute regarding information sharing with the PCNs.

However, the ICB told the practices that the 'relevant contract variations have been applied to all practice contracts in NW London'.

The GP principal was [issued with contract termination notices by Hillingdon CCG in 2020](#) over his failure to comply with a GMS contract clause which obliged practices to cooperate with PCNs 'whether or not' they are signed up the network DES.

This clause meant that non-PCN practices have a duty to inform patients of changes to PCN services, be 'party to appropriate data sharing', and to share non-clinical data with PCNs.

Dr Shashikanth had refused to data sharing and had hoped the CCG would provide funding directly to his two practices to provide the enhanced services.

He then challenged the CCG's decision to terminate his contract with the NHS Litigation Authority, who upheld the decision.

The lengthy appeal process that followed also dealt with the question of whether GPs can legally challenge NHS adjudicator decisions by 'judicial review'.

On this matter, [the BMA had joined legal proceedings](#) as an 'interested party', and the Court of Appeal ultimately overturned the previous High Court ruling that the case was not 'amenable' to judicial review, as the NHS adjudicator was in fact exercising a 'public function'.

It was not clear at the time of the judgement whether the contract termination notices from 2020 would become void, but the judges advised the adjudicator to make a decision based on the fact that 'there had been no breach' of contract by the GP partner.

The letter from the ICB earlier this month said: 'In the circumstances, and following the decisions made by the Court of Appeal on 3 December 2024, the ICB has decided to withdraw the Termination Notice.'

‘The Termination Notice dated 24 September 2020 should therefore be disregarded and I confirm that the ICB will not seek to rely on or give effect to that Termination Notice.

‘As a result of the above, I do not consider that there is any need for [Primary Care Appeals Service] to determine your appeal afresh, as the ICB has already agreed to withdraw the Termination Notice.

‘The ICB has therefore informed PCAS of its decision, so that PCAS’ scarce time and resource may be allocated more effectively.’

In response to the 13 separate contract variation notices issued in mid-March, practice manager for the two surgeries Yvonne Blowfield said the ICB appeared to be ‘catching up by dealing with’ all the variations now.

She said: ‘We note that between them the 2019 and 2020 variations introduce clauses which were relevant in the previous dispute – in relation to co-operation with the PCNs and the requirement to share information about our list. In that sense the variations are relevant to the historic dispute.’

‘The variations may well be a prelude to you resurrecting the dispute about information sharing with the PCNs,’ Ms Blowfield added.

Responding to these concerns, the ICB said: ‘The relevant contract variations have been applied to all practice contracts in NW London.’

‘Set out in the variation notifications sent for both your contracts are the circumstances where Commissioners may vary the Contract without consent of the Contractor as necessary so to comply with the NHS Act, any regulatory changes pursuant to the NHS Act or any direction given by the Secretary of State pursuant to the NHS Act,’ the letter continued.

Pulse has contacted [NWL ICB](#) for comment.

<https://www.pulsetoday.co.uk/news/contract/icb-withdraws-gp-contract-termination-after-court-ruling/>