

Freedom of Information Request

Reference Number: EPUT.FOI.23.3114
Date Received: 29th August 2023

Information Requested:

Essex Partnership University NHS Foundation Trust takes all reports of sexual misconduct seriously and all reports are recorded pending thorough investigation and regardless of outcome. All staff have a professional duty to report concerns and a lot of work has taken place across the Trust to build a culture in which colleagues and patients are encouraged to report concerns via our Freedom to Speak Up network and Patient Liaison Service in addition to our formal incident reporting systems.

Clear systems are in place to ensure all reported incidents are recorded and investigated swiftly and all staff take regular mandatory safeguarding training reminding them of the importance of reporting concerns and how to do so. The Trust records all aspects of Sexual misconduct and violence under the 'Sexual Safety' Category on its Risk Management system. The following data is the appropriate sub categories relevant to the request received.

Sexual misconduct covers a broad range of inappropriate, unwanted sexual behaviour. From the most severe forms of sexual violence, including rape and sexual assault, it also extends across to sexual harassment, stalking, and abusive or degrading remarks.

The NHS definition of sexual violence describes it as any sexual act that a person did not consent to, or is forced into against their will, including rape, sexual assault, unwanted sexual touching, forced kissing, child sexual abuse, sexual torture and other sexual offences.

1. The number of sexual safety incidents reported on in-patient wards from 2019 to the latest available month in 2023? – In each case can you specify who was affected (e.g. staff, patient etc.) and who the perpetrator was (e.g. staff, patient etc.) and specify the sex of the parties involved? Could you split the data month and year please (e.g. January 2023, February 2023 etc.?)

The figures below are up to 18 September 2023:

Sexual Safety Incidents (Inpatient)	2019	2020	2021	2022	2023	Total
Service User on Service User	52	46	45	47	44	234
Service User on Staff	57	50	76	63	62	308
Service User on Other	2	3	2	5	4	16
Staff on Service User	9	7	3	7	8	34
Staff on Staff	2	1	1	3	0	7
Staff on Other	0	0	1	0	0	1
Other on Service User	9	7	3	8	8	35
Other on Staff	1	0	2	0	1	4
Other on Other	0	0	0	1	2	3
Total	132	114	133	134	129	642

2. How many formal sexual safety complaints have been made on in-patient wards from 2019 to the latest available month in 2023? – in each case can you specify the complainant (e.g. staff or patient etc.) and who the complaint was made against (e.g. staff or patient etc.) and specify the sex of the parties involved. Could you split the data month and year please (e.g. January 2023, February 2023 etc.?)

[Original Question: \(eput.nhs.uk\)](https://eput.nhs.uk)

<https://eput.nhs.uk/media/d5nhpcrq/eput-foi-23-3030.pdf> Cover April 2022 – March 2023

<https://eput.nhs.uk/media/xqvn4y3v/eput-foi-22-2733.pdf> Cover 2017 -2022

≤5

Please note that the trust’s policy is not to provide patient or staff numbers, where the response is less than or equal to five (≤5) as it would potentially allow identification of the individual patient/staff and would therefore be personal data. The trust considers that release of that information would breach GDPR/DPA18 principles on the grounds that it would not be fair in all the circumstances. This information is therefore exempt under section 40 of the FOI Act 2000

3. How many breaches of the single sex ward policy have been recorded (patients being placed on mixed wards) from 2019 to the latest available month in 2023? – If possible, in each case can you specify the sex of the patient(s) affected? Could you split the data month and year please (e.g. January 2023, February 2023 etc.?)

The figures below are up to 18 September 2023:

Month	Fiscal Years				
	2019/20	2020/21	2021/22	2022/23	2023/24
Apr	0	0	0	0	0
May	0	0	0	0	0
Jun	0	0	0	0	0
Jul	0	1	0	0	0
Aug	0	0	0	0	0
Sep	0	0	0	0	
Oct	0	1	0	0	
Nov	0	0	0	0	
Dec	0	0	0	0	
Jan	0	0	0	0	
Feb	0	0	0	0	
Mar	0	0	0	0	
Total	0	2	0	0	0

4. How many sexual safety incidents reported across the whole Trust services from 2019 to the latest available month in 2023? - In each case can you specify who made the report (e.g. staff or patient etc.) and who was reported (e.g. staff or patient etc.) and specify the sex of the parties involved. Could you split the data month and year please (e.g. January 2023, February 2023 etc.?)

