

5 August 2024

Dear

ATISN 19738 – NHS Contracts

Thank you for your request to the Welsh Government for information under the Freedom of Information Act (2000) received on 10 July 2024 regarding performance-based contracts within the healthcare section. You have requested the following:

- 1. Are performance-based contracts being utilized in the broadly defined healthcare sector in Wales?*
- 2. If so, what specific cases of such contracts can be identified*
- 3. Will the number of such contracts increase, decrease, or remain the same in the future?*
- 4. Have there been any legal proceedings or court rulings related to such contracts in the broadly defined healthcare sector in Wales?*
- 5. If so, what specific cases of such legal proceedings or court rulings can be identified?*
- 6. Do these contracts improve the quality of healthcare services in Wales?*
- 7. Are such contracts positively evaluated by the medical community/hospitals/NHS?*
- 8. Have these contracts been 'problematic', and if so, what issues have arisen?*
- 9. Are these contracts available for analysis or are they confidential?*
- 10. If they are available, where can they be obtained?*
- 11. Is there any specific legislation that provides the legal framework for entering into such contracts for healthcare services? In other words, what is the legal basis for entering into such contracts in the healthcare sector?*

Our Response

Welsh Government does not hold the information you are seeking regarding performance-based contracts within the healthcare section and not aware of any specific examples. It is possible that some commercial access agreements between the NHS and the pharmaceutical industry for medicines and any such agreements would need to be agreed by the National Institute for Health and Care Excellence (NICE). The Welsh Government is not party to any such agreements and you may wish to contact NICE directly on the following: nice@nice.org.uk

Some contracts are dealt with by the NHS Wales Shared Services Partnership (NWSSP), and you may wish to contact them for further information. NWSSP can be contacted using the following email address:

shared.services@wales.nhs.uk

Next Steps

If you are dissatisfied with the Welsh Government's handling of your request, you can ask for an internal review within 40 working days of the date of this response. Requests for an

internal review should be addressed to the Welsh Government's Freedom of Information Officer at:

Information Rights Unit,
Welsh Government,
Cathays Park,
Cardiff,
CF10 3NQ
or Email: Freedom.ofinformation@gov.wales

Please remember to quote the ATISN reference number above.

You also have the right to complain to the Information Commissioner. The Information Commissioner can be contacted at:

Information Commissioner's Office,
Wycliffe House,
Water Lane,
Wilmslow,
Cheshire,
SK9 5AF

However, please note that the Commissioner will not normally investigate a complaint until it has been through our own internal review process.

Yours sincerely,