

## Freedom of Information Request

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**Reference Number:** EPUT.FOI.23.2941  
**Date Received:** 21th of April 2023

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### Information Requested:

I am writing to you under the Freedom of Information Act 2000 to request the following information from your NHS trust. Please may you provide me with:

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 rape incidents at mental health hospitals within your trust, broken down by financial year, since 2010.

The Trust can provide sexual misconduct incidents for the period of 2017-2022 that are already detailed in EPUT.FOI.22.2648. This is publicly available on the <https://eput.nhs.uk/media/lecfzsy/eput-foi-22-2648> website and therefore is applying a **Section 21 exemption of the Act** (Information accessible to applicant by other means):

The collation of data from 2010 – 2017 would require the search of multiple legacy systems therefore The Trust is unable to provide all of the information requested as this would require a manual trawl and exceed the time and cost limits, as set out in the Act. The Trust is therefore applying **Section 12 of the Act** (where cost of compliance exceeds appropriate limit).

2. The number of sexual assault incidents at mental health hospitals within your trust, broken down by financial year, since 2010.

[See response to Q1 above](#)

Please provide this data in a table format.

[See response to Q1 above](#)

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**Applied Exemption:**

**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>