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Request for Information Reference: 12.21.48

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Email only

14<sup>th</sup> January 2022

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

Thank you for submitting a request for information which we received on 21<sup>st</sup> December 2021 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 harassment and I am providing the following information in response to your specific questions:

**I would like to be provided with the following information regarding third-party sexual harassment. The definition of third-party sexual harassment is when a staff member is harassed by a patient. The harassment can constitute inappropriate language, inappropriate touching, unwanted sexual advances, and sharing or sending of lewd images on social media.**

**Please note that there are three parts to this request:**

- 1. Please confirm how many reports of third-party sexual harassment your Trust has received from staff members between 31 October 2013 and 31 October 2021.**

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- 2. Does your Trust have a policy to manage third-party sexual harassment?**

The Trust do not have a dedicated policy relating to third-party sexual harassment. This type of offence would be dealt with under the general Managing Violence, Aggression and Lone Working Policy.

- 3. If your Trust has a policy on third-party sexual harassment, what were the outcomes of any complaints made to you by staff members? If it does not push the request over the cost limit please provide a summary of the allegation (such as inappropriate touching, inappropriate messages or rape) and the outcome, including what disciplinary action, if any, was taken.**

The Trust use an incident reporting system whereby all incidents of a sexual harassment nature are recorded as incidents no matter the clinical condition of the instigator. The majority of the sexual harassment 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, suffer from mental health issues or other general incapacity issues.

All incidents are investigated accordingly no matter the mental capacity of the instigator with outcomes being 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.

- 4. Additionally, if it does not push the request over the cost limit, please provide the race and gender of both the person making the allegation and who the allegation was against.**

The Trust do not mandate the collection of special category data during the incident reporting process of any individuals concerned.

Incident Nos.	Offence	Victim Gender	Instigator Gender	Outcome
1*	Inappropriate touching / contact	Female	Male	Verbal warning placed on file
2	Inappropriate touching / contact	Female	Male	Written warning placed on file
3	Inappropriate touching / contact	Female	Male	Patient apologised for actions
4	Inappropriate touching / contact	Female	Male	Police arrested individual and charged with sexual assault
5	Inappropriate touching / contact	Female	Male	No further action at request of victim
6*	Accusation of assault or rape	Female	Male	Police investigated and no substantive proof to determine offence took place.
7	Inappropriate touching / contact	Female	Male	Police investigated the incident
8	Inappropriate comments or advances of a sexual nature	Female	Male	Warning letter issued to instigator
9*	Lurid behaviour	Female	Male	Adapted care package implemented
10*	Inappropriate touching /	Female	Male	Adapted care package implemented. Query

Incident Nos.	Offence	Victim Gender	Instigator Gender	Outcome
	contact			capacity. Multiple offender – as per 9.
11*	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, staff supported & care package adapted
12*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted. Multiple offender – 12, 36 & 38.
13*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted. Multiple offender – 13 & 14
14*	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, verbal warning placed on file, staff supported & care package adapted. Multiple offender – 13 & 14
15*	Inappropriate touching / comments	Female	Male	Offender had lack of capacity, staff supported & care package adapted
16*	Inappropriate touching / comments	Female	Male	Offender had lack of capacity, staff supported & care package adapted
17	Inappropriate comments or advances of a sexual nature	Female	Male	Disciplinary investigation held against staff (external contractors)
18	Lurid behaviour	Female	Male	Adapted care package implemented
19*	Accusation of assault or rape	Female	Male	Police attended / staff declined further action due to capacity of individual
20	Accusation of assault or rape	Female	Male	Police investigated / staff supported / care plan adapted / root cause analysis conducted.
21*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted
22	Inappropriate touching / contact	Female	Male	No action taken at request of victim
23*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted
24	Inappropriate touching / contact	Female	Male	No action taken at request of victim
25*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted
26*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted, multiple offender – 26 & 28
27	Inappropriate comments or advances of a sexual nature	Female	Male	Staff supported & care package adapted
28*	Inappropriate touching / contact	Female	Male	Improved communications between staff, patient lacked capacity, multiple offender – 26 & 28
29*	Inappropriate comments or advances of a sexual nature	Female	Male	No additional information available
30*	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, individuals supported & care package adapted
31	Inappropriate comments or advances of a sexual nature	Female	Male	No additional information available
32*	Inappropriate touching / contact	Female	Female	Internally investigated, patient confused at time of incident. No further action.
33	Inappropriate touching / contact	Female	Male	Staff supported and instigator cautioned by police. Multiple offender – 33, 34 & 35

Incident Nos.	Offence	Victim Gender	