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NG2 4LA

Email: FOI@supplychain.nhs.uk
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25 April 2024

Dear [REDACTED]

RE: SCCL-FOI-2023/24-142

Thank you for your FOI request received by the FOI office for the following information:

- 1.The current purchase price to your customers of each first infant formula (including powdered and ready to feed) in your catalogue
- 2.The purchase price to your customers of each first infant formula (including powdered and ready to feed) in your catalogue during the financial year 2022/2023
- 3.The number of units of each first infant formula (including powdered and ready to feed) in your catalogue which were ordered by NHS customers during the financial year 2022/2023. Please provide numbers for each infant formula separately.
4. The number of units of each first infant formula (including powdered and ready to feed) in your catalogue which were ordered by all customers during the financial year 2022/2023. Please provide numbers for each infant formula separately.

Your request has been handled as a request for information under the Freedom of Information Act 2000 and SCCL are able to provide a response for Question 3 and 4 below:

FY 2022/2023	
Row Labels	Sum of Eaches
NHS	7359961
First Powdered Infant Milk	1323
First Ready to Feed Infant Milk	24432
Infant Drinks	2479296
Infant Meals	9162
Infant Milk - Powdered	58550
Infant Milk - Ready to feed	4466704
Specialist Powdered Infant Milk	319642
Specialist Ready to Feed Infant Milk	852

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Registered number: 10881715
Registered office: Wellington House 133-155 Waterloo Rd London SE1 8UG

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Non NHS Customer	67326
First Powdered Infant Milk	6
Infant Drinks	28560
Infant Meals	0
Infant Milk - Powdered	48
Infant Milk - Ready to feed	38712
Grand Total	7427287

In relation to Question 1 and Question 2 SCCL are unable to provide this information as it is exempt from disclosure under section 43(2) (Commercial Interests) of the FOI Act 2000. 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).

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 prejudice any of SCCL/NHS Supply Chain, relevant NHS Trusts and relevant supplier commercial interests at the expense of disclosure which is likely to damage commercial relations and adversely impact on our ability to manage our relationships and any future tenders.

We hope that this response addresses your request. However, 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