

7 May 2026

Dear

### **Complaint in respect ATISN 26821 – Monitoring Dosage Systems**

Further to your email of 15 April 2026, in which you asked for a review of the Welsh Government's response issued on 15 April 2026, to your request made under the Freedom of Information Act 2000 reference ATISN 26821.

A review of the response has now been completed, this letter sets out the outcome of the review.

On 24 March 2026, as part of purported pre-action correspondence, you submitted a request for information under Freedom of Information Act 2000, regarding Monitoring Dosage Systems. Specifically you requested disclosure of any:

1. *Equality Impact Assessments, Human Rights Assessments, risk assessments, or internal analyses relating to MDS provision or its exclusion from the Community Pharmacy Contractual Framework (CPCF);*
2. *Policy documents, minutes, or correspondence relating to the decision to exclude MDS from the CPCF;*
3. *Legal advice relied upon regarding charging for reasonable adjustments; and*
4. *Internal risk assessments relating to patient safety, safeguarding, or medication-management risks arising from the current policy position.*

A substantive response was provided on 15 April, which explained no relevant documents were identified in relation to points 1, 2 and 4 of your request. The response also advised the Welsh Government did not identify any information in relation to point 3 of your request but that if it did hold this information, it would be subject to legal professional privilege under Section 42 of the Freedom of Information Act 2000 and would therefore be exempt from disclosure.

You requested an internal review, the grounds for which were set out in your email of 15 April 2026.

### **Our response**

1. The internal review has reconsidered whether the Welsh Government holds *recorded information* falling within the scope of questions 1 to 4 of your original request, confirming searches were adequately and sufficiently undertaken with the relevant policy areas responsible for community pharmacy and the Community Pharmacy Contractual Framework (CPCF). No recorded information within the scope of your request was identified in any form.
2. Searches included all relevant officials identifying whether any recorded information was held conforming to the descriptions in your original request including in emails, drafts,

briefings, internal notes, submissions, meeting papers, or correspondence with other bodies.

3. These searches confirmed the position stated in the response to your request issued on 15 April 2026, that is, that the Welsh Government does not hold any recorded information within the scope of points 1 to 4 of your original request. The Freedom of Information Act 2000 requires reasonable searches to be undertaken and provides a right of access to recorded information held at the time of the request; it does not require a public authority to speculate, infer, or generate material to explain why information is not held.
4. Responses to Freedom of Information requests and internal reviews are concerned only with whether recorded information is held and whether the requirements of the Act have been properly applied. They are not required to address or replicate matters raised in separate legal correspondence. The reference to a pre action protocol letter (PAPL) in the response was included solely to explain the context and timing in which the response was being issued.
5. Regarding the grounds relating to legal advice, as you set out, section 42 of the Act provides a qualified exemption. For the avoidance of doubt, searches did not identify any record of legal advice being held within the scope of point 3 of your request and no legal advice has been withheld under the exemption in Section 42 of the Act.
6. The duty under section 16 requires reasonable assistance to enable a requester to access recorded information that is held. It does not require a public authority to account for internal governance arrangements, to justify why information does not exist, or to explain how policy positions are developed where no recorded information is held.
7. The original response explained that no information was held and signposted the relevant statutory framework that governs the matters you raise. The internal review considers that this met the duty to advise and assist in the circumstances.
8. Following internal review, I am therefore satisfied the response provided on 15 April is consistent with the Welsh Government's position. The response accurately describes that monitored dosage systems are not commissioned or funded as a discrete service under the Community Pharmacy Contractual Framework and does not assert that a policy decision has been taken to exclude them.
9. Your request sought recorded information relating to "the decision to exclude monitored dosage systems (MDS) from the Community Pharmacy Contractual Framework (CPCF)". The internal review confirms that the Welsh Government does not hold recorded information evidencing a discrete decision of that nature.
10. Monitored dosage systems have not been commissioned or funded as a separate contractual service under the CPCF. This reflects the established scope of the contractual framework, rather than the outcome of a single, identifiable decision that generated recorded material.
11. References to MDS not forming part of the CPCF describe the current contractual position and do not indicate that the Welsh Government holds recorded information documenting an exclusion decision of the type described in your request. On that basis,

the internal review is satisfied that the statement that “no decision has been made” is accurate for the purposes of the Freedom of Information Act 2000.

12. The statement in the response that requests for MDS must be considered by community pharmacies on a case by case basis reflects the operation of the Equality Act 2010 and the existing pharmaceutical services regulatory framework. It is a description of the legal duties that apply to pharmacies when providing NHS pharmaceutical services, rather than a new or distinct Welsh Government policy decision.
13. The Welsh Government has not adopted a national policy mandating or prohibiting MDS. Decisions on reasonable adjustments, including their use, are matters for pharmacy contractors under the existing statutory framework.
14. The absence of Welsh Government held Equality Impact Assessments, Human Rights Assessments or risk assessments specific to MDS does not indicate a failure to consider equality impacts or patient safety; rather, it reflects that MDS is not a commissioned NHS service and that individual assessments of need and reasonable adjustments are matters for pharmacy contractors to make in respect of individual patients, in line with their statutory duties. The Freedom of Information Act does not require the Welsh Government to create or retrospectively assemble assessments that do not exist.
15. For the reasons set out above, the internal review concludes that:
  - Appropriate searches were conducted;
  - No recorded information is held within scope of your request;
  - Section 42 of the Freedom of Information Act 2000 has not been relied upon to withhold information;
  - The duty to advise and assist was met;
  - The response is consistent with the Welsh Government’s established position;
  - The Welsh Government does not hold recorded information evidencing a decision to exclude monitored dosage systems from the Community Pharmacy Contractual Framework; and;
  - The Welsh Government has not adopted a national policy position on monitored dosage systems and, accordingly, does not hold recorded equality, human rights or patient safety analyses specific to MDS.
16. In summary, I am satisfied that the information previously provided in response to your original request is accurate and the outcome of the internal review is to uphold the original response to ATISN 26821.

If you remain dissatisfied, you have the right to complain to the Information Commissioner’s Office. Details were provided in the original response.

Also, if you think that there has been maladministration in dealing with your request, you have the option to make a complaint to the Public Services Ombudsman for Wales who can be contacted at:

Public Services Ombudsman for Wales  
1 Ffordd yr Hen Gae  
Pencoed  
Bridgend  
CF35 5LJ

Telephone: 0845 6010987 (local rate)  
Email: [ask@ombudsman-wales.org.uk](mailto:ask@ombudsman-wales.org.uk)

Yours sincerely,

**Alex Slade**  
**Director of Primary Care, Mental Health and Early Years**