

Freedom of Information Request: Our Reference CTHB_236_18

You asked:

HMRC Penalties

1. Has the organisation received any VAT assessments (VAT to be paid to HMRC) in the last five financial years?

Yes.

2. Has the organisation received any VAT penalties from HMRC in the last five financial years?

Yes.

3. If yes, were any of these suspended penalties?

Yes

4. If so, please provide the total value for each of the above for each financial year they were received

- a. 2013/14 - £1.5k
- b. 2014/15 - £0
- c. 2015/16 - £0
- d. 2016/17 - £0
- e. 2017/18 - £0

VAT Consultancy

5. Has the organisation used any external VAT consultancy to review VAT in 2016/17? If so, please provide the following detail:

a. Name of third party provider

Ernst & Young

b. Total amount of additional VAT recovered by the provider in 16/17 based on its consultancy; split by

- i. Overclaims - £1.2m
- ii. Underclaims - £14k

c. How much did the third party invoice for any review work undertaken?

I can confirm that the Health Board do hold information relevant to questions C, D & E. However, I would like to advise you that the information you requested is being withheld under the Freedom of Information Act 2000. The exemption which the Health Board has applied to this information is: Section (43)(2) of the Freedom of Information Act.

This is because the National Procurement Service (NPS) are undergoing a closed tender process. The Health Board consider that the commercial interests of the providers/ any parties concerned, would likely to be prejudiced if we disclose the information requested, as it could alert their competitors to their pricing strategies.

The University Health Board accepts that there is a public interest in ensuring openness and transparency however, the Health Board 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 Boards ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money.

d. How did the third party structure their payment; based on the amount recovered on overclaims, or underclaims, or total amount recovered?

Please see response to question C.

e. Was the review charged at a fixed fee or day rate?

Please see response to question C.

f. Did the organisation procure these services through a framework? If so, please state which framework

NHS All Wales Contract VEL/CON/154 - VAT & PAYE Consultancy

6. Please list all frameworks that are available to the organisation/those you are currently signed up to, that would allow you to access VAT review services? (ie. analysis and reconciliation framework)

NHS All Wales Contract VEL/CON/154 - VAT & PAYE Consultancy
Crown Commercial Services Framework RM3745 – Management Consultancy
ESPO Framework 664 – Consultancy Services

In addition, currently the National Procurement Service (NPS) are in the process of compiling data for a Consultancy Services Framework. It is anticipated that the Tender for the Framework will go out towards the end of April 2018 and hopefully will commence August 2018.

Once this has been established then the organisation will also be able to make use of this new Framework.