

Freedom of Information Act 2000 - Request Reference FoI/23/532
NHS Dental Contracts

Information Requested:

Please provide detail on all NHS dental contracts returned by contractors in your Health Board for the 2021/22 and 2022/23 financial years, and, and 1 April 2023-date.

[Q1] For each contract, please provide data on its i) cash value, its ii) address, and iii) for 2022/23 onwards whether the contract participated into the contract reform programme.

i)

After considering your request, Cardiff and Vale University Health Board (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.

ii) and iii)

Please see the attached PDF titled 'Fol.23.532; Dental Practices 2023'.

[Q2] Please also indicate whether any practices that moved to the contact reform programme, reverted to the UDA contract prior to returning their NHS contract.

None.

[Q3] Please provide totals on moneys clawed back from NHS dental contractors in Wales for failure to fulfil their NHS contractual targets, for each financial year 2015/16 to 2022/23.

- 2015/16 £0.735M
- 2016/17 £0.410M
- 2017/18 £0.672M
- 2018/19 £0.790M
- 2019/20 £0.492M
- 2020/21 £0.0M
- 2021/22 £0.041M
- 2022/23 £1.098M

[Q4] For each financial year indicate what proportion of practices were subject to this clawback.

- 2015/16 36%
- 2016/17 17%
- 2017/18 28%
- 2018/19 30%
- 2019/20 23%
- 2020/21 0%
- 2021/22 16%
- 2022/23 25%

[Q5] For 2022/23 please indicate what proportion of clawback came from contracts with the Welsh Government's contract reform programme for all or part of the financial year.

Financially – 83% related to DRP.
Contractually – 75% related to DRP.