

Freedom of Information request 111-22

Request

I request the following under the Freedom of Information (Scotland) Act 2002:

- A) A full list of all male and trans male employees of this organisation.
- B) All recorded complaints of sex crime or violent crime raised against such employees along with the outcome of each complaint being found as innocent, not-proven or guilty by the criminal courts of Scotland or any other British criminal court.
- C) All measures in place by this commission to protect women or transgender women from none-consensual action by male or transgender male employees of this trust.

Between 25/1/2019 - 25/1/2022.

Response

- A) There are 793 male employees at NHS Borders. To provide further details, such as whether an employee is transgender, could allow individuals to be identified and we would be in breach of the Data Protection Act 2018. We are therefore withholding all other data under Section 38(1) (b) of the Freedom of Information (Scotland) Act 2002.
- B) There have been no such recorded complaints at NHS Borders between 25 January 2019 and 25 January 2022.
- C) The following measures are in place:
 - Once for Scotland (OfS) Workforce Policy, which can be found at <https://workforce.nhs.scot/> therefore under Section 25 of the Freedom of Information (Scotland) Act 2002 this data is accessible elsewhere.
 - Private spaces such as changing rooms and toilets are segregated by gender.
 - There are confidential contacts who support employees under the Prevention of Harassment and Whistleblowing policies.
 - Support is available from line managers, the Partnership Team, Work & Well Being and the Chaplaincy.

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 **111-22** 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.