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Request for Information Reference: 05.23.31

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Email: [cdda-tr.cddftfoi@nhs.net](mailto:cdda-tr.cddftfoi@nhs.net)

Email only

18<sup>th</sup> May 2023

Dear

### **Freedom of Information Act 2000 – Request for Information**

Thank you for submitting a request for information which we received on 15<sup>th</sup> May 2023 in relation to County Durham and Darlington NHS Foundation Trust (the Trust). Your request has been processed under the provisions of the Freedom of Information Act 2000 and I am now able to provide you with a response.

Your request was in relation to Sexual Assaults in Hospitals and I am providing the following information in response to your specific questions:

**For each question, please can you provide data for the following years – 2020, 2021, 2022, 2023 to date.**

The Trust uses an incident reporting system whereby all incidents of a sexual nature are recorded as incidents, no matter the clinical condition of the instigator, using a general sexual assault heading. The majority of the sexual incidents listed below have been conducted by patients who do not know what they had done was wrong due to a medical illness and / or confused state of mind and therefore lack capacity in some form often through living with dementia, having delirium, living with a severe learning disability, suffering from mental health issues or other general incapacity issues.

For the purposes of this response, *'sexual assault is where one person intentionally touches another person sexually without their consent. The touching can be done with any part of the body or with an object.'* (Ref. <https://www.cps.gov.uk/crime-info/sexual-offences> Accessed: 18.05.2023)

All incidents are investigated accordingly no matter the mental capacity of the instigator with outcomes are determined when all relevant information has been reviewed.

In addition where the police have detained / arrested an individual the Trust are not formally made aware of the outcome as this information will be solely supplied to the named victim/s.

The information relates to incidents recorded between 1<sup>st</sup> January 2020 and 17<sup>th</sup> May 2023.

**1. How many sexual assaults were reported to the trust?**

**a) Of these allegations, please advise whether they were:**

- i) On Staff carried out by a staff Member**
- ii) On Staff carried out by a patient or visitor**
- iii) By Staff on a Patient**
- iv) By Staff on a visitor**
- v) On Staff carried out by a visitor**
- vi) On a patient carried out by a patient**

**b) Of these alleged offences, how many were reported to the police?**

**c) If these alleged offences involved members of staff or contractors of the trust, please outline whether disciplinary proceedings took place and what was the outcome?**

<b>Sexual Assaults</b>	<b>2020</b>	<b>2021</b>	<b>2022</b>	<b>2023</b>
On staff carried out by a staff member	0	0	0	0
On staff carried out by a patient or visitor	12	7	11	5
By staff on a patient	0	0	0	1
By staff on a visitor	0	0	0	0
On staff carried out by a visitor	Same question as (ii) – figures included in that section			
On a patient carried out by a patient	0	0	0	0
Reported to police	0	0	1	1
Disciplinary procedures	0	0	0	0

Relating to the one 'By staff on a patient' incident this was investigated by the police who established that the patient who made the allegation was in a semi confused state and that no misdemeanor had taken place. This was also confirmed by family members.

Regarding the occasions whereby staff were assaulted by patients, all incidents were investigated no matter capacity and a number of measures put in place which included:

- Enhanced staffing whilst being cared for.
- No lone working.
- Care plans adapted.
- Family / relatives advised of incident.
- Dependent on incident a warning was issued.

- Other agencies / care providers informed.
- Staff supported.

## 2. How many rapes were reported to the trust?

Zero

- a) Of these allegations, please advise whether they were:
- On Staff carried out by a staff Member
  - On Staff carried out by a patient or visitor
  - By Staff on a Patient
  - By Staff on a visitor
  - On Staff carried out by a visitor
  - On a patient carried out by a patient
- b) Of these alleged offences, how many were reported to the police?
- c) If these alleged offences involved members of staff or contractors of the trust, please outline whether disciplinary proceedings took place and what was the outcome?

Not applicable

In line with the Information Commissioner's directive on the disclosure of information under the Freedom of Information Act 2000 your request will form part of our disclosure log on the Trust's website. However please be assured that we anonymise all responses prior to adding them to the disclosure log.

I hope that this response has provided you with the information you had requested. If you have any queries or wish to discuss the information supplied, please do not hesitate to contact me by telephone or in writing. If however, you are dissatisfied with the way in which your request has been handled and would like an internal review, you will need to contact me in writing at the above address or via [cdda-tr.cddffoi@nhs](mailto:cdda-tr.cddffoi@nhs).

If you remain dissatisfied with our response following an internal review you have the right to appeal to The Information Commissioner at Wycliffe House, Water Lane, Wilmslow, Cheshire, SK9 5AF. More information is available on their website; [www.ico.gov.uk](http://www.ico.gov.uk).

Yours sincerely

**Corporate Records and Freedom of Information Facilitator**