

Reference Number: FOIAH2324/013
From: Private Individual
Date: 11 April 2023
Subject: Number of physical assaults on staff, use of restraint and criminal sanctions applied

Please see the notes section for background information on the requested information.

Notes:

- Assaults involving medical factors - the number of physical assaults where the perpetrator did not know what they were doing, or did not know what they were doing was wrong due to medical illness, mental ill health, severe learning disability or treatment administered, if noted.
- Restraint used - If in the course of a physical assault incident, the service user/patient had to be restrained - see: <http://www.southernhealth.nhs.uk/EasySiteWeb/GatewayLink.aspx?allid=4203>
- Seclusion used - If in the course of a physical assault incident, seclusion was used for the service user/patient - see: <http://www.southernhealth.nhs.uk/EasySiteWeb/GatewayLink.aspx?allid=42033>
- Reported Criminal Sanctions include but are not limited to: Cautions & Conditional Cautions, Community Rehabilitation or Punishment Orders, Conditional Discharges, Fines, Fixed Penalty Notices, Imprisonment (including suspended sentences) and Restorative Justice - as per <https://www.eastamb.nhs.uk/Governance/disclosure-log/Health%20and%20Safety/FOI%20-%202014405%20Reported%20Physical%20Assaults%202015-16.pdf>
- Reported Civil and Administrative Sanctions include but are not limited to: Acceptable Behaviour Agreements, Banning from Premises, Harassment Warning Issued, Injunction, Use of CJIA Powers, Violent Patient Scheme/History Marking Procedure and Warning Letters - as per <https://www.eastamb.nhs.uk/Governance/disclosure-log/Health%20and%20Safety/FOI%20-%202014405%20Reported%20Physical%20Assaults%202015-16.pdf>
- Suppression of small numbers - Previous ICO decision notices where a complaint was upheld in relation to Section 40: [Wirral University Teaching Hospital NHS Foundation Trust](#) and [Barts Health NHS Trust](#)

Q1 The total number of physical assaults on staff recorded in 2021/22 and 2022/23 (financial years from April 1 to March 31)

A1 2021/2022: 39
2022/2023: 32

Q2 The total number of physical assaults on staff recorded that involved medical factors in 2021/22 and 2022/23 (financial years from April 1 to March 31)

A2 2021/2022: 36
2022/2023: 32

Q3 The total number of times physical injury to staff was recorded following physical assaults in 2021/22 and 2022/23 (financial years from April 1 to March 31). If possible, please

break down the number of injuries reported by severe/major, moderate, and low/minor

- A3 2021/2022: 23 (14 recorded as minor harm)
2022/2023: 20 (18 recorded as minor harm)
- Q4 The total number of times restraint was used on a service user/patient following a physical assault on staff in 2021/22 and 2022/23 (financial years from April 1 to March 31).
- A4 2021/2022: 11
2022/2023: 22
- Q5 The total number of times was seclusion used on a service user/patient following a physical assault on staff in 2021/22 and 2022/23 (financial years from April 1 to March 31).
- A5 2021/2022– March 2022: Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.
2022/2023– March 2023: 0
- Q6 Total number of criminal sanctions applied in relation to physical assaults on staff in 2021/22 and 2022/23 (financial years from April 1 to March 31).
- A6 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.
- Q7 Total number of civil and administrative sanctions applied in relation to physical assaults on staff in 2021/22 and 2022/23 (financial years from April 1 to March 31).
- A7 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.
- Q8 The total number of times intended police action in relation to physical assaults on staff was recorded as charge in 2021/22 and 2022/23 (financial years from April 1 to March 31)
- A8 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.
- Q9 The total number of times intended police action in relation to physical assaults on staff was recorded as verbal warning in 2021/22 and 2022/23 (financial years from April 1 to March 31)
- Q9 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.
- Q10 The total number of times intended police action in relation to physical assaults on staff was recorded as no action in 2021/22 and 2022/23 (financial years from April 1 to March 31)
- A10 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.
- Q11 The total number of times it was recorded that the victim did not want police to pursue the

matter in relation to physical assaults on staff in 2021/22 and 2022/23 (financial years from April 1 to March 31)

A11 Information not held – as this would be considered a police matter, the Trust would not be information of any police action results.

The Trust is unable to respond to all or specific elements of your request where the response would indicate five or less individuals. The Trust is withholding this information under Section 40 (Personal Information) of the Freedom of Information Act (FOIA) 2000 to reduce the risk of any individuals being identified. The Trust is of the view that disclosure of such information would significantly increase the risk of individuals being identified and as such would constitute a breach of their personal data.

The Trust has applied exemption Section 40(2) of the FOIA and is therefore withholding the information as disclosure which may identify an individual would breach their rights under the Data Protection Act 2018. The grounds for application of this exemption include:

- Any data relating to patients or staff is third party data, furthermore health data is classified as sensitive personal data within the Data Protection Act 2018. As such, Section 40 (2) of the FOIA applies along with the Trusts duty of confidentiality. Therefore under s.2 (3) (f) (ii) of the FOIA, there is an absolute exemption from disclosure on the grounds that it would contravene the First Data Protection Principle.
- The Trust has a duty under the Data Protection Act 2018 and specifically the First Data Protection Principle to ensure personal data regarding staff and patients is processed fairly and lawfully. Disclosure of such data which may identify an individual, either through the data alone or other data in conjunction with that data which may identify an individual would therefore breach this principle.
- The Data Protection Act 2018 defines sensitive personal data to include data relating to the “physical or mental health or condition” of a person. Any such information about specific individuals falls within this category and disclosure of such data including statistical data, with any potential likelihood of identification would breach the Data Protection Act 2018.