

Reference:	FOI.12893.23
Subject:	NHS dental contracts
Date of Request:	16 October 2023

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.

1. 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.
2. Please also indicate whether any practices that moved to the contact reform programme, reverted to the UDA contract prior to returning their NHS contract.
3. 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.
4. For each financial year indicate what proportion of practices were subject to this clawback.
5. 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.

Response:

Hywel Dda University Health Board (UHB) considers that Section 43 of the Freedom of Information Act (FoIA) applies to the cash value for each contract requested in question 1, as answering would be prejudicial to commercial interests. Section 43(2) exempts information, where disclosure would or would be likely to prejudice the commercial interests of any company. Commercial interests may be prejudiced where disclosure would, or would be likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b).

The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

In **favour of disclosure**: There is a public interest in transparency and in the accountability 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. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

Against Disclosure: Disclosure of the information being requested would see the provision of individual Dental Practices' contract values. It is not within the expectation of the Dental Practices that their individual contract details would be released into the public domain, and this in turn could impact negatively on the UHB's relationship with the Practices, thus affecting our service delivery.

Decision: - The UHB has considered that releasing the information under the FoIA, to which the UHB is subject, would impede upon the UHB's relationship with the contracted Practices, as it would be divulging individual contract values, which are unique to each Practice. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in protecting its relationship with its contracted partners.

Therefore, the public interest in withholding the contract information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the contractors to which this information concerns.

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance. Therefore, the UHB provides the information that does not fall within the scope of the Section 43 exemption below.

1. The UHB confirms that it did not have any NHS dental contracts returned for the 2021/22 financial year. However, the UHB provides, within the table below, the NHS dental contracts returned, their addresses and if they participated in the Contract Reform Programme (CRP), during the 2022/23 financial year and for 2023/24 to date.

Dental contractor and address	
2022/23	CRP
My Dentist, 42Margaret Street, Ammanford, Carmarthenshire, SA18 2NP.	Yes
Charsfield Dental Practice, 14 Priory Street, Cardigan, Ceredigion, SA43 1BU.	No
Rhos Cottage Dental Practice, 11 Portfield, Haverfordwest, Pembrokeshire, SA611BN.	No
Celtic Dental Practice, 57 Rhosmaen Street, Llandeilo, Carmarthenshire, SA19 6LW.	Yes
Tywi Dental Practice, 22 Crescent Road, Llandeilo, Carmarthenshire, SA19 6HN.	Yes
West Street Dental Practice, 23 West Street, Fishguard, Pembrokeshire, SA65 9AL.	No
2023/24 to date	
Crosshands Dental Practice, 38 Llandeilo Road, Crosshands, Carmarthenshire, SA14 6RD.	Yes
My Dentist, Quay Street, Haverfordwest, Pembrokeshire, SA61 1BB.	No
My Dentist, St John Street, Whitland, Carmarthenshire, SA34 0AP.	No
Hayden Dental, Castle Hill, Carmarthen, Carmarthenshire, SA31 1JW.	Yes

2. The UHB confirms that two (2) Dental Practices reverted to Units of Dental Activity (UDA) prior to returning their contracts.
3. & 4. The UHB provides, within the table below, the total costs recovered from NHS dental contractors and the proportion of Practices, during the 2015/16 to 2022/23 financial years.

Financial year	Costs recovered	Proportion of practices
2015/16	£312,943.00	10/46
2016/17	£1,454,599.00	9 /46
2017/18	£792,000.00	16 /46
2018/19	£1,037,887.00	18/46
2019/20	No recoveries – under performance written off against extra activity during the COVID-19 pandemic.	0/46
2020/21		0 /47
2021/22	No recoveries – COVID-19 recovery year/CRP learning year.	0/47
2022/23	£1,583,643 – agreed recoveries as at 30 October 2023.	14/48

5. The UHB provides, within the table below, the contract type, amount recovered and the number of Practices during the 2022/23 financial year.

Contract type	Recovery amount	Number of practices
CRP	£1,267,845	9/14 practices