

Following discussions at the last LDC meeting where the need to submit practice accounts with the application for registration with HIW was questioned, I wrote to HIW on 28th December, with copies to Karl Bishop, Lindsay Davies, the CDO, Deputy CDO, Director BDA Wales and Chair of Welsh GDPC as follows:

Inclusion of Practice Accounts with Application for HIW Registration

Morgannwg LDC noted with concern at its last LDC Meeting that HIW is requesting Practice Financial Accounts to be submitted with Practice Registration Applications to HIW. We are unable to see the relevance of this bearing in mind this registration is related to the practice of Private Dentistry where no public money is at risk, in fact all risk is carried by the owner(s) of the practice. Our members understand the need for a Health Board to request accounts where NHS contracts are to be awarded and / or increased since public funds are involved but are unable to understand the needs of HIW to request these accounts for registrations to perform Private Dentistry, where once again we emphasise that the risk is carried by the owner(s) of the practice. We also note that such information is not requested in England by CQC. Perhaps you would be kind enough to reassure our members on the proper use of, and your regulatory ability to demand, such information by providing us with answers to the following questions:

1. Having studied the Private Dentistry (Wales) Regulations 2017 and the Registration of Private Dentistry (Wales) Regulations 2017 we are unable to see the regulation which gives HIW the authority to demand financial accounts to inform the registration process. Are you able to direct us to the regulation which authorises this and inform us why you consider this information to be necessary to the registration process?
2. What is the purpose of HIW knowing the finances of a practice wishing to be registered?
3. For what purpose will the information be used?
4. With whom will the information be shared?
5. Does HIW have the expertise to assimilate such information effectively and if so, who are the people who will be doing this?
6. Assuming HIW has the right to demand such information, what processes are in place to protect such data?

We would be grateful, given the application process is active at the moment, if you could respond to these questions as soon as possible. We look forward to hearing from you.

On 3rd January 2018 I received the following reply from Andrew Pryse, Head of Independent Healthcare and Statutory Functions at HIW:

Dear Mr Pratley

Thank you for your email, I will address your questions in order:

1. **Having studied the Private Dentistry (Wales) Regulations 2017 and the Registration of Private Dentistry (Wales) Regulations 2017 we are unable to see the regulation which gives HIW the authority to demand financial accounts to inform the**

registration process. Are you able to direct us to the regulation which authorises this and inform us why you consider this information to be necessary to the registration process?

I would refer you to [The Registration of Private Dentistry \(Wales\) Regulations 2017](#) specifically Regulation 4(2)b which refers to Schedule 2. Schedule 2 lists the documents to be supplied on an application for registration as a person who carries on a dental practice. Sub-section 7 of that schedule refers to need to provide the annual accounts (if any) of the private dental practice. **What is the purpose of HIW knowing the finances of a practice wishing to be registered?**

2. For what purpose will the information be used?

Regulation 24 of the [Private Dentistry \(Wales\) Regulations 2017](#) relates to the financial position of the applicant and requires the applicant/registered person to take all reasonable steps to carry on the private dental practice in such a manner as is likely to ensure that it will be financially viable. The provision of the accounts during the application process therefore provides HIW with the assurance that reasonable steps (the preparation of accounts by a suitably qualified professional) are being taken to ensure sound financial management of the practice.

3. With whom will the information be shared?

The information will not be shared outside of HIW's registration team.

4. Does HIW have the expertise to assimilate such information effectively and if so, who are the people who will be doing this?

Yes, HIW's registration team has over 10 years of experience of registering a range of healthcare providers under the Care Standards Act 2000 and associated regulations.

5. Assuming HIW has the right to demand such information, what processes are in place to protect such data?

As part of the Welsh Government HIW is bound by the Data Protection Act 1998. There is a statement on the final page of the application form details what we will use the information for. HIW benefits from the information security processes and systems that would be expected from any government body and all of our staff have undertaken the mandatory training that is required to handle information of this kind. Should we breach our responsibilities to safeguard sensitive information in any way we would be referred to the Information Commissioner's Office.

I hope this response provides you with the assurance that we do have the authority to request this information and that we have the capability and systems to process it.

Regards

I responded as follows:

Dear Mr Pryse,

Thanks you for your prompt response to our enquiry, which I will share with the LDC executive and present to our next meeting on 25th January. I will contact you following that meeting.

Yours sincerely

As you can see, we need to further consider the response and respond as appropriate.

- 1. We need to consider the following questions:*
- 2. Does the response answer all the questions we raised?*
- 3. If so do we need more detail on specific issues?*
- 4. If not what are the areas that we need to explore further with HIW?*
- 5. What is the best way to take this further if we consider that we need to do so?*

If you are unable to attend the meeting and wish to comment on this please email your comments to the secretary. I would like to respond on Monday, 29th January.

Roger