

|                         |                     |
|-------------------------|---------------------|
| <b>Reference:</b>       | FOI.14040.24        |
| <b>Subject:</b>         | Endoscopy equipment |
| <b>Date of Request:</b> | 18 March 2024       |

**Requested:**

I would be most grateful if you would provide me, under the Freedom of Information Act, details with respect to the Trust below, details of which can be found below:

1. Approximately how many endoscopes does the trust own?
2. What brands of endoscope does the Trust own?
3. On average how old are the endoscopes that the Trust owns?
4. Approximately how many of the trust endoscopes are under OEM Warranty?
5. Does the trust subcontract the maintenance of endoscopes and associated equipment such as stack systems and monitors to an outside provider(s) or does it maintain the devices using internal engineers?
6. If an external provider(s) is used, what is the name of the company(s)?
7. If an external provider(s) is used, what was the value of the contract when awarded?
8. If an external provider(s) is used, what is the contract type – PPM/ Fully-Comprehensive / Ad-hoc support?
9. If an external provider(s) is used, what is the contract renewal date(s)?
10. Does your contract include the provision of loan endoscopes to temporarily replace endoscopes that are in for repair?
11. Please provide the name, email address and phone number of the role responsible for managing endoscopy equipment within the trust.
12. Please provide the name, email address, and phone number of the individual responsible for managing endoscopy contracts within the trust?
13. If endoscopy is part of a Managed Equipment Service (MES) at the trust, please provide details of the service provider and specify the services provided including whether staffing is part of the MES.

**Response:**

Hywel Dda University Health Board (UHB) is withholding the information requested for question 7 of your request. The UHB considers that Section 43 of the FoIA applies to the requested information, as answering would be prejudicial to commercial interests. Section 43(2) exempts information, where disclosure would or would be likely to prejudice the commercial interests of any company. Commercial interests may be prejudiced where disclosure would, or would be likely to:

- Weaken a company's position in a competitive environment by revealing market sensitive information or information of potential usefulness to its competitors;
- Damage a company's business reputation or the confidence that customers/users, suppliers or investors may have in it.

This exemption is qualified; therefore, even if information falls within Section 43, public authorities must then apply the public interest test set out in Section 2(2)(b). The information can only be withheld if the public interest in maintaining the exemption outweighs the public interest in disclosure.

The UHB has therefore considered the following:

**In favour of disclosure:** There is a public interest in transparency and in the accountability of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services. Private sector bodies engaging in commercial activities with the public sector must expect some information about those activities to be disclosed.

**Against Disclosure:** Disclosure of the information being requested could damage the external suppliers' position in a competitive environment by revealing market costs and the contract value, which could benefit their competitors. It is not within the expectation of the external providers that their individual contract details would be released into the public domain, and this in turn could impact negatively on the UHB's relationship with the external providers, thus affecting our service delivery.

**Decision:** - The UHB has considered that releasing the information under the FoIA, to which the UHB is subject, could allow competitors to gain an unfair commercial advantage, which would impede upon the UHB's relationship with the contracted suppliers, thus affecting our service delivery. The UHB believes that there is wider established public interest in companies not being prejudiced merely because they have contracted with a public sector body, and that there is a public interest in protecting its relationship with its contracted partners.

Therefore, the public interest in withholding the contract information is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the contractors to which this information concerns.

However, whilst operating in accordance with the Section 45 Freedom of Information Code of Practice, the UHB has a duty to provide advice and assistance. Therefore, the UHB provides the information that does not fall within the scope of the Section 43 exemption below.

1. Hywel Dda University Health Board (UHB) has approximately 140 endoscopes.
2. The UHB uses Olympus & Fujinon endoscopes.
3. The age of the UHB's endoscopes varies, with the oldest endoscope dating back to 2011.
4. The UHB has approximately 15 endoscopes under OEM warranty.
5. The UHB's endoscopes and stack systems are maintained and serviced by an external provider. Older stack systems that are deemed end of service (EOS) are maintained by the

UHB's clinical engineering technicians to the best of their ability. Older endoscopes deemed EOS do not have a service contract in place. The equipment is retained to part exchange with any new equipment purchased.

- 6. The UHB has a contract with the external providers Aquilant and Olympus to maintain and service its endoscopes and stack systems.
- 7. The UHB has applied a section 43 exemption to this request for information.
- 8. The UHB provides within the table below the type of contract provided by external suppliers for endoscopes and stack systems.

| <b>Provider</b> | <b>Endoscopes</b>   | <b>Stack Systems</b>   |
|-----------------|---------------------|--|
| Aquilant        | Fully Comprehensive | Semi Comprehensive (covering minor repairs relating to wear and tear). |
| Olympus         | Fully Comprehensive | Fully Comprehensive  |

- 9. The UHB provides within the table below the contract renewal dates scheduled with our external suppliers.

| <b>Provider</b> | <b>Renewal Date</b>                                      |
|-----------------|--|
| Aquilant        | 31 <sup>st</sup> March 2025                              |
| Olympus         | 31 <sup>st</sup> March 2024 (contract still in progress) |

- 10. The UHB's service contracts include direct replacement or like for like replacement of endoscopes that are being repaired.

- 11. & 12. The UHB can advise that Jon Wilson, Clinical Engineering Manager is responsible for managing the endoscopy equipment and endoscopy contracts within the Health Board. His email address is [jon.wilson@wales.nhs.uk](mailto:jon.wilson@wales.nhs.uk) and contact phone number is [01970 623131](tel:01970623131).

- 13. The UHB's endoscopy equipment is not part of a Managed Equipment Service (MES).