

Reference Number: FOI202223/306
From: Press/Media
Date: 20 September 2022
Subject: Numbers of sexual violence and misconduct incidents

Under the Freedom of Information Act 2000, please provide me with the following information about incidents of sexual misconduct and sexual violence, including but not limited to sexual harassment, sexual abuse, sexual assault and rape, at the trust.

In order to assist you, I understand that some, if not all of this information should be recorded in the trust's safety incident reporting system, (e.g. Datix, NRLS or similar) or it may be recorded by your HR team.

N.B. For each question, please provide the data for each of the following years, and the five-year total. Please use the attached spreadsheet to provide your answers:

2017-18
2018-19
2019-20
2020-21
2021-22
Total

If you only have information for some of the above years, please provide what you have and explain the gaps in your data.

Terminology:

Sexual misconduct covers a broad range of inappropriate, unwanted sexual behaviour. From the most severe forms of sexual violence, including rape and sexual assault, it also extends across to sexual harassment, stalking, and abusive or degrading remarks.

The NHS definition of **sexual violence** describes it as any sexual act that a person did not consent to, or is forced into against their will, including rape, sexual assault, unwanted sexual touching, forced kissing, child sexual abuse, sexual torture and other sexual offences.

Please use the spreadsheet attached to provide your answers, following the Court of Appeal decision in *Innes vs Information Commissioner and Buckinghamshire County Council* (2014) GIA/3436/2011 regarding the format of the response, i.e. you should provide the response in the format requested.

- Q1 Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against patients has the trust recorded?
- Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against patients has the trust recorded?
 - Over the past five years, how many staff have been formally disciplined for sexual

violence and/or sexual misconduct against patients?

A1 [Please see attached document: FOI 306 Response](#)

Q2 Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against other patients has the trust recorded?

- a. Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against other patients has the trust recorded?

A2 [Please see attached document: FOI 306 Response](#)

Q3 Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against staff has the trust recorded?

- a. Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against staff has the trust recorded?

A3 [Please see attached document: FOI 306 Response](#)

Q4 Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against other staff has the trust recorded?

- a. Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against other staff has the trust recorded?
- b. Over the past five years, how many staff have been formally disciplined for sexual misconduct and/or sexual violence against other staff?

A4 [Please see attached document: FOI 306 Response](#)

Q5 Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against patients has the trust recorded?

- a. Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against patients has the trust recorded?

A5 [Please see attached document: FOI 306 Response](#)

Q6 Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against staff has the trust recorded?

- a. Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against staff has the trust recorded?

A6 [Please see attached document: FOI 306 Response](#)

NHS trust name: Alder Hey Children's NHS Foundation Trust

Questions

Questions	2017-18	2018-19	2019-20	2020-21	2021-22	Total	Notes, e.g. gaps in data
1 Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
1.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
1.2 Over the past five years, how many staff have been formally disciplined for sexual violence and/or sexual misconduct against patients?							
Answer:	0	0	0	0	0	0	0
2 Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against other patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
2.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against other patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
3 Over the past five years, how many incidents of sexual violence allegedly perpetrated by patients against staff has the trust recorded?							
Answer:	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0
3.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by patients against staff has the trust recorded?							
Answer:	0	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0
4 Over the past five years, how many incidents of sexual violence allegedly perpetrated by staff against other staff has the trust recorded?							
Answer:	0	0	0	0	0	0	0
4.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by staff against other staff has the trust recorded?							
Answer:	0	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0
4.2 Over the past five years, how many staff have been formally disciplined for sexual misconduct and/or sexual violence against other staff?							
Answer:	0	0	0	0	0	0	0
5 Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
5.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against patients has the trust recorded?							
Answer:	0	0	0	0	0	0	0
6 Over the past five years, how many incidents of sexual violence allegedly perpetrated by visitors against staff has the trust recorded?							
Answer:	0	0	0	0	0	0	0
6.1 Over the past five years, how many incidents of sexual misconduct allegedly perpetrated by visitors against staff has the trust recorded?							
Answer:	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	0	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.	5

S40: Exempt personal information

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.

Please explain any gaps in your data in the notes columns above.						
If the decision is made to withhold some of this data using exemptions in FOI legislation or the Data Protection Act, cite the exemption/s used in the notes columns.						

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The NHS definition of **sexual violence** describes it as any sexual act that a person did not consent to, or is forced into against their will, including rape, sexual assault, unwanted sexual touching, forced kissing, child sexual abuse, sexual torture and other sexual offences.