

TEXT OF LETTER TO LEGAL DEPARTMENTS OF MAJOR MEDIA OUTLETS

This letter is in response to the various articles published by The Times and in particular the article in The Times dated 6 August 2020 regarding the supply of PPE to DHSC by Ayanda Capital Limited (“Ayanda”) under the heading “Ministers waste £150m buying unusable masks from banker”.

Several inaccurate and misleading assertions have been made by The Times and this note seeks to correct and clarify those inaccuracies.

The Times article stated that the masks supplied are “unusable” or that “there are concerns that they cannot be fixed securely”.

The FFP2 masks supplied to DHSC by Ayanda were subject to a rigorous due diligence process by DHSC’s Technical Assurance team and approved by them.

The Government published specifications for masks online. These specifically referred to the European standards for FFP2 masks called BS EN149:2001+A1:2009. The masks supplied by Ayanda meet all these requirements and comply with all EU requirements for these type of masks.

The Government also published clarification of their standards saying that masks “should” have headbands rather than ear loops where possible but that it was not a requirement that they “must” have such fixings.

In its response to Good Law Project’s (GLP) Judicial Review claim, the Government Legal Department (GLD) stated that “head loops are not a requirement of the relevant FFP2 technical standard...and are accepted by other countries”.

In addition, GLD has confirmed that the masks meet the requirements of the relevant FFP2 standard (BS EN149:2001+A1:2009).

All the masks have been manufactured and either delivered or made available for collection to DHSC.

Under the terms of our contract the DHSC had 30 days to inspect and accept or reject each delivery of masks. The DHSC has not rejected any of our masks nor has it informed Ayanda that its masks are unusable, unsafe or cannot be fixed securely.

At no point has anyone in Government or DHSC ever suggested to Ayanda that the masks are unusable, do not meet the required standards or are unsafe in any way.

On 1 July a member of the Cabinet Office PPE Procurement team contacted Ayanda and asked if the remaining FFP2 masks that had not been delivered could be swapped from “ear loop” design masks to “Headband masks” as these had become the preferred design. The reason given was that some people found ear loop masks “uncomfortable”. As far as we are aware, this applied to all ear loop masks delivered by all vendors to DHSC.

No mention was made that the masks were “unusable”, “cannot be fixed securely” or were unsafe in any way.

As 47m of the 50m masks had already been manufactured Ayanda offered at its own cost to switch the remaining 3m masks to headband masks or swap them for a much larger volume of cheaper Type IIR masks as DHSC now had a greater requirement for Type IIR masks.

Ayanda remains mystified as to why DHSC seems to now be suggesting these masks are unusable and is seeking urgent clarification for GLD as to the basis of this assertion.

Regardless of the NHS’ recently declared preference for headband fixings the masks supplied by Ayanda can be used by any public sector worker so there has been no money wasted.