

Title: **Sexual Misconduct**

Reference Number: RDF1088-22

Date of Response: 14/04/23

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

Under the Freedom of Information Act 2000, please provide me with the following information about incidents of sexual misconduct and sexual violence, including but not limited to sexual harassment, sexual abuse, sexual assault and rape, at the trust. (See after the question for clarification on these definitions.)

In order to assist you, I understand that some, if not all of this information should be recorded in the trust's safety incident reporting system, (e.g. Datix, NRLS or similar) or it may be recorded by your HR team.

N.B. For each question, please provide the data for each of the following years, and the five-year total. 2017-18, 2018-19, 2019-20, 2020-21, 2021-22, Total.

If you only have information for some of the above years, please provide what you have and explain the gaps in your data.

Terminology:

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.

N.B. If you require any clarification, please contact me under your Section 16 duty to provide advice and assistance.

*Please use the table below to provide your answers, following the Court of Appeal decision in *Innes vs Information Commissioner and Buckinghamshire County Council (2014) GIA/3436/2011* regarding the format of the response, i.e. you should provide the response in the format requested.*

If the decision is made to withhold some of this data using exemptions in the Data Protection Act, please inform me of that fact and cite the exemptions used.

No.	Question / Date / Answer / notes						
1	Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	0	0	
1.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	≤5	≤5	
1.2	Over the past five years, how many staff have been formally disciplined for sexual violence and/or sexual misconduct against patients?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	≤5	≤5	
2	Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against other patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	≤5	0	0	0	≤5	≤5	
2.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against other patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	≤5	0	0	0	≤5	≤5	
3	Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	≤5	6	18	≤5	16	47	
3.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	9	8	11	11	20	59	
4	Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against other staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	≤5	0	≤5	≤5	7	
4.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against other staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	≤5	0	≤5	≤5	7	
4.2	Over the past five years, how many staff have been formally disciplined for sexual misconduct and/or sexual violence against other staff?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	≤5	0	≤5	

5	Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	0	0	
5.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against patients has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	0	0	
6	Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	0	0	
6.1	Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against staff has the trust recorded?						
	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
	0	0	0	0	≤5	≤5	

Answer: Please see the table above representing the Royal Devon University Healthcare NHS Foundation Trust figures (both Eastern and Northern Services).

In accordance with the Data Protection Act 2018 we are unable to provide figures where the number of patients and/or staff is less than or equal to five and could risk the identification of those patients/staff and breach Caldicott principles.

This follows NHS England (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 individuals and should not be published.

We do so under section 40(2) of the FOIA, which states that information is exempt if its disclosure would contravene the first data protection principle; "Personal data shall be processed lawfully, fairly and in a transparent manner in relation to the data subject..."