

Freedom of Information Request: 0443 2019/20

University Hospitals Birmingham NHS Foundation Trust (UHB) completed a merger by acquisition of Heart of England NHS Foundation Trust (HEFT) on 1st April 2018. Due to historical differences across UHB and the former Heart of England NHS Foundation Trust some of this response has been provided by hospital site.

I am writing to you today to request the following information relating to breast and axillary lymph node biopsy procedures within your trust.

The Trust does hold the information you have requested however we are withholding some of the information for the reasons given below.

Commercial Sensitivity:

Section 43 of the Freedom of Information Act 2000 (FOIA) provides,

“(2) Information is exempt information if its disclosure under this Act would, or would be likely to, prejudice the commercial interests of any person (including the public authority holding it).”

A commercial interest relates to a person’s ability to participate competitively in a commercial activity, with the underlying aim being able to make a profit. The information you have requested is the commercial information of a third party and in order to apply section 43(2), the Trust must satisfy itself that disclosure of the information would, or would be likely to, prejudice or harm the commercial interests of any person (including the Trust).

Disclosure of the information requested would be likely to prejudice the commercial activities of a third party, in this case the providers of our core/biopsy needles, and markers/clips.

The information you have requested is around the price paid for the product provided to us and disclosure to the world at large would involve placing elements of the provider’s commercial strategy into the hands of their competitors, which would prejudice their commercial interests. Therefore S43 (2) of the FOIA is engaged as disclosure of the information requested would be likely to prejudice the commercial interests of the contractor.

The public interest test

Commercially sensitive information is protected from disclosure by Section 43(2) of the FOIA which is a qualified exemption subject to the public interest test. The Trust considered, in all the circumstance of the case, where the balance of the public interest lies.

Public interest in maintaining the exemption

There is a public interest in protecting the commercial interests of individual companies such as the providers and ensuring they are able to compete fairly in a commercial environment.

Disclosure of information may cause unwarranted reputational damage to the Trust or the providers whose information it holds, which may in turn damage its commercial interests through loss of trade.

Revealing information such as a pricing can be detrimental to the Trust's negotiations on future tenders with other providers. If a competitor knows how much the Trust paid for a product then it can exploit this for profit or other gain.

Public interest in disclosing the information

To promote openness and transparency of public expenditure, which would enable the public to better scrutinise how public money is spent.

The balancing exercise

The Trust decided the public interest in maintaining the exemption substantially outweighs the public interest in disclosing the information.

1. How many patients were diagnosed with breast cancer in 2017/18 and 2018/19?

QEHB

2017/18 – 351

2018/19 – 382

HGS

2017/18 – 489

2018/19 – 428

2. Does your radiology department operate through PbR tariff reimbursement or block contract?

UHB: PbR

3. Do breast and axilla biopsy procedures fall under PbR or block contract?

UHB: PbR

4. How many ultrasound guided core needle breast biopsy procedures were performed in 2017/18 and 2018/19?

QEHB:

2017/18 – 672

2018/19 – 824

HGS:

2017/18 – 1007

2018/19 - 1193

5. How many ultrasound guided axillary lymph node biopsy procedures were performed in 2017/2018?

QEHB:

2017/18 – 119

2018/19 – 123

HGS:

2017/18 – 8

2018/19 - 6

6. How many ultrasound guided core needle axillary lymph node biopsy procedures were performed in 2017/18 and 2018/19?

QEHB:

2017/18 – 119

2018/19 – 123

HGS:

2017/18 – 143

2018/19 - 201

7. How many patients received an ultrasound guided breast biopsy procedure in 2017/18 and 2018/19?

QEHB:

2017/18 – 672

2018/19 – 824

HGS:

2017/18 – 186

2018/19 - 155

8. How many patients received an ultrasound guided axillary lymph node biopsy procedure in 2017/18 and 2018/19?

QEHB:

2017/18 – 119

2018/19 – 123

HGS:

2017/18 – 8

2018/19 - 6

9. How many core needles were used in breast biopsy procedures completed under ultrasound guidance in 2017/18 and 2018/19

UHB 2017/18 – 791

UHB 2018/19 – 965

10. How many vacuum assisted needles were used in breast biopsy procedures completed under ultrasound guidance in 2017/18 and 2018/19?

QEHB

2017/18 – 235

2018/19– 204

HGS: Not Applicable, please note HGS does not do vacuum assisted procedures.

11. How many core needles were used in axilla biopsy procedures completed under ultrasound guidance in 2017/18 and 2018/19?

UHB 2017/18 – 119

UHB 2018/19 – 123

12. If known, how many core needles are used in a unilateral core needle breast biopsy procedure? Please give response as follows - Min/Max/Average

QE: Min 1, Max: no max usually 1: Average: 1

HGS: Min 1, Max: no max usually 1: Average: 1

13. If known, how many core needles are used in a bilateral core needle breast biopsy procedure? Please give response as follows - Min/Max/Average

QE: Min 2, Max: no max, usually 2: Average: 2

HGS: Min 2, Max: no max, usually 2: Average: 2

14. If known, how many core needles are used in biopsy of breast and associated axillary lymph nodes? Min/Max/Average

QE: Min 2, Max: 3, Average: 2

HGS: Min 2, Max: no max, usually 2/3: Average: 2

15. Does your trust carry out breast biopsy procedures performed under MRI?

Yes

a. If yes

- **How many breast biopsy procedures were performed in total under MRI in 2017 and 2018?** We do not hold a final number, but we can estimate 2 or 3.
 - 1. How many of these used core needles?** 0
 - 2. How many of these used vacuum needles?** 2 or 3

16. In total, how many biopsy markers/clips have been placed in the breast in 2017/18 and 2018/19

QE: We do not hold this information – we do not record information to this detail

HGS*

2017/18 – 84

2018/19 – 105

17. How many biopsy markers/clips have been placed in the axilla in 2017/18 and 2018/19?

QE: We do not hold this information – we do not record information to this detail

HGS*

2017/18 – 0

2018/19 – 0

*Please note that HGS responses for questions 16 and 17 are based on how many marker insertions examinations are recorded on CRIS.

18. How many core needles were purchased for use by the breast imaging department in 2017/18 and 2018/19?

UHB 2017/18 - 1330
UHB 2018/19 - 1466

19. How many vacuum needles were purchased for use by the breast imaging department in 2017/18 and 2018/19?

UHB 2017/18 – 35 single units
UHB 2018/19 – 161 single units

20. What is the average price paid for core needles used in ultrasound guided axilla biopsy procedures in 2017/18 and 2018/19?

Withheld under Section 43 (2) of the Freedom of Information Act

21. Using the table below, please indicate:

- **Brands of biopsy needle used by your trust in 2017/18 and/or 2018/19**

Manufacturer	Device Name
Becton Dickenson (formerly Bard)	Encor
Becton Dickenson (formerly Bard)	Encor Enspire
Becton Dickenson (formerly Bard)	Encor Ultra
Becton Dickenson (formerly Bard)	Finesse Ultra
Becton Dickenson (formerly Bard)	Vacora
Becton Dickenson (formerly Bard)	Magnum
Becton Dickenson (formerly Bard)	Max-Core
Becton Dickenson (formerly Bard)	Marquee

- **Number of branded needles bought broken down by year (2017/18, 2018/19)**
2017/18 = 54 boxes
2018/19 = 50 boxes
- **Number of branded needles used, broken down by year (2017/18, 2018/19)**
2017/18 = 125 single units

2018/19 = 426 single units
- **Average price paid per needle, broken down by year (2017/18, 2018/19)**
Withheld under Section 43(2) of the Freedom of Information Act

22. What brands of breast biopsy marker/clip were used by your organisation in 2017/18 and 2018/19? Please indicate the 2 brands with highest use (where possible)

Hydromark

23. What was the average price paid for each marker/clip in 2017/18 and 2018/19?

Withheld under Section 43 (2) of the Freedom of Information Act

24. Are breast biopsy needles (any kind) purchased via a tender process? Y/N

If yes

- When is the tender next being reviewed/opened?**
- What is the scope for use outside of tendered volumes?**

Breast biopsy needles are a consumable part of the current Mammotone system. We will consider replacing this system in the 2020/21 financial year.

If no

- What is the process for procurement of core and vacuum assisted biopsy needles in your organisation?

- If there is a person responsible for the procurement of core and vacuum assisted biopsy needles what is their job title?

Bard needles are low volume purchases under the tender threshold and are purchased either through NHSSC or direct from the supplier.

There is no individual with specific responsibility for these purchases. You can find contact details for our Procurement Team at www.uhb.nhs.uk/contact-procurement.htm.