

## Freedom of Information request 221-22

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### Request

Could you please provide a breakdown of reported incidents of alleged sexual misconduct against NHS staff (ie a complaint made by NHS staff and/or a patient against an NHS member of staff) for the past five years (April 2017 to April 2022)

For each allegation, please indicate the nature of the allegation (ie sexual harassment, assault, rape), the broad medical field in which the alleged offence occurred (ie, surgical setting, general ward, etc) and the outcome of any investigation conducted by the health board.

Please also indicate if, in the past five years, any member of staff (without providing any details that could possibly lead to identification) has been the subject of more than one complaint of sexual misconduct and if so, 1) how many complaints and 2) if the individual is still employed by the board.

### Response

During the five year period there were less than five reported incidents (i.e. formal complaints recorded by the Patient Experience Team).

Nature of Allegations	Number of incidents
Inappropriate examination by clinician	< 5
Inappropriate remarks by member of staff to patient	< 5
Accusation of sexual misconduct towards nursing staff	< 5

Outcome	Number of incidents
Not Upheld	< 5
Complaint internally investigated – no outcome recorded – Section 17 (information not held)	< 5

Setting	Number of incidents
Acute	< 5
Mental Health	< 5

Please note that as NHS Borders is such a small Board the number of reported incidents is very small, and to provide further details of these 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(2)(ii) of the Freedom of Information (Scotland) Act 2002. This is also 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.

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](mailto: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 **221-22** 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.