

## Freedom of Information request 713-22

### Request

1. How many cases of alleged sexual harassment by NHS staff have been recorded in the past year. Please also provide this for each calendar year since 2018.
2. How many of these cases were allegedly committed against minors? Please provide this for each calendar year since 2018.
3. How many of these cases were allegedly committed against patients? Please provide this for each calendar year since 2018.
4. How many of these cases were allegedly committed against other staff members? Please provide this for each calendar year since 2018.
5. How many cases of alleged sexual harassment were committed against staff by patients? Please also provide this for each calendar year since 2018.
6. For all of the above, please provide as much detail as possible. E.g was a formal investigation carried out? What was the outcome? Was the offending employee dismissed or disciplined?

### Response

Please see below the response from NHS Borders to all questions:

Question		2018	2019	2020	2021	2022
1	How many cases of alleged sexual harassment by NHS staff have been recorded in the past year?	<5	0	<5	0	0
2	How many of these cases were allegedly committed against minors?	<5	0	0	0	0
3	How many of these cases were allegedly committed against patients?	0	0	0	0	0
4	How many of these cases were allegedly committed against other staff members?	0	0	0	0	0
5	How many cases of alleged sexual harassment were committed against staff by patients?	17*	22*	16*	20*	8*
6	For all of the above, please provide as much detail as possible. E.g was a formal investigation carried out? What was the outcome? Was the offending employee dismissed or disciplined?	Section 38(2)(ii) - see note below	N/A	Section 38(2)(ii) - see note below	N/A	N/A

Questions 1 & 2 - 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](#) .

Question 5 – Please note the data was gathered from the adverse event system and captures pre-approved types of adverse event; sexual context (verbal), sexual contact (physical) and displays of sexual behaviour, this may differ from the formal meaning of sexual harassment.

Question 6 - Please note that as NHS Borders is such a small Board the number of allegations is very small, and to provide further details of cases 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. 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](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 **713-22** 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.