

Freedom of Information Request

Reference Number: EPUT.FOI.24.3353
Date Received: 4th February 2024

Information Requested:

Under the Freedom of Information Act 2000, I am requesting the following information from Essex Partnership University NHS Foundation Trust over the last 12 months.

1. The number of male staffs who have had allegations and or investigations carried out against them for sexually inappropriate behaviours.

The number of male staff who have been reported via Datix as having investigations made against them for inappropriate behaviours for the identified time period is reported as less than or equal to five (≤ 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.

The number of male staff who have been reported via Datix as having allegations made against them for inappropriate behaviours for the identified time period is reported as 15.

2. The number of female staffs who have had allegations and or investigations carried out against them for sexually inappropriate behaviours.

The number of female staff who have been reported via Datix as having investigations or allegations made against them for inappropriate behaviours for the identified time period is reported as less than or equal to five (≤ 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. The number of staffs who have gone through a formal investigation following such allegations and if this data can be separated into genders.

6 Staff (5x male and 1x female).

4. CQC action plan submitted regarding the case for RMN B. Molefi who is currently on an 18 months interim suspension order by NMC.

The Trust confirms there is no CQC action plan referencing the named individual.

5. Copies of any policies reviewed and or put in place to tackle the culture of these behaviours within your organisation.

EPUT Behavioural Framework

Sexual Health and Behaviour in in-patient units Clinical Guideline CG60 currently under review.

Staff sexual safety reporting pathway for both in hours and out of hours launched 20 February 2024.

Trust became a signatory to the NHS Sexual Safety Charter in November 2023 committing to the ten pledges and providing a clear reporting and support mechanism for staff experiencing sexual assault, harassment or abuse in the workplace.

EPUT Sexual Safety Intranet page to support access to resources and support.

6. What support has been put in place for all staff who have had such allegations made against them?

Below support offered to all staff:

- HELP Employee Assistance Programme on **0800 731 8627**, which is strictly confidential and available 24 hours a day, 7 days a week. You can also visit eput.helpeap.com and enter the organisation code **EPUT1**.
- Here for You staff psychological support service. Call **0344 257 3960** at any time.
- Optima Health Occupational Health Service on **0333 121 3000** or nhseast@optimahealth.co.uk available 9am-5pm Monday to Friday.
- Employee Experience team: epunft.staffengagement@nhs.net
- Equality Advisor: epunft.equality@nhs.net
- Freedom to Speak Up Guardian, Bernadette Rochford: f2su.eput@nhs.net
- BAME Network: epunft.bamenetwork@nhs.net
- Staff side Chair: oladipo.ogedengbe@nhs.net

7. The number of cases that have been referred to the local police.

3 conduct cases have been referred to the Police.

The number of cases that were reported to the police during the time period where allegations had been made against members of staff was reported on Datix as 4.

Section 40 (Personal information):

- (1) Any information to which a request for information relates is exempt information if it constitutes personal data of which the applicant is the data subject.
- (2) Any information to which a request for information relates is also exempt information if—
 - (a) it constitutes personal data which do not fall within subsection (1), and
 - (b) either the first or the second condition below is satisfied.
- (3) The first condition is—
 - (a) in a case where the information falls within any of paragraphs (a) to (d) of the definition of “data” in section 1(1) of the Data Protection Act 2018, that the disclosure of the information to a member of the public otherwise than under this Act would contravene—
 - (i) any of the data protection principles, or
 - (ii) section 10 of that Act (right to prevent processing likely to cause damage or distress), and
 - (b) in any other case, that the disclosure of the information to a member of the public otherwise than under this Act would contravene any of the data protection principles if the exemptions in section 33A(1) of the Data Protection Act 2018 (which relate to manual data held by public authorities) were disregarded.
- (4) The second condition is that by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(c) of that Act (data subject’s right of access to personal data).
- (5) The duty to confirm or deny—
 - (a) does not arise in relation to information which is (or if it were held by the public authority would be) exempt information by virtue of subsection (1), and
 - (b) does not arise in relation to other information if or to the extent that either—
 - (i) the giving to a member of the public of the confirmation or denial that would have to be given to comply with section 1(1)(a) would (apart from this Act) contravene any of the data protection principles or section 10 of the Data Protection Act 2018 or would do so if the exemptions in section 33A(1) of that Act were disregarded, or
 - (ii) by virtue of any provision of Part IV of the Data Protection Act 2018 the information is exempt from section 7(1)(a) of that Act (data subject’s right to be informed whether personal data being processed).
- (6) In determining for the purposes of this section whether anything done before 24th October 2007 would contravene any of the data protection principles, the exemptions in Part III of Schedule 8 to the Data Protection Act 2018 shall be disregarded.
- (7) In this section— “the data protection principles” means the principles set out in Part I of Schedule 1 to the Data Protection Act 2018, as read subject to Part II of that Schedule and section 27(1) of that Act;

- “data subject” has the same meaning as in section 1(1) of that Act;
 - “personal data” has the same meaning as in section 1(1) of that Act.
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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>