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14th December 2023

Reference number: CPFT FOI F24-453

SENT BY EMAIL

Dear Ms Cleland

Thank you for your email requesting information under the Freedom of Information Act 2000. Please find the response attached as requested.

Your Request

I understand Cambridgeshire and Peterborough NHS Foundation 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.

Our Response

We can confirm that the Trust holds the information you have requested, however, after careful consideration, we are withholding this information under Section 36 and Section 41 of the Freedom of Information Act.

The application of exemptions is explained in the following paragraphs:

Section 36 – prejudice to the effective conduct of public affairs

Section 36 provides that information is exempt from disclosure if it would, or would be likely to, inhibit the free and frank exchange of views or provision of advice for the purposes of deliberation or otherwise prejudice the conduct of public affairs.

We are of the opinion that disclosure of the information in the Rainbow Badge Assessment report is likely to inhibit the free and frank exchange of views and provision of advice internally within CPFT.



This is because the information contained within this report relates to actions which remain work in progress and for which final details still need to be further deliberated and considered. Furthermore, some of the information provided in this report includes advice, views and recommendations about matters which are not yet in the public domain or have yet to be decided.

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

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. We have considered that the information contained in this report may be relevant to our staff and patients under our care who identify as LGBT +, and as such, there may be public interest in understanding the Trust's current policies and procedures in place to support these individuals, and the reasoning behind scores provided by the Rainbow Badge Assessors.

Public interest considerations favouring withholding the information

- Although there is public interest in the subject in question, we have considered that the advice and recommendations within this report relate to actions which are currently work in progress. We do not believe that it is in the public interest to disclose this information prematurely whilst the actions arising from this report are yet to be finalised.
- We strongly believe that there is a need for our staff members and third parties involved in this report to have a 'safe space' to be able to have free and frank discussions without exposure to public scrutiny.
- We have considered that disclosure of this report is likely to inhibit the willingness of those who have been involved in and provided thoughts / opinions into this report to feel comfortable to submit their views freely and frankly in the future.
- This in turn may have a negative impact on the quality of discussion and analysis which the Trust relies on to make fully informed decisions, which may prejudice our ability to make meaningful changes to our policies / procedures and improve our LGBT practices for our patients and staff, as we would need this input in order to better improve our services.

In conclusion, we have reached the view that on balance, the public interest is served by withholding this information at this time.

Section 41 – information provided in confidence

We have noted that the report contains staff surveys which provide comments and views of members of staff within CPFT, who may have provided this information anonymously with the expectation that this would not be further disclosed into the public domain. We believe that disclosure would amount to an actionable breach of confidence and may prevent our staff from feeling comfortable to disclose such information in the future.

We are therefore withholding this information under Section 41 of the Freedom of Information Act. Section 41 is an absolute exemption and the application of the public interest test pursuant to section 2(2) of the Act is not required.

However, in considering whether, in an action for breach of confidence, a confidence should be upheld, a court will have regard to whether the public interest nonetheless lies in favour of disclosure. Where a duty of confidence exists, there is a strong public interest in favour of maintaining that confidence. In the present circumstances, we do not consider that there is a strong public interest in disregarding the duty of confidence owed to our members of staff.



However, we recognise the need to be transparent and accordingly will publish information of interest where appropriate.

I trust this information meets your needs. If you have any query or concern about the handling of your enquiry then please contact the Trust's Freedom of Information Lead at the address below.

You also have the right of appeal to the Information Commissioner at:

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

Telephone: 01625 545700

Website: www.informationcommissioner.gov.uk

Yours sincerely,



Anna Hills
Chief Executive Officer

