

Freedom of Information request 107-21

Request

I request the following under the freedom of information (Scotland) act 2002:

A full count and disclosure of the following with the names of all victims redacted.

- a) All complaints of statutory rape.
- b) All complaints detailing “outing” or breaches of s22 of the gender recognition act 2004.
- c) All other complaints of sexual misconduct.
- d) All complaints of sexual assault.
- e) All complaints of unwanted contact.

Raised by any female or transgender female member of the public against any male or transgender male member of the service between 1/1/2010 - 1/1/2020.

Clarification: "members of the service" is to be taken as all persons who have worked for NHS Borders including its management.

Response

- a) There were no complaints of statutory rape raised by any female or transgender female member of the public against any male or transgender male member of the service between 1 January 2010 and 1 January 2020 at NHS Borders.
- b) There were no complaints detailing “outing” or breaches of section 22 of the Gender Recognition Act 2004 at NHS Borders between 1 January 2010 and 1 January 2020.
- c) There were <5 complaints of sexual misconduct raised by any female or transgender female member of the public against any male or transgender male member of the service at NHS Borders between 1 January 2010 and 1 January 2020. We are not able to disclose details of any individual cases as it is protected under the Data Protection Act 1998 and is considered personal information under Section 38 1(b) of the Freedom of Information Act (Scotland) Act 2002. The identification of individuals is prohibited in that it would breach the individual's privacy, and that includes information which would make identification possible. Being a small Health Board and with a small number of individuals identified above, the identification of individuals would be possible if we were to supply the information requested.
- d) There were no complaints of sexual assault raised by any female or transgender female member of the public against any male or transgender male member of the service between 1 January 2010 and 1 January 2020 at NHS Borders.

- e) There were no complaints of unwanted contact raised by any female or transgender female member of the public against any male or transgender male member of the service between 1 January 2010 and 1 January 2020 at NHS Borders.

As the number of events in some areas are very small and in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the [ISD Statistical Disclosure Control Protocol](#).

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 **107-21** 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.