

Title: DBS Checks / Sexual Misconduct

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Reference Number: RDF1295-23

Date of Response: 13/03/23

Further to your Freedom of Information Act request, please find the Trust's response(s) below:

*On 18 January 2023 I sent a Freedom of Information request regarding DBS checks and the workforce. On 20 January 2023 I sent another email asking you to kindly withdraw the request and submit a new request.*

*I apologise for the confusion but I am now writing to you to ask you to withdraw that request and to submit a new request. After receiving some responses from hospital Trusts I realise that the way I have phrased my questions was incorrect. I really appreciate your help on this.*

*Please find my new request for information under the Freedom of Information Act 2000 below:*

- 1. How many members of your workforce (both staff and volunteers) require a DBS check?*

Answer: 9,412 employees and volunteers. Please note that this figure consists of the Trust's directly employed staff, out of a current total headcount of 13,614 employees and volunteers.

- 2. How many members of your workforce (both staff and volunteers) who require a DBS check have not been DBS checked for 3 years?*

Answer: Please note that employees whose position/job role require a DBS check are checked as part of the pre-employment with the Trust, there is no legal requirement to recheck employees every three years.

The Trust has considered your request, however to provide you with the information requested would require the manual extraction and manipulation of information from various sources. To carry out this work would exceed the appropriate cost limit as set out in Section 12 (1) of the Freedom of Information Act 2000 and is therefore exempt.

Under the Freedom of Information Act 2000 Section 12 (1) and defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, a public authority is not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The limit of £450 represents the estimated cost of one person spending two and a half days in determining whether the Trust holds the information, locating, retrieving and extracting that information.

3. *How many members of your workforce (both staff and volunteers) who require a DBS check have never been DBS checked?*

Answer: Please note where a role requires a DBS check, candidates are not allowed to start working or volunteering without this in place.

The Trust has considered your request, however to provide you with the information requested would require the manual extraction and manipulation of information from various sources. To carry out this work would exceed the appropriate cost limit as set out in Section 12 (1) of the Freedom of Information Act 2000 and is therefore exempt.

Under the Freedom of Information Act 2000 Section 12 (1) and defined in the Freedom of Information and Data Protection (Appropriate Limit and Fees) Regulations 2004, a public authority is not obliged to comply with a request for information if it estimates the cost of complying would exceed the appropriate limit. The limit of £450 represents the estimated cost of one person spending two and a half days in determining whether the Trust holds the information, locating, retrieving and extracting that information.

4. *In the past ten years how many members of your workforce have been found guilty of sexual misconduct at a misconduct hearing?*

Answer: The Trust can confirm that it holds information that you have requested. This information is exempt under Section 21 of the Freedom of Information Act because it is reasonably accessible to you. The information you requested can be accessed via the following links:

<https://www.royaldevon.nhs.uk/media/lvrfzvwg/foi-rdf1088-22-sexual-misconduct.pdf>

<https://www.royaldevon.nhs.uk/media/01kj1wru/foi-rdf1098-22-allegations-of-sexual-misconduct.pdf>

All Trust responses to Freedom of Information requests can be found at the following link:

<https://royaldevon.nhs.uk/about-us/information-governance/freedom-of-information-foi-and-environmental-information-regulations-eir/foi-disclosure-log/>

Section 21 of the Freedom of Information Act exempts disclosure of information that is reasonably accessible by other means. The terms of this exemption mean that the Trust does not have to consider whether or not it would be in the public interest for you to have the information.

5. *Of those, how many were referred to the DBS?*

Answer: ≤5. In accordance with Section 40 (2) of the Freedom of Information Act 2000, we are unable to provide figures where the number of staff is less than or equal to five and could risk the identification of those staff and breach Caldicott principles. In these cases ≤5 is used to indicate that a figure between 1 and 5 is being suppressed.

This follows NHS Digital (formerly HSCIC) analysis guidance (2014) which states that small numbers within local authorities, wards, postcode districts,

CCG's providers and Trusts may allow identification of staff and should not be published.

6. *In instances where a member of your workforce was found guilty of sexual misconduct at a misconduct hearing but not referred by the Trust to the DBS, please share a summary of the allegation they were found guilty of?*

Answer: Please see response to question 4.