

15 June 2022

Information Rights & Compliance Team
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Our Ref: FOI/04283

Thank you for your request concerning offences and or allegations.

Your request has been considered and processed in accordance with the requirements of the Freedom of Information (FOI) Act 2000.

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

We are unable to provide you with information involving allegations of Rape, Sexual Harassment or Sexual Misconduct because these are not a reportable category on our reporting system.

Please see below the number of allegations for sexual assault and sexual abuse.

NOTE: We are a large Mental Health (MH) and Learning Disability (LD) Trust that covers four counties; Hertfordshire, Norfolk, Essex and Buckinghamshire with responsibility for Acute and Rehabilitation MH services, Children & Adolescent MH services, Community Services, Older People MH services, LD Assessment & Treatment, LD Continuing Care with two LD Forensic Medium Secure Units and one LD Forensic Low Secure Unit.

It should also be noted that even where the description states actual or attempted these will sometimes be unwitnessed allegations and not substantiated at the point of reporting.

	2019	2020	2021	2022
service user to service user (actual sexual assault)	6	7	*	*
Service user to service user (attempted sexual assault)	*	11	9	0
Service user to staff (actual sexual assault)	12	11	14	*
Service user to staff (attempted sexual assault)	14	13	9	7
Staff on staff (actual sexual assault)	0	0	*	0
Allegation of sexual abuse Service User to Service User	*	*	*	*
Allegation of sexual abuse Staff to Service User	6	*	8	*

* Due to the small numbers of some allegations we have applied Exemption Section 40(2). This is because entries of 5 or less are considered sufficiently small enough to

be potentially identifiable data. On this basis, this information is exempt from the duty to publish¹.

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.**

These allegations were made within our in-patient units.

3. **Please provide this data for the last three years, 2019, 2020, 2021 and 2022 to date.**

Please see above table.

4. **Please provide a month by month and location**

We are unable to provide a month by month and location breakdown due to the small number of allegations. Please see explanation given under question 1.

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

Please see above table.

6. **For each of these allegations please advise if a suspect was identified and or arrested**
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.**
What was the outcome?
Was the suspect subsequently arrested, charged or convicted?
Was the suspect subsequently investigated, suspended or dismissed from the Trust.

Whether a Police or HR investigation has taken place is not recorded on our Incident Reporting System.

To provide you with this information would involve manually reviewing all of the allegations and then they would need to be cross referenced against the service user's Electronic Patient Record (EPR) and/or the staff member's Electronic Staff Record (ESR). It is estimated that it would take 30 minutes to scrutinise each allegation across the three different data sources and this would exceed the cost of compliance².

In addition, we do not believe reading through individuals medical records or staff members personal files for the purpose of a FOI request would be in line with the GDPR Data Protection Principles or the Caldicott Principles.

Should you require further clarification, please do not hesitate to contact me.

¹ Section 40(2) - Personal Data has been applied. This is because by releasing this information could identify individual(s) and constitute a breach of the Data Protection Act (2018).

² Section 12 - Cost of compliance exceeds the appropriate limit

Please find enclosed an information sheet regarding copyright protection and the Trust's complaints procedure in the event that you are not satisfied with the response.

Yours sincerely

Sue Smith

Sue Smith
Information Rights Officer

Enc: Copyright Protection and Complaints Procedure Information Leaflet.

If you would like to complete a short survey in relation to your Freedom of Information request please scan the QR code below or click [here](#).

