

SBRI Healthcare Complaints and FOI Requests Register

Last updated November 2018

Complaints Summary: One new complaint has been received since the last report

Register:

| Complainant | Date & Nature of complaint | Date & Nature of Response | Status |
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| Marcus Gibson Editor, Gibson Index Ltd. (SBH_10) | (30/10/2018) a complaint was received raising concerns about two contract awards in the Cancer competition: C the Signs and Deepmed IO. | Concerns that C the Signs was “just and App” and that awarding a £1m contract was “gross waste of public money. Concern that DeepMed IO is “not a British company” and should not have been considered. Both issues raised contain factual errors and/or misunderstandings. A response is being drafted. | Active |

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| Cardiocity (SBH_009) | (16-06-17) County Court Business Centre proceedings served "With reference to the SBRI Healthcare Phase 2 contract between [Health Enterprise East Ltd.] and Cardiocity Ltd. We claim interest under the Late Payment Commercial Debts (Interest) Act 1998 at the rate of 8.5% for all late payment remittances with the dates being established as per Schedule 2 of the SBRI Phase 2 contract signed on 24 th December 2015." Interest claimed: £6,959.76; Court fee: £410 | Service of the claim has been acknowledged and a defense filed on 14 July 2017 following legal advice sought from Birketts LLP and agreement with NHS England. Validity of claim disputed on grounds of appropriateness of HEE as defendant (not even a party to the agreement) and liability under the ACT (are the quarterly payments made in return for achievement of specific milestones, if not then no interest will be due on any of the payments as all of the Deliverables under the Contract must be achieved before interest is due). (08-09-17) Notification received that as of this date Cardiocity had instructed their lawyers to cease pursuing their claim for late payment of the 2015 SBRI Healthcare award. Confirmation from County Court received. SBRI contract being reviewed to limit potential future liabilities. | Completed and Closed |
| Cardiocity (SBH_008) | (21-03-16) Complaints raised about the lack of Phase 3 funding (which they believe they had been 'promised'); funding of Plessey to complete a CE mark (anti-competitive); and their payment schedule – alleging late payment of invoices for which they have now raised an invoice for interest under the Late Payment of Commercial Debts Act 1998. | (7-04-16) A letter of reply has been sent referencing the original ItT and PR under which no formal promises were made in regard to Phase 3 funding which would in any case be competitive; why we believe CE marking is a legitimate project cost; and why we believe the Commercial Debts ACT does not apply in this case since we pay in advance so we had not yet received 'supply of the goods' from which date interest can apply. (18-04-16) Following a further round of correspondence with Cardiocity they have accepted that their complaint is with Plessey and not SBRI. | Completed and Closed |
| Hip Impact Protection (SBH_007) | (29-02-16) Complaint related to behaviour of panel Chair during Phase 1 interview in Urgent & Emergency call and whether they had been treated consistently and fairly as with others. Also appears not to have been sent the reply that was drafted in response to his previous complaint. | (5-04-16) Panel members were asked for their views on whether the applicant had been awarded the same time to present their case on the day and whether the chair had been professional and consistent in her handling of their interview. Consistent view was that they had, letter sent with extracts from various panel members. (12-04-16) Following a further response from Hip Impact in which he acknowledged our detailed response he made some general remarks with regards to his dissatisfaction with the interview process but appears to have accepted the outcome. | Completed and Closed |

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| Hip Impact Protection (SBH_006) | (27-11-15) Complained about feedback & decision for funding application under recent 'Falls Category' initially to Innovate UK. The application was long listed but not taken into final interview panel stage. Much of technical assessor was positive but applicant alleged assessors had not read proposal properly or understood it. | (17-12-15) A letter was sent detailing both general comments on the competition process and some specific comments in relation to technical assessors experience, confidentiality in relation to other applicants, and some comments in relation to word limits on the form where assessors had asked for more info. | Completed and Closed |
| Cardiocity Ltd (SBH_005) | (02-10-15) Plessey funded to develop product already on market; copycat product (no. of competitors on market already) | (03-11-15) Plessey had prior demonstrator model which they had disclosed to us at the time of their Phase 1 appl. SBRI funding was used to redesign hardware and develop s/w algorithms appropriately; Device has unique combination of technical features at price point (less than £50) well below competitors – moves device into consulting room as tool for GPs. Response supplied for John Holden on 3 Nov. Subsequent correspondence to George Freeman (text not seen) was discussed and responded to by combination of DH legal team/OLS/BIS and sent to Mr Crockford on 15 th January confirming previous advice to John Holden (that SBRI felt both products had something diffn to offer which is why both were funded) and that any issue of infringement is for him to pursue directly with Plessey. | Completed and closed |
| Glyconics Ltd (SBH_004) | (21-11-14) Disputed the feedback after negative outcome during Phase II interview. | (05-12-14) Clarified the feedback provided by the interview panel, offered face-to-face to discuss further. | Completed & Closed |
| Cardiocity Ltd (SBH_003) | (25-11-14) After being awarded a contract, raised issue that their sensor supplier was also successful and developing a rival product. | (05-12-14) After discussing with the FAR committee, clarified our portfolio approach to fund similar products and give the market choice. | Completed & Closed |

