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Email: nhsbsa.foirequests@nhs.net
Website: www.nhsbsa.nhs.uk

Ref: 23344

Date: 28 March 2022

Dear Laura Ko

Subject: Freedom of information request

I am writing to confirm that I have now completed my search for the information which you requested on 28 February 2022 as outlined below:

'Dear NHS Business Services Authority,

This is a request under the Freedom of Information Act 2000 (FOIA). Please provide any information that you hold answering to any of the following descriptions:

- 1. Any application you made (or intend to make) in 2021 or 2022 to be a "Stonewall Diversity Champion" or to be included on Stonewall's "Workplace Equality Index," including any attachments or appendices to those applications. Please redact personal details if necessary.*
- 2. Any feedback you received in 2021, or to date, from Stonewall in relation to either application or programme.*
- 3. Any other communication you have received from Stonewall in 2021 or 2022 unless privileged or otherwise exempt from disclosure (but if you claim privilege or exemption in relation to any material, please say in broad terms what the material is and the basis on which you claim to be entitled to withhold it).*
- 4. Full details of any equality impact assessment you carried out connected with any of these applications (including any equality impact assessment carried out prior to an earlier application of the same kind, if no further assessment was done).*
- 5. Details of the total amount of money you paid to Stonewall (i) in 2021; (ii) in 2022, whether or not as payment for goods or services.*
- 6. Whether you intend to continue your membership of any Stonewall scheme in the future, and if so which.'*

Response

In your questions you ask for information relating to applications to be a Stonewall Diversity Champion or to be included in Stonewall's Workplace Equality Index.

Please note that becoming a Stonewall Diversity Champion (SDC) does not require an application, therefore this information is not held.

The NHSBSA has previously submitted an application in 2021 to be included in the Workplace Equality Index (WEI). Our response below is regarding this WEI 2021 application.

Question 1

WEI Application

An application to be included in the Workplace Equality Index is completed on Stonewall's online portal, where the information is hosted. Therefore, this information is not held by the NHSBSA.

Attachments

The information you requested is being withheld as it falls under the following exemptions in the Freedom of Information Act:

Section 40 – Personal Information

Please be aware that I have decided not to release personal data and special category personal data relating to NHSBSA staff as this information falls under the exemption in section 40 subsections 2 and 3 (a) of the Freedom of Information Act. This is because it would breach the first data protection principle as:

- a) it is not fair to disclose NHSBSA staff special category personal details to the world and is likely to cause damage or distress.
- b) these details are not of sufficient interest to the public to warrant an intrusion into the privacy of NHSBSA staff.

Please click the below web link to see the exemption in full.

<https://www.legislation.gov.uk/ukpga/2000/36/section/40>

Section 43 – Commercial Interests

The remainder of the requested information is commercially sensitive information about Stonewall's assessment of NHSBSA's progress against the LGBTQ agenda. The exemption under FOI section 43(2) is engaged because disclosure would likely damage Stonewall's commercial interests as the information could give other organisations entering the WEI a competitive advantage.

In applying this exemption, NHSBSA has had to balance the public interest in withholding the information against the public interest in disclosure.

The below web link sets out the exemption in full.

<https://www.legislation.gov.uk/ukpga/2000/36/section/43>

Please see the below factors in favour of maintaining the exemption, and in favour of disclosure of the information.

Factors for Disclosure

- public interest in disclosure of information concerning NHSBSA's progress against LGBTQ and inclusivity

Factors for withholding

- Disclosure would weaken Stonewall's ability to participate competitively in any future commercial activity as organisations would be less willing to engage with its services if detailed submission and feedback information were shown to be subject to disclosure and so would lead to a loss of income for Stonewall.
- Disclosure of this information would prejudice Stonewall's commercial interests, by disclosing sensitive information would likely be used by other organisations making a WEI submission to gain a competitive advantage and undermine confidence in the WEI

Question 2

Feedback supplied by Stonewall was received in confidence under the terms of the Stonewall data protection and privacy policy. The NHSBSA agreed to abide by this when submitting the WEI application. This information is being withheld as it falls under the exemption in section 41(1) 'Information provided in confidence' of the Freedom of Information Act.

Please click the below web link to see the exemption in full.

<https://www.legislation.gov.uk/ukpga/2000/36/section/41>

Question 3 and 4

The information requested in these questions is not held. This is because no equality impact assessment was conducted specific to our WEI submission as this was not required as part of the application.

Question 5

For the financial year 2021/22 (To date) the total paid is £3,654. This includes:

Stonewall Champion Membership
London workplace Conference
LGBTQ+ and disabilities workshop
Network Group Masterclass

Question 6

Yes – Diversity Champions

Please note that this request and our response is published on our Freedom of Information disclosure log at:

<https://opendata.nhsbsa.net/dataset/foi-23344>

Data Queries

If you have any queries regarding the data provided, or if you plan on publishing the data please contact nhsbsa.foirequests@nhs.net ensuring you quote the above reference. This is important to ensure that the figures are not misunderstood or misrepresented.

If you plan on producing a press or broadcast story based upon the data please contact nhsbsa.communicationsteam@nhs.net. This is important to ensure that the figures are not misunderstood or misrepresented.

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If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of my decision, please write within 40 working days of the date of this letter to:

Chris Gooday
Information Governance Manager
NHS Business Services Authority
Stella House
Goldcrest Way
Newburn Riverside Business Park
Newcastle upon Tyne
NE15 8NY

Details of how we will handle your review request are available on our website at:

<https://bit.ly/2Sjdk2H>

If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner's Office (ICO) for a decision. Please note that generally, the ICO cannot make a decision unless you have exhausted the NHS Business Services Authority's complaints procedure.

The Information Commissioner can be contacted at:-

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF

Tel: 01625 545 745

Fax: 01625 524 510

Email: enquiries@ico.gsi.gov.uk

If you have any queries about this letter, please contact me. Please quote the reference number above in any future.

Yours sincerely

A handwritten signature in black ink, appearing to read 'CDunn'.

Chris Dunn
Information Governance Specialist