

Ref: FOI/GS/ID 8753

**Please reply to:**  
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23 January 2024

### **Freedom of Information Act 2000**

I am writing in response to your request for information made under the Freedom of Information Act 2000 in relation to Rainbow Badge Accreditation Report.

*You asked: All questions are shown as received by the Trust.  
I understand Maidstone and Tunbridge Wells NHS Trust took part in the 2022/2023 phase of the Rainbow Badge accreditation scheme for the Rainbow Badge project.*

*Please could you supply the final report of the assessment done by the organisation administering the accreditation scheme which I understand is the LGBT Foundation.*

*Please include all recommendations for change and improvements needed to achieve Rainbow Badge status that may have been made by the accreditation body.*

Trust response:

The Trust is applying the following exemptions to this request.

36. Prejudice to effective conduct of public affairs.

(1) This section applies to—

(b) information which is held by any other public authority.

(2) Information to which this section applies is exempt information if, in the reasonable opinion of a qualified person, disclosure of the information under this Act—

(b) would, or would be likely to, inhibit—

(i) the free and frank provision of advice, or

(ii) the free and frank exchange of views for the purposes of deliberation

#### 41. Information provided in confidence

(1) Information is exempt information if —

- (a) it was obtained by the public authority from any other person (including another public authority), and,
- (b) the disclosure of the information to the public (otherwise than under this Act) by the public authority holding it would constitute a breach of confidence actionable by that or any other person.

Section 36 is a prejudice-based exemption and we are required to carry out a public interest test to determine whether it would be in the public interest to release this information.

#### 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 there is a need for our staff members and third parties involved in this report to be able to have free and frank discussions and that disclosure of this report is likely to inhibit the willingness of those who have been involved to provide thoughts and opinions in the future.
- There is a possibility that this will have a negative impact on the quality of discussion and analysis which the Trust relies on to make fully informed decisions for the benefit of both staff and patients.