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28 July 2023

Dear [REDACTED]

RE: SCCL-FOI-2023/24-042

Thank you for your FOI request received by the FOI office for the following information relating to the purchase of manual defibrillators and AEDs in the last three years, for NHS acute hospital trusts only:

1. What percentage of the capital orders that were procured via the NHSSC framework were procured via a 'direct award' versus 'Mini-comp'?
2. What is the value of the orders placed via direct award?
3. What is the value of the orders placed via mini-comp?
4. What is the total order value per defibrillator supplier for manual defibrillators and AEDs? (ZOLL, Philips, Stryker (Physio Control), Mindray, Nihon Kohden, Schiller, Corpuls)
5. Please name the hospital trusts that procured via direct award.
6. Please detail the reasons provided by the trusts for choosing 'direct award' path versus 'mini-comp'?

Your request has been handled as a request for information under the Freedom of Information Act 2000 and SCCL is able to provide a response. We have provided data relating to all NHS Trusts as we do not categorise our data by NHS acute hospital trust.

1. 100% Direct Award which is permitted within the framework agreement. The Trusts typically determine their requirements and approach us with the request, at this point they may have already identified suitable equipment or a particular supplier. We then provide a direct quote validation. We have not completed any further competitions on this agreement on behalf of any NHS Trust in the time period identified.
2. The value of the orders placed via direct award is £41,372,511.33.
3. The value of the orders placed via mini-comp is £nil.
4. Supply Chain Coordination Limited (SCCL) confirms it does hold the information requested, however, after careful consideration, it has been decided that the information requested is exempt from disclosure under Section 43(2) (Commercial Interests) of the FOI Act. This provides that information can be withheld where disclosure would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).

In this case we are not able to provide a breakdown of total order value per defibrillator supplier.

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5. For hospital trusts that procured via direct award please see the attached list of NHS Trusts using the agreement in the time period specified.
6. Reasons provided by the trusts for choosing 'direct award' path versus 'mini-comp': Most Trusts undertake Direct Award where they have business justification to do so and for time saving, compliant contracting. The reasons provided vary and are generally captured as clinical preference, standardisation with equipment already installed or most economically advantageous offer.

It is acknowledged that the statutory exemption provided by section 43 of the FOIA requires SCCL to consider the public interest for and against disclosure of the requested information. SCCL has considered the public interest arguments for and against disclosure of information to which the exemption provided by section 43 of the FOIA applies.

In conclusion, notwithstanding the strong public interest in public authorities ensuring accountability and transparency, the following public interest factors apply in the case of the requested information covered by section 43 of the FOIA:

1. SCCL, contracting NHS Trusts and third-party contracting bodies have legitimate commercial interests in ensuring that the terms by which they are able to operate (including the manner in which they contract) are optimal. Supplier pricing is derived either under tender conditions or subsequent price competitions (mini-competitions, e-auctions etc.) and conducted under controlled, confidential processes.
2. To release a copy of this data would:
 - a. damage commercial relations between the Trust and/or SCCL and its suppliers.
 - b. adversely impact on SCCL's ability to manage its relationship with both the relevant external suppliers and NHS Trusts.
 - c. adversely impact on SCCL/NHS Supply Chain's ability to achieve best value solutions with its suppliers, who may be constrained in offering those solutions should they be at risk of disclosure under FOIA.

It is not in the public interest to share commercial information of competitor suppliers, providing direct spend by supplier discloses each supplier's market share in relation to their competitors. This information is not in the public domain and is deemed commercially sensitive.

If you are dissatisfied with this response, you may request an independent internal review of our handling of your request by submitting a complaint within two months to the postal or e-mail addresses above, quoting the reference number above. If you ask for an internal review, it would be helpful if you could say why you are dissatisfied with the response.

As part of any internal review the handling of your information request will be reassessed by a member of SCCL staff who was not involved in providing you with this response. If you remain dissatisfied after this internal review, you will have a right of complaint to the Information Commissioner as established by section 50 of the Freedom of Information Act.

If you require any further information do not hesitate to contact the FOI team.

Yours sincerely

FOI Team

Supply Chain Coordination Limited
Management Function of NHS Supply Chain

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