

Freedom of Information Request

Reference Number: EPUT.FOI.23.2800
Date Received: 16th of January 2023

Information Requested:

1. Please provide the number of allegations reported within your trust, clinical commissioning group or other care setting as defined, of
 - a) Rape
 - b) Sexual assault
 - c) Sexual harassment
 - d) Sexual misconduct

The Trust believes that this information is publicly available on the <https://eput.nhs.uk/media/lecfzxy/eput-foi-22-2648-response.pdf> website for the year covering 2017/8, 2018/19, 2020/21, 2021/22 and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):

EPUT 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.

Sexual Violence and misconduct by staff against patients	2022
Safety from Sexual Harm - Staff on Service User	7
Sexual Harassment - Staff on Service User	1
Sexual Assault - Staff on Service User	1
Total	9

Sexual violence and misconduct by patients against other patients	2022
Safety from Sexual Harm - Service User on Service User	19
Sexual Harassment - Service User on Service User	11
Sexual Assault - Service User on Service User	9
Other Sexual Incident - Service User on Service User	12
Total	51

Sexual violence and misconduct by patients against staff	2022
Safety from Sexual Harm - Service User on Staff	29
Sexual Harassment - Service User on Staff	15
Sexual Assault - Service User on Staff	12
Other Sexual Incident - Service User on Staff	9

Sexual Grooming - Service User on Staff	1
Total	66

Sexual violence and misconduct by staff against other staff	2022
Safety from Sexual Harm - Staff on Staff	2
Sexual Harassment - Staff on Staff	1
Sexual Assault - Staff on Staff	1
Other Sexual Incident - Staff on Staff	1
Total	5

Sexual violence and misconduct by visitors against patients	2022
Safety from Sexual Harm - Other on Service User	10
Sexual Assault - Other on Service User	6
Other Sexual Incident - Other on Service User	1
Sexual Abuse - Other on Service User	1
Sexual Grooming - Other on Service User	1
Total	19

Sexual violence and misconduct by visitors against staff	2022
Sexual Harassment - Other on Staff	2
Other Sexual Incident - Other on Staff	1
Total	3

2. Please advise the location of these offences and or alleged offences broken down by location Mental Health Unit, Hospital, Other Hospital Setting to be clearly defined.

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.

3. Please provide this data for the years - 2020, 2021, 2022 and to date.

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.

4. Please provide a month by month and location.

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.

5. Please identify if these allegations are:

- a) On Staff carried out by a staff Member
- b) On Staff carried out by a patient or visitor
- c) By Staff on a Patient
- d) By Staff on a visitor
- e) On Staff carried out by a visitor

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. For each of these allegations please advise if a suspect was identified and or arrested.

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.

7. If a suspect was identified and the suspect was identified as a member or staff or a contractor to the trust, CCG or group.
 - a) What was the outcome?
 - b) Was the suspect subsequently arrested, charged, convicted or NFA?
 - c) Was the suspect subsequently investigated, suspended or dismissed from the Trust.

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.

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
-

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>