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Request for Information Reference: 09.20.39

Email: cdda-tr.cddftfoi@nhs.net

Email only

21 October 2020

Freedom of Information Act 2000 – Request for Information

Thank you for submitting a request for information which we received on 23 September 2020 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to endoscopy service and I am providing the following information in response to your specific questions:

Could you please provide responses to the following questions in relation to Endoscopy within the Trust?

1. The name and email address of:

- a) The Clinical Director that is responsible for Endoscopy**
- b) The General Manager that is responsible for Endoscopy**
- c) The Service Manager that is responsible for Endoscopy**

The Clinical Director that is responsible for Endoscopy Mr John Silcock:
johnsilcock@nhs.net

The General Manager that is responsible for Endoscopy Ms Felicity White who can be contacted via her PA, Ms Christine Cann: christine.cann1@nhs.net

The Service Manager that is responsible for Endoscopy Ms Ros Russell:
ros.russell@nhs.net and Ms Dawn Wallace: dawnwallace@nhs.net

2. In the last 12 months, which external Insourcing providers have you used for your Endoscopy Service?

Medinet and Totally Healthcare.

3. Do you have a contract with an external Insourcing provider of Endoscopy Services and, if so, which company is the contract with?

Totally Healthcare.

4. Did you procure the Insourced Endoscopy service via a tender process or Framework and, if so, which one?

The Trust procured the insourced Endoscopy service, Direct Award: SBS.

5. If you have a contract with an Insourcing provider for Endoscopy Services, when does it currently expire and when will it be reviewed?

Totally Healthcare: End date: 4 October 2020. This service was reviewed prior to contract expiry.

6. If you have a contract with an Insourcing provider for Endoscopy Services, how much are you being charged per fully staffed room, per day?

Answer: We are unable to provide the information as requested on the grounds that this information is commercially sensitive and has, therefore, been withheld pursuant to Section 43 of the Act.

Section 43 (2) exempts from disclosure the following:

(2) Information, the disclosure of which would, or would be likely to, prejudice the commercial interests of any person including those of the public authority holding the information.

Our supplier has made clear representation that pricing for the service is commercially sensitive information, the disclosure of which would be likely to prejudice their commercial interests, as it would provide alternative bidders with an understanding of their costs (which would not be reciprocated) with respect to similar contracts in the NHS, thereby undermining their ability to tender, on fair and equal terms, for such contracts. The Trust considers that there is potential for such harm to arise with reasonable proximity and, therefore, that the exemption under Section 43(2) of the Act is engaged. This argument is heightened and hence reinforced by the fact that this contract is due to be going out to tender next year and so releasing this information will not only hinder the providers ability to compete fairly in the market place but it will also have a negative impact on the Trust's relationship with the provider in terms of mutual Trust. This will be extrapolated across the wider market if it becomes clear that contract prices will not be held in confidence and so affect their ability to secure value for money contacts with external organisations.

The Trust acknowledges the public interest in publication of the information; specifically the interest in transparency with respect to expenditure on services, as a

means of assisting the taxpayer in evaluating their value for money. However, there is a competing public interest in preserving fair market competition and the ability of public authorities to obtain value for money when sourcing services. In previous rulings the Information Commissioner has made clear that the Freedom of Information Act is not intended to distort fair market competition. In this case, the Trust therefore considers that the public interest in preserving fair competition outweighs the general public interest in transparency and is therefore applying the exemption under Section 43(2). In this instance non-disclosure of costs is argued by both the provider and the Trust.

It should be noted that the service is not currently running with the most recent service ceasing at the end of September this year. However, the service is due to resume for 7 weeks as of the beginning of November 2020.

7. If you have a contract with an Insourcing provider for Endoscopy Services, what days of the week do they operate and how many rooms do they staff?

The Trust currently only uses insourcing providers for one room on a Saturday and Sunday.

8. What has been the spend by the Trust in the last 12 months on Insourced Endoscopy Services?

The Trust has spent £105,235.00 on insourced Endoscopy services in the last 12 months.

9. Does the Trust currently require insourced Endoscopy Services?

Yes, the Trust does currently require insourced Endoscopy Services.

10. Does the Trust currently require specific insourced BCS Bowel Screening Services?

No, the Trust does not currently require specific insourced BSC Bowel Screening Services.

11. Does the Trust currently require additional Endoscopy capacity via a suitable external premises or JAG accredited Mobile Endoscopy Unit?

Yes, the Trust does currently require additional Endoscopy capacity via a suitable external premises or JAG accredited Mobile Endoscopy Unit.

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. I am sorry that I have not been able to provide all of the information you requested, however I hope that my explanation as to why this is not possible has been satisfactory. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via cdda-tr.cddftfoi@nhs.

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; www.ico.gov.uk.

Yours sincerely

Joanna Tyrrell
Freedom of Information Officer