



Ref: FOIA Reference 2022/23-497

Date: 5th January 2023

Email foi@uhnm.nhs.uk

Dear

I am writing to acknowledge receipt of your email dated 28th November 2022 requesting information under the Freedom of Information Act (2000) regarding sexual misconduct

On 1st December 2022 you contacted us via email with an amendment to your request:
'On either 28 November or 30 November I submitted a freedom of information request relating to allegations of sexual misconduct in NHS Trusts.'

I would like to update my request with a slight change to the date range, so that it focuses on the financial years 2017/18 and 2021/22, not calendar years. I have highlighted the updated date range in the request text below. Hopefully this will make it easier to collate the data.

Please accept my apologies for not rectifying this in the initial request and I thank you for your understanding.

This is a request for information under the Freedom of Information Act 2001. Please note there are six parts to my request, however if answering all six parts pushes my request over the cost limit, please just respond to parts 1, 2 and 3.

1. **Between financial years 2017/2018 and 2021/2022**, how many complaints of sexual misconduct were made by patients, visitors and Trust employees against staff members in your NHS Trust.'

As of 1st November 2014 University Hospitals of North Midlands NHS Trust (UHNM) manages two hospital sites – Royal Stoke University Hospital, and County Hospital (Stafford). Therefore the response below is for the two sites combined from that date where appropriate.

Q1 Please note there are six parts to my request, however if answering all six parts pushes my request over the cost limit, please just respond to parts 1, 2 and 3.

1. Between 1 September 2018 and 1 September 2022, how many complaints of sexual misconduct were made by patients, visitors and Trust employees against staff members in your NHS Trust?

The definition of sexual misconduct includes, but is not limited to, inappropriate comments; inappropriate touching, sexual harassment, sexual assault, indecent exposure, and rape.

A1 We are unable to provide the information you require in the requested format as to release this data could lead to the identification of the person(s) involved due to the low numbers involved, and would breach the Trusts obligations under Data Protection Act 2018. Accordingly, this aspect of your request is exempt from disclosure under the terms of Section 40(2) of the FOI Act. *Personal information*. However as the Trust is committed to openness and transparency we can band the numbers as being <5 and <10
This exemption is an absolute exemption and therefore no consideration of the public interest test is needed.

See attached spread sheet-Staff were investigated using the disciplinary/MHPS procedure.

Q2 How many of the complaints were upheld?

A2 As answer 1

Q3 What was the outcome of the upheld complaints? Outcomes can include but are not limited to verbal warning, written warning, suspension, or dismissal

A3 As answer 1

Q4 If it does not push the request over the cost limit, please can you also include?

4. The nature of the allegation
5. The gender of the complainant
6. The gender of the staff member

I would like to receive the information electronically, preferably in the Excel Spreadsheet attached

A4 As answer 1

*Please note that any individuals identified do not give consent for their personal data to be processed for the purposes of direct marketing.

UHNM NHS Trust is a public sector body and governed by EU law. FOI requestors should note that any new Trust requirements over the EU threshold will be subject to these regulations and will be advertised for open competition accordingly.

Where the Trust owns the copyright in information provided, you may re-use the information in line with the conditions set out in the Open Government Licence v3 which is available at <http://www.nationalarchives.gov.uk/doc/open-government-licence/version/3/>. Where information was created by third parties, you should contact them directly for permission to re-use the information.

An anonymised copy of this request can be found on the Trust's disclosure log, please note that all requests can be found at the following link: <http://www.uhnm.nhs.uk/aboutus/Statutory-Policies-and-Procedures/Pages/Freedom-of-Information-Disclosure-Log.aspx>

This letter confirms the completion of this request. A log of this request and a copy of this letter will be held by the Trust.

If you have any queries related to the response provided please in the first instance contact my office.

Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and request an assessment of the manner in which the Trust has managed your request.

The Information Commissioner may be contacted at:

Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF or via www.ico.org.uk.

If following review of the responses I can be of any further assistance please contact my secretary on 01782 671612.

Yours,



Leah Carlisle
Head of Data, Security & Protection/ Data Protection Officer