

Freedom of Information Act 2000 - Request Reference FoI/23/435

Food production

- 1. Does the Trust produce food for patients in-house? If so, please clarify whether this is carried out on a central site (e.g., central production unit), or within each individual hospital. If there is a mixture of both, please clarify, where possible.**

Cardiff and Vale University Health Board (the UHB) currently purchase in menu products for patients from an external company.

- 2. If food is not produced in-house, please provide details on whether it is produced by a third-party facilities contractor (e.g., under a PFI agreement), or purchased from external sources, in frozen (or chilled) format.**

As per Q.1., the UHB currently purchase in menu products from an external company. This is in cook freeze format.

Where possible, for RFI 1 and 2, please also clarify the arrangements for delivery-to-patient (e.g., is the food supplied to wards and then reheated on-site, or is some other reheating method used).

Food is regenerated / reheated on hospital sites i.e. at UHW - Ward Based Catering (combi ovens), at UHL - central ward trolley regen., and Barry Hospital - central ward trolley regen.

- 3. For in-patient meals, what is the average cost per meal, to the Trust?**

After considering your request, the UHB considers this information to be exempt from disclosure under the Freedom of Information Act 2000 (Section 43) Commercial Interests. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity).

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both the supplier and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure: There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure: It has been established that releasing the information sought under the Freedom of Information Act, to which the UHB is subject, will give an unfair advantage to the supplier's competitors. There is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining

position with suppliers. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 ICO v Royal Marsden Hospital Trust).

Decision: The UHB considers that the public interest in withholding the information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the Health Board because of fears that the disclosure of information could damage them commercially. In turn this could then jeopardise the Health Board's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it was not in the public's interest to disclose this information.

Under Section 16 of the FOIA, which provides us with the duty to advise and assist, the UHB can inform you the average cost of an in-patient meal is approximately £45 / £50 per week.

- 4. In the event that the Trust produces food in-house, please supply a copy of the recipes, and cooking / preparation methods utilised by the catering department for standardised food items. I would imagine that this information would be readily available, owing to standardisation of menu items [1]. This would include information on ingredients, preparation steps, cooking temperatures, and any relevant nutritional considerations (e.g., it might be noted on menus that certain items are suitable for those on restricted diets, or that some menu items have specific allergens).**

In completing a search for the information requested, the UHB has confirmed that this information is not centrally recorded or collated. To retrieve the information requested would require a manual search through individual records and the UHB considers that this would exceed the limit set within regulations for responding to a request. The UHB has therefore relied upon the Section 12 exemption ('Exemption where cost of compliance exceeds appropriate limit') of the Freedom of Information Act 2000 and is refusing your request.

The UHB has estimated that to complete the work needed to respond to this request would exceed the time limit as set within regulations to respond to a Freedom of Information Act request. Under the Act there is an allowance of two and a half days, or 18 hours, to comply with a request and the cost limit set within the fees' regulations for this amount of work (18 hours) is £450 for the UHB. The fees regulations specify that the cost of complying with a request must be calculated at the rate of £25 per hour.

- 5. If you do not produce food in-house, please confirm whether you hold standardised information as to what items are available (e.g., menus, and nutritional / allergen information), and supply a copy, where possible.**

The UHB does not hold this information. Under Section 16 of the FOIA, which provides us with the duty to advise and assist, the UHB can inform you this or similar information may be held by NWSSP All Wales Procurement Services.