

Freedom of Information request 112-22

Request

1. Please provide the number of allegations reported within your trust, clinical commissioning group or other care setting as defined, of
 - a) Rape
 - b) Sexual assault
 - c) Sexual harassment
 - d) Sexual misconduct
2. Please advise the location of these offences and or alleged offences broken down by location Mental Health Unit, Hospital, Other Hospital Setting to be clearly defined.
3. Please provide this data for the last three years, 2019, 2020, 2021 and 2022 to date.
4. Please provide a month by month and location
5. Please identify if these allegations are
 - a) On Staff carried out by a staff Member
 - b) On Staff carried out by a patient or visitor
 - c) By Staff on a Patient
 - d) by Staff on a visitor
 - e) On Staff carried out by a visitor
6. For each of these allegations please advise if a suspect was identified and or arrested
7. If a suspect was identified and the suspect was identified as a member or staff or a contractor to the trust, CCG or group. What was the outcome? Was the suspect subsequently arrested, charged or convicted? Was the suspect subsequently investigated, suspended or dismissed from the Trust.

Response

1–4. Please see our response to these questions attached below:



FOI 112-22
Q1-4.xlsx

Please note: We have provided the data as per the adverse event categories recorded on NHS Borders systems. We are unable to identify this data as per categories requested in Q1 without completion of a manual trawl of every incident and the cost of carrying out this work would exceed the limit set in the Fees Regulations of the Freedom of Information (Scotland) Act 2002 and under Section 12 we are not required to provide.

Please also note that as NHS Borders is such a small Board and the numbers are very small, to provide further details 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. This is in accordance with the Code of Practice for Official Statistics which states that 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.

5. This data is not held on our electronic reporting systems. The work required to extract this data would require a manual trawl of all incidents and would exceed the amount prescribed for responding to requests made under the Freedom of Information (Scotland) Act 2002, therefore under Section 12(1): Excessive cost of compliance, of the Act, we are not obliged to provide you with the information.
6. This data is not held on our electronic reporting systems. The work required to extract this data would require a manual trawl of all incidents and would exceed the amount prescribed for responding to requests made under the Freedom of Information (Scotland) Act 2002, therefore under Section 12(1): Excessive cost of compliance, of the Act, we are not obliged to provide you with the information.
7. NHS Borders does not record this level of information and therefore this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002. Please note however that we are not aware of any members of staff being investigated, suspended or dismissed from NHS Borders due to allegations of rape, sexual assault, sexual harassment or sexual misconduct since 2019.

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 **112-22** 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.