

Freedom of Information Act 2000 – Request Reference FoI/24/316

Stonewall

Stonewall attempted to have EHRC stripped of its A status. Does Cardiff and Vale University Health Board support Stonewall's challenge of the EHRCs A status?

Cardiff and Vale University Health Board (the UHB) does not hold this information. Please be aware that the Freedom of Information Act 2000 (FOIA) grants individuals the right to access information that is held by a public authority at the time of request, subject to any applicable exemptions. A public authority is not required to comply with a request if this requires creating new information that does not already exist.

I would like to know how much money Cardiff and Vale University Health Board paid to Stonewall in 2021, 2022 and 2023.

After considering your request, the UHB considers this information to be exempt from disclosure under section 43 of the FOIA. This section of the Act sets out an exemption from the right to know if:

- the information requested is a trade secret, or
- release of the information is likely to prejudice the commercial interests of any person. (A person may be an individual, a company, the public authority itself or any other legal entity.)

This exemption was considered by the UHB when deciding whether to disclose information because it considered that in doing so there could be a significant risk in prejudicing the commercial interests of both Stonewall and the UHB. As this is a qualified exemption, the UHB is required to complete a public interest test in deciding whether it is in the public's interest to withhold or disclose the information.

In favour of disclosure

There is a public interest in transparency and in the accountability of spending of public funds. Furthermore, it is in the public's interest that public funds be used effectively and that public sector bodies obtain the best value for money when contracting for the provision of services.

Against disclosure

It has been established that releasing the information sought under the FOIA, to which the UHB is subject, will give an unfair advantage to Stonewall's competitors. Stonewall's empowerment programme is the leading training programme for ensuring all LGBTQ+ staff are accepted without exception in the workplace. This programme is important to Stonewall as it provides valuable income for the charity, while at the same time furthering its charitable objects. Disclosure of this information would be prejudicial to Stonewall's commercial interests as it would allow competitors access to Stonewall's expertise in relation to inclusion work. There is a wide range of organisations who deliver training, guidance, and accreditation on LGBTQ+ inclusion. Organisations providing similar services are expected to do market research around their competitors, and would be likely to use any information gained in relation to Stonewall from Freedom of Information disclosures to their advantage, and to Stonewall's detriment.

Additionally, it would allow other organisations the benefit of Stonewall's expertise without purchasing the training. This deprives Stonewall of the income from such bodies and in turn the opportunity to assist with the improvement of their inclusion practices and, more widely, impacts on Stonewall's ability to achieve its charitable objects.

Furthermore, there is a risk of disclosure prejudicing the commercial interests of the UHB by affecting its bargaining position with suppliers. This in turn could lead to less effective use of public funds in future. The UHB believes that there is wider established public interest in suppliers not being prejudiced merely because they have contracted with a public sector body (as upheld in ICO decision notice FS50473543 *ICO v Royal Marsden Hospital Trust*).

Decision

The UHB considers that the public interest in withholding the information is greater than the interest in disclosing it and thereby giving unfair commercial advantage to competitors of the supplier to which this information concerns. The UHB believes that disclosure of information in a manner which fails to protect the interests and relationships arising in a commercial context could have the effect of discouraging companies from dealing with the UHB because of fears that the disclosure of information could damage them commercially. This could consequently jeopardise the UHB's ability to compete fairly and pursue its function to bring forward development in the area and obtain value for money. It was therefore decided that it is not in the public's interest to disclose this information.

However, in accordance with a public authority's duty to advise and assist pursuant to section 16 of the FOIA, the UHB can disclose that the UHB paid £4,000.00 to Stonewall in 2021, and the membership fees paid to Stonewall were £3,000.00 for 2022 and £3,090.00 for 2023.

I would like to know who took the decision for it to be appropriate for Cardiff and Vale University Health Board to be under Stonewall's influence, and on what basis.

The UHB does not hold this information.

I would like to know if Cardiff and Vale University Health Board has undertaken any similar political activism like it has in being a member of Stonewall in support of gender critical views, LGB people who reject any association with the new version of Stonewall because they consider it to be advocating against LGB people, and the importance of single sex spaces, services and sports for women and girls.

The UHB is an inclusive employer and is respectful of the protected characteristics as outlined under the Equality Act 2010. The UHB provides services to the diverse communities within Cardiff and the Vale of Glamorgan as well as wider tertiary services for the population of Wales. The UHB remains impartial and does not get involved in political activism.

Lastly, does Cardiff and Vale University Health Board plan to continue to give money to Stonewall?

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