

Freedom of Information request 317-18

Request

1. A copy of the current anti-sexual abuse policy of NHS Borders for patients applicable to all NHS Borders facilities with associated complaints procedure.
2. Please state if any policy in place is in place to assist transgender women who maybe facing sexual harm from males or transmales.

Response

1. NHS Borders does not have a specific anti-sexual abuse policy, therefore under Section 17 this information is not held. The issue alluded to is covered by a number of policies, protocols and guidelines, therefore under Section 15 Duty to provide advice and assistance please find a list of these below for your information:

- Clinical Governance & Quality standards - http://www.healthcareimprovementscotland.org/previous_resources/standards/clinical_governance_and_risk_m.aspx
- Complaints policy - <http://www.nhsborders.scot.nhs.uk/feedback-and-complaints/complaints-procedure/>
- Chaperone use for Intimate Examinations, Procedures and Care



Chaperone%20Policy%202017_1.pdf

- Sexual health history and examination protocol



Section%201%20History%20and%20Examination

There is relevant national guidance, and organisations which hold professionals accountable for their practice eg:

- Good medical guidance for doctors
- Healthcare quality strategy <http://www.gov.scot/resource/doc/311667/0098354.pdf>
- National GBV programme <http://www.gbv.scot.nhs.uk> <http://www.healthscotland.scot/health-topics/gender-based-violence>
- www.healthcareimprovementscotland.org
- NMC & NMC code (nursing)
- British Medical Association

There is also legislation that protects people from sexual abuse regardless of the setting:

- Sexual Offences (Scotland) Act 2009

All national policies noted above are available from the appropriate organisation, therefore under Section 25 of the FOI(S)A 2002 this information is otherwise accessible.

2. All the above policies are inclusive for transgender women, if the abuse was specifically because they were transgender, this would be covered by the Equality Act (2010).

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or foi.enquiries@borders.scot.nhs.uk.

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **317-18** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.