



**University Hospitals
of North Midlands**
NHS Trust

Royal Stoke University Hospital
Data, Security and Protection
Newcastle Road
Stoke-on-Trent
Staffordshire
ST4 6QG

Ref: FOIA Reference 2021/22-618

Date: 23rd March 2022

Email foi@uhnm.nhs.uk

Dear

I am writing to acknowledge receipt of your email dated 2nd March 2022 requesting information under the Freedom of Information Act (2000) regarding complaints.

The University Hospitals of North Midlands Trust is committed to the Freedom of Information Act 2000.

However, the NHS is facing unprecedented challenges relating to the coronavirus (COVID-19) pandemic at the current time. Understandably, our resources have been diverted to support our front-line colleagues who are working tremendously hard to provide care for our patients, and to those in need of our services.

We strive to be transparent and to work with an open culture. But at this time, whilst care of our patients and the safety of our staff takes precedent, it is likely that responses to some requests for information will be delayed. We apologise for this position in advance, and will endeavour to provide you with as much information as we can, as soon as we are able.

The Information Commissioners Office has recognised the current situation in the NHS.

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 I am a journalist writing from Nine Lives Media. We are an independent television production company who make current affairs programmes for all the main broadcasters.

I am writing to request the information below under the Freedom of Information Act 2000.

If it is convenient, please use the table to provide the information:



For each of the past five years please state the number of complaints reported by members of staff (including locums, agency workers or casual staff) against other members of staff received of:

	2016	2017	2018	2019	2021
Sexual Misconduct					
Sexual Harassment					
Sexual Assault					
Rape Allegation					

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

This exemption is an absolute exemption and therefore no consideration of the public interest test is needed.

	2016	2017	2018	2019	2021
Sexual Misconduct	0	0	0	0	0
Sexual Harassment	0	0	0	0	<5
Sexual Assault	0	<5	0	0	<5
Rape Allegation	0	0	0	0	0

Please note this is completed for the years outlined in the table and not for the previous 5 years as described in the text. I.e. not provided for 2020 as per your table

Data is derived from Datix Security Incident reports

Q2 By year for each of the complaints recorded above can you state the outcome following each allegation?

a. Complaint withdrawn

- b. Insufficient evidence to make a finding of fact.
- c. Perpetrator cautioned – or similar note made on their employment file
- d. Disciplinary action
- e. Sacked

A2 Information not held

Q3 By year can you state in each category in the table how many of the complaints were referred to the police?

A3 No complaints were reported to the Police

Q4 By year, please state the number of settlement/compromise agreements which contain non-disclosure clauses your organisation made with current or former staff which involve or relate to sexual misconduct, sexual harassment, sexual assault, rape. For each of these, please state the number and financial value of the settlements.

A4 The Trust does not use non – disclosure clauses in Settlement Agreements

*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.

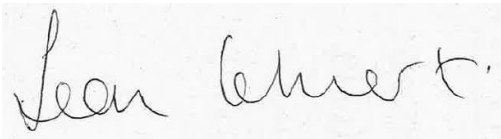
Should you have a complaint about the response or the handling of your request, please also contact my office to request a review of this. If having exhausted the Trust's FOIA complaints process you are still not satisfied, you are entitled to approach the Information Commissioner's Office (ICO) and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

A handwritten signature in black ink on a light-colored background. The signature reads "Jean Lehnert" in a cursive script.

Jean Lehnert
Data, Security & Protection Manager