

<b>Reference:</b>	FOI.1908.19
<b>Subject:</b>	NHS patients by an Independent Homecare Provider
<b>Date of Request:</b>	6 November 2019

**Requested:**

Question for your pharmacy and/or procurement team regarding the number of medicines and/or nursing services provided to NHS patients by an Independent Homecare Provider:

1. In your organisation, which named individuals have the overall responsibility for any homecare provision for your patients?
2. Do you currently have in post an operational lead for homecare services in your organisation – If so, what is their name/role?
3. What are your organisations minimum requirements for accepting a homecare provider?
4. If you have an outsourced outpatient pharmacy, are they able to provide nurse services / training for patients on how to self-inject for medicines administered by sub-cutaneous injection as part of their contract?

Can you please advise of total numbers of NHS patients who;

5. Received a homecare delivery service of drug and/or nurse service at dates Jan 2018 / Jan 2019 / October 2019 – please provide these numbers by;
  - a. Drug name
  - b. Therapy / clinical area
  - c. By drug the name of the homecare provider who provided/provides this service
  - d. If possible, please identify if these services are NHS funded or pharmaceutical / manufacturer funded services.

**Response:**

1. In Hywel Dda University Health Board (UHB) the individual with overall responsibility for the provision of homecare for patients is the patient service lead pharmacist.
2. The UHB's operational lead currently in post for home care services is the patient service lead pharmacist.
3. The UHB uses homecare companies registered on the All Wales Low and Mid Tech Medicines Homecare Service Framework providing governance and compliance across Wales. The framework mitigates risk and ensures adherence to NHS Wales Terms and Conditions.
4. The UHB operates an in house outpatient pharmacy. However, homecare companies provide nurse services/training.
- 5a. The UHB provides the number of patients who received a homecare delivery service and the drug name provided for the periods requested Attachment 1.

5b. The UHB provides the number of patients who received a homecare delivery service and the therapy and clinical areas for the requested periods, Attachment 1.

Where the figures in the tables in questions 5a and 5b have been replaced with an asterisk (\*), the UHB is unable to provide you with the exact number of patients due to the low numbers of cases (5 and under), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the Data Protection Act 2018/ General Data Protection Regulations 2016 (GDPR), as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of the GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018/General Data Protection Regulations 2016 defines personal data as data which relates to a living individual who can be identified solely from that data or from that data and other information which is in the possession of the data controller.

The UHB considers that Section 43 applies to questions 5c and 5d, as answering would be Prejudicial to their Commercial Interests. Section 43(2) exempts information, disclosure of which would or would be likely to prejudice the commercial interests of any person, in this case the supplier listed above. 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 this information would have a direct impact and cause substantial harm to the suppliers as it would disclose their pricing and products/services provided to the UHB, and this would be likely that this would damage their ability to work within a highly competitive sector. The information being requested is likely to be used by their competitors to gain a competitive advantage.

It has therefore been decided above that releasing the information under the Freedom of Information Act 2000, to which the UHB is subject, will give an unfair advantage to the suppliers' competitors. 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 ensuring that there is competition for public sector contracts.

**Decision:-**The UHB considers that the public interest in withholding the drug name and source of funding is greater than the interests in disclosing it and thereby giving unfair commercial advantage to competitors of the company to which this information concerns.