

Freedom of Information Request

Reference Number: EPUT.FOI.23.3059
Date Received: 20th of July 2023

Information Requested:

1) How many patients have reported being sexually assaulted by another patient to the Trust between 1 January 2018 and 30 June 2023?
Please can you break down the figure by year (i.e 2018, 2019, 2020, 2021, 2022 and 2023).

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.

The Trust believes for the years listed below that the information is held on the Trust's website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):

2018 - <https://eput.nhs.uk/media/lecfzsxy/eput-foi-22-2648-response.pdf>
2019 - <https://eput.nhs.uk/media/lecfzsxy/eput-foi-22-2648-response.pdf>
2020 - <https://eput.nhs.uk/media/lecfzsxy/eput-foi-22-2648-response.pdf>
2021 - <https://eput.nhs.uk/media/lecfzsxy/eput-foi-22-2648-response.pdf>
2022 - <https://eput.nhs.uk/media/lecfzsxy/eput-foi-22-2648-response.pdf>
Up until 15th of May 2023 - eput.nhs.uk/media/lcvnodxw/eput-foi-23-2971.pdf

Please see table below response from 15 May 2023 to 30 June 2023:

| 01.05.2023 – 30.06.2023 | May 2023 | Jun 2023 | Total |
|--|----------|----------|-------|
| Safety from Sexual Harm - Service User on Service User | 2 | 6 | 8 |
| Sexual Harassment - Service User on Service User | 0 | 1 | 1 |
| Sexual Assault - Service User on Service User | 0 | 2 | 2 |
| Other Sexual Incident - Service User on Service User | 0 | 3 | 3 |
| Total | 2 | 12 | 14 |

2) How many patients have reported being sexually assaulted by a Trust staff member between 1 January 2018 and 30 June 2023.
Please can you break down the figure by year (i.e 2018, 2019, 2020, 2021, 2022 and 2023).

The Trust believes for the years listed below that the information is held on the Trust's website and therefore is applying a Section 21 exemption of the Act (Information accessible to applicant by other means):

2018 - <https://eput.nhs.uk/media/lcfzszy/eput-foi-22-2648-response.pdf>
 2019 - <https://eput.nhs.uk/media/lcfzszy/eput-foi-22-2648-response.pdf>
 2020 - <https://eput.nhs.uk/media/lcfzszy/eput-foi-22-2648-response.pdf>
 2021 - <https://eput.nhs.uk/media/lcfzszy/eput-foi-22-2648-response.pdf>
 2022 - <https://eput.nhs.uk/media/lcfzszy/eput-foi-22-2648-response.pdf>
 Up until 15th of May 2023 - eput.nhs.uk/media/lcvnodxw/eput-foi-23-2971.pdf

Please see table below response from 15 May 2023 to 30 June 2023:

| 01.05.2023 – 30.06.2023 | Jun 2023 | Total |
|---|----------|-------|
| Safety from Sexual Harm - Staff on Service User | 1 | 1 |
| Total | 1 | 1 |

Definition: By sexual assault, I mean when someone touches another person in a sexual manner without their consent or when someone makes another person take part in a sexual activity with them without that person's consent.

Applied Exemption:

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>