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| Tamicare Ltd (SBH_002) | (24-07-14) Felt they had not received SBRI funds owed to them. | (08-10-14) After protracted discussion clarifying the subcontractor arrangements (funded company was actually Spintech Ltd and they were subcontracting work to Tamicare Ltd), advised to take the matter up with Spintech Ltd directly. <i>(Spintech were unsuccessful at Phase II)</i> | Completed & Closed |
| Dr Collette Hawkins (SBH_001) | (19-12-13) Felt that an SBRI funded company (GreyMatters Healthcare Ltd) was using her IP without permission and she (as the clinical lead) was subsequently shut out from the project. | (09-04-14) Clarified our due diligence process, the company's decision to switch clinical lead was not unusual and the matter could not be taken further without proof of an NDA being in place at the time of conceptualisation. <i>(To date, this has not provided, Dr Hawkins has not confirmed whether she is alleging breach of copyright and GreyMatters were unsuccessful at Phase II)</i> | Completed & Closed |

Freedom Of Information (FOI) Requests Summary:

One new FOI request has been received since the last report.

Register:

| Person-Company | Date & Nature of Request | (Date) & Nature of Response | Status |
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| Brian Palmer | 17/08/2018 August A request from Tharsus Ltd was received by email asking for information on the contractual arrangements between the SBRI programme and Inclusivity Ltd, a recipient of Phase 1 and Phase 2 funding. | 13/09/2018 A response letter was sent by NHS England, explaining what information was held, which parts of these could be disclosed, which parts were publicly available and which parts were confidential and could not be disclosed. The request and response letter are attached. | Completed and Closed |
| Martin Philcox | 01/05/2018 The following FOI request was received by email: Dear xxx, I am genuinely puzzled by the inability of SBRI to announce the results of this completion and provide the promised feed back. I now make the following Freedom of Information Requests to the SBRI: Who are the winners of the Technology in Surgery Competition 2017? What sums of money have been allocated to the winning projects? Martin Philcox | 02/05/2018 Mr Philcox had made an application in the Autumn 2017 "Technology in Surgery" call (SBRI 14). Mr Philcox was contacted by phone to explain that, whilst he had started an application, he did not complete or submit it. It was explained that unsuccessful companies had been informed and given feedback by April, but as this application had not in fact been submitted, no outcome or feedback could be given. Mr Philcox was shown that his application status remained "incomplete" on the competition portal. The SBRI team checked if there had been any technical reason for this to be the case, and concluded there were none. Mr Philcox accepted that this had been an error on his part and withdrew the FOI request. | Completed & Closed |
| Unknown | 30/11/2017 A Freedom Of Information (FOI) Request had been received by NHS England. The SBRI healthcare team was asked to provide information to assist a response to be formulated by NHS-E. The nature of the request and the response are detailed in the note attached | 06/12/2017 The necessary information was provided to HNHS England for a response to be drafted. (see document FOI 055038 response v2) | Completed & Closed |

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| <p>Chris Crockford - (Cardiocity Ltd.)</p> | <p>15/02/2017 Under the Freedom of Information Act we wish to understand the following information with regards the SBRI Healthcare programme.</p> <p>1 - Number of applicants for the last 3 SBRI healthcare competitions</p> <p>2 – Number of awards at Phase 1 and at Phase 2 over the last 24 months</p> <p>3 – Average value of Phase 1 and Phase 2 awards, awarded over the last 24 months</p> <p>4 – Number of applications where a trade body such as SEHTA/MediLink/AHSN have partnered in the application process with an SME.</p> <p>5 – Number of interviews conducted where an SME has enrolled the support of a trade body such as SEHTA, MediLink/AHSN etc.</p> <p>6 – Number of successful awards granted to an SME where a trade body such as SEHTA/Medilink/AHSN have played an active part in the application process.</p> <p>6 – Please confirm that a declarations of interest register is held for all assessors, interview panel and persons of management companies associated with SBRI Healthcare programme.</p> <p>7 - Please provide sight of the declarations of interest register</p> <p>8 – Please provide policy detailing how projects funded by SBRI are assessed for success.</p> <p>9 – Please provide policy detailing the role of the AHSN’s with regards determining the subject areas to be funded.</p> | <p>10/03/2017 Full response sent by Dr Steve Feast (see letter)</p> | <p>Completed and closed</p> |
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| | <p>10 – Please provide policy document detailing the relevant experience all assessors should have prior to their retention</p> <p>11 – Please provide policy document detailing the relevant experience all interview panel participants should have prior to their retention.</p> | | |
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