

Freedom of Information Request: 0602 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 in data collection/reporting across UHB and the former Heart of England NHS Foundation Trust this response has been provided by hospital site.

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

Commercial Sensitivity: Cost of current swab disposal system

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 to make a profit. The information you have requested is the commercial information of third parties 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 swab disposal systems.

The information you have requested is around the cost the Trust’s pays for the systems and disclosure to the world at large would involve placing elements of the providers’ 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 suppliers.

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 suppliers 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 contractors 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.

Queen Elizabeth Hospital Birmingham:

Swab management and disposal system in the operating theatres:

- 1- What swab disposal system and manufacturer is currently used in your hospital(s) etc. swabesafe sytem, bag system..?**
Bag system is used at QEH, 5 swabs and red tag counted into bag.
- 2- How long have you been using your current swab disposal system?**
Approximately 15 years
- 3- Are you currently or will be in near future considering switching to different swab disposal system?**
We have no current plans to change.
- 4- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) over a three year period immediately before using your current swab disposal system?**
We do not hold this information
- 5- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) over a three year period immediately after using your current swab disposal system?**
1 incident
- 6- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) from 01/01/2015 till 31/12/2019?**
3 incidents
- 7- How much is the cost of your current swab disposal system?**
Withheld under S43 (2) of the Freedom of Information Act. Please see above for full details

Heartlands, Good Hope and Solihull Hospitals:

Swab management and disposal system in the operating theatres:

- 1- What swab disposal system and manufacturer is currently used in your hospital(s) etc. swabesafe sytem, bag system,..?**
Purple surgical swab counting system is used during op and then disposed of into an orange bag with red strings at end of case

- 2- How long have you been using your current swab disposal system?**
Approximately 8 years

- 3- Are you currently or will be in near future considering switching to different swab disposal system?**
We have no current plans to change

- 4- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) over a three year period immediatly before using your current swab disposal system?**
4 incidents

- 5- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) over a three year period immediatly after using your current swab disposal system?**
1 incident

- 6- How many swab related incident (etc. unintentional retained swab) recorded in your hospital(s) from 01/01/2015 till 31/12/2019?**
2 incidents

- 7- How much is the cost of your current swab disposal system?**
Withheld under S43 (2) of the Freedom of Information Act. Please see above for full details