The figures below are up to 18 September 2023:

Sexual Safety Incidents (Trust Wide)	2019	2020	2021	2022	2023	Total
Service User on Service User	55	47	48	51	45	246
Service User on Staff	62	61	90	76	70	359
Service User on Other	4	5	3	8	6	26
Staff on Service User	12	10	5	10	11	48
Staff on Staff	3	1	1	4	1	10
Staff on Other	0	1	1	0	0	2
Other on Service User	14	12	13	19	12	70
Other on Staff	1	3	3	2	2	11
Other on Other	0	0	0	2	2	4
Total	151	140	164	172	149	776

5. How many reports have been made to the police in relation to sexual safety incidents from 2019 to the latest available month in 2023? - Could you split the data month and year please (e.g. January 2023, February 2023 etc.?)

We can neither confirm nor deny whether some of the information you have requested is held by the Trust in its entirety. This is because the information requested is not held in an easily retrievable format, but may be recorded in individual records. In order to confirm whether this information is held we would therefore have to individually access all records within the Trust and extract the information where it is present. We therefore estimate that complying with your request is exempt under section 12 of the FOI Act: cost of compliance is excessive. The section 12 exemption applies when it is estimated a request will take in excess of 18 hours to complete. We estimate that accessing and reviewing all health records and then extracting relevant information would take longer than the 18 hours allowed for.

6. Do you have an individual Board lead for sexual safety? - Please answer yes or no.
Yes

7. Have you audited the collaborative 'Sexual Safety Standards' (2020) in your Trust? - Please answer yes or no. If yes, could you provide a copy of the report please?

[Original Question: \(eput.nhs.uk\)](http://eput.nhs.uk)

<https://eput.nhs.uk/media/d5nhpcrq/eput-foi-23-3030.pdf>

Section 12 (Exemption where cost of compliance exceeds appropriate limit):

- (1) Section 1(1) does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.
- (2) Subsection (1) does not exempt the public authority from its obligation to comply with paragraph (a) of section 1(1) unless the estimated cost of complying with that paragraph alone would exceed the appropriate limit.
- (3) In subsections (1) and (2) "the appropriate limit" means such amount as may be prescribed, and different amounts may be prescribed in relation to different cases.

- (4) The Secretary of State may by regulations provide that, in such circumstances as may be prescribed, where two or more requests for information are made to a public authority—
- (a) by one person, or
 - (b) by different persons who appear to the public authority to be acting in concert or in pursuance of a campaign, the estimated cost of complying with any of the requests is to be taken to be the estimated total cost of complying with all of them.
- (5) The Secretary of State may by regulations make provision for the purposes of this section as to the costs to be estimated and as to the manner in which they are to be estimated

Section 21: Information accessible to applicant by other means.

- (1) Information which is reasonably accessible to the applicant otherwise than under section 1 is exempt information.
- (2) For the purposes of subsection (1)—
- (a) information may be reasonably accessible to the applicant even though it is accessible only on payment, and
 - (b) information is to be taken to be reasonably accessible to the applicant if it is information which the public authority or any other person is obliged by or under any enactment to communicate (otherwise than by making the information available for inspection) to members of the public on request, whether free of charge or on payment.
- (3) For the purposes of subsection (1), information which is held by a public authority and does not fall within subsection (2)(b) is not to be regarded as reasonably accessible to the applicant merely because the information is available from the public authority itself on request, unless the information is made available in accordance with the authority's publication scheme and any payment required is specified in, or determined in accordance with, the scheme.

Publication Scheme:

As part of the Freedom of Information Act all public organisations are required to proactively publish certain classes of information on a Publication Scheme. A

publication scheme is a guide to the information that is held by the organisation.
EPUT's Publication Scheme is located on its Website at the following link
<https://eput.nhs.uk>