

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.24.3348

**Date Received:** 31<sup>st</sup> of January 2024

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### Information Requested:

I am writing to request the following from your NHS trust under the Freedom of Information Act 2000:

The number of sexual assaults, rapes and sexual harassment / abuse offences reported at your trust, for the calendar years 2021, 2022 and 2023.

1. Please list the items of
  - a) Sexual Safety Incidents
  - b) Rapes (including gang rapes – please specify)
  - c) Sexual harassment / abuse offences reported per year

Essex Partnership University NHS Foundation Trust takes all reports of sexual misconduct seriously and all reports are recorded pending investigation and regardless of outcome. As a Trust we are a signatory of the NHS Sexual Safety Charter.

All our staff have a professional duty to report concerns, 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 then investigated. All our staff undertake regular mandatory safeguarding training, which reminds 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 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.

The following data is all sexual violence and misconduct incidents perpetrated by:

- staff against patients
- patients against staff
- patients against patients
- staff against staff
- others against patients
- others against staff

	2021	2022	2023
1(a) Sexual Safety Incidents	171	176	221
1(b) Rapes *	-	-	-
1(c) Sexual Harassment / Abuse	0	5	35

\* 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.

Please specify:

2. How many were reported to the police
3. How many had staff listed as a suspect
4. How many had staff listed as the victim
5. How many had a patient(s) listed as a suspect
6. How many had a patient(s) listed as a victim

The following data also includes sexual violence and misconduct incidents where the suspect is someone other than a patient or a staff member and are components of the 'listed as a victim' numbers.

	2021	2022	2023
2. Reported to the police	18	24	15
3. Staff listed as a suspect	14	17	21
4. Staff listed as victim	95	84	104
5. Patient(s) listed as a suspect	141	135	176
6. Patient(s) listed as victim	59	79	107

7. Please also specify report outcomes, i.e. how many resulted in police action, without identifiers  
We are unable to provide outcomes, as this information is not captured on our incident management system or our other systems. Noting that the police do not provide updates on their investigations.
8. Please provide a copy of your sexual safety policy  
Please see attached policy

**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>