

FOI REF: 22/558

19th October 2022

Eastbourne District General Hospital

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Eastbourne
East Sussex
BN21 2UD

Tel: 0300 131 4500

Website: www.esht.nhs.uk

FREEDOM OF INFORMATION ACT

I am responding to your request for information under the Freedom of Information Act.

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. (See after the question for clarification on these definitions.)

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

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.

Clarification was sought as follows:

Would you please clarify around the definitions used. Are you saying there is a distinction between Sexual Misconduct and Sexual Violence? If so what is it?

Cont.../

You have requested figures for each definitions but we would argue they are the same.

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.

As you will see – sexual misconduct covers all offences from the most severe including sexual violence to lower offences of abuse and degrading remarks. We ask that you clarify your thoughts that this category should be a total of all “sexual” reports on datix?

The NHS definition of sexual violence appears to be that of where there has been physical contact? However, it then says and “other sexual offences” which would include sexual harassment etc as alluded to in Sexual Misconduct? So do we include all “sexual” reports on datix in here too?

Clarification has not yet been received, however please see the attached document for incidents of sexual misconduct/sexual violence.

Please note that sexual misconduct covers all offences from the most severe, including sexual violence, to lower offences of abuse and degrading remarks. Incidents reported on datix fit into this definition.

The NHS definition of sexual violence appears to be the same. However, it uses the term “other sexual offences” which would include sexual harassment etc., as alluded to in Sexual Misconduct? Hence the same figures being reported for each definition.

If I can be of any further assistance, please do not hesitate to contact me.

Should you be dissatisfied with the Trust’s response to your request, you have the right to request an internal review. Please write to the Freedom of Information Department (esh-tr.foi@nhs.net), quoting the above reference, within 40 working days. The Trust is not obliged to accept an internal review after this date.

Should you still be dissatisfied with your FOI request, you have the right of complaint to the Information Commissioner at the following address:

The Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire SK9 5AF

Telephone: 0303 123 1113

Yours sincerely

Linda Thornhill (Mrs)
Corporate Governance Manager
esh-tr.foi@nhs.net

Questions

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	1	0	0	0	2	3	6	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	1	0	0	0	2	3	6	Data provided in calendar years

1.2 Over the past five years, how many staff have been formally disciplined for sexual violence and/or sexual misconduct against patients?

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	0	0	0	0	0	0	0	Data provided in calendar years; 2017 case not found. 2021 two cases unfound allegations - 2022 one case ongoing

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	1	4	1	1	0	2	9	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	1	4	1	1	0	2	9	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	7	9	7	4	7	4	38	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	7	9	7	4	7	4	38	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	2	2	1	4	3	1	13	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	2	2	1	4	3	1	13	Data provided in calendar years

4.2 Over the past five years, how many staff have been formally disciplined for sexual misconduct and/or sexual violence against other staff?

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	2	2	1	4	3	1	13	Data provided in calendar years by HR and includes formal disciplinary procedures.

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	0	0	0	0	0	0	0	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	0	0	0	0	0	0	0	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	0	1	2	1	1	0	5	Data provided in calendar years

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

	2017	2018	2019	2020	2021	2022	Total	Notes, e.g. gaps in data
Answer:	0	1	2	1	1	0	5	Data provided in calendar years

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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As you will see – sexual misconduct covers all offences from the most severe including sexual violence to lower offences of abuse and degrading remarks. Incident reported on datix fit into this definition.

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