

Ref: FOI/GS/ID 8709 Review

**Please reply to:**  
FOI Administrator  
Trust Management  
Maidstone Hospital  
Hermitage Lane  
Maidstone, Kent  
ME16 9QQ  
Email: mtw-tr.foiadmin@nhs.net

26 January 2024

## **Freedom of Information Act 2000**

Thank you for your request for review of the Trust handling of your FOI request reference FOI/GS/ID 8709 and the information disclosed.

The questions on your original request are as follows:

In September the trust paid consultancy firm Verita for a clinical governance review.

I would like to see a copy of the terms of reference for this work please, as well as the report produced and any other outputs.

The review request:

I would like to appeal this decision please.

If the incident warranted an external investigation then it is clearly in the public interest and a version that has been suitably redacted to avoid identifying the patient should be provided.

Having carried out a review of your request the Trust is satisfied that the following exemptions apply.

### **31. Law enforcement**

(1) Information which is not exempt information by virtue of section 30 is exempt information if its disclosure under this Act would, or would be likely to, prejudice –

(g) the exercise by any public authority of its functions for any of the purposes specified in subsection (2),

(2) The purposes referred to in subsection (1)(g) to (i) are -

(e) the purpose of ascertaining the cause of an accident,

(j) the purpose of protecting persons other than persons at work against risk to health or safety arising out of or in connection with actions of persons at work.

Section 31 is a prejudice-based exemption. It is also subject to a public interest test.

Public interest considerations favouring disclosure

- There is a general public interest in promoting openness and transparency across the Trust
- There is a general public interest in the subject in question.

Public interest considerations favouring withholding the information

- The Trust believes that the information held within this review may be used in the future and disclosure could undermine any future proceedings.
- The Trust's function of monitoring and improving the standard of healthcare was a sufficiently important part of the overall structure designed to ensure a safe healthcare system which may be impacted by the release of this information at this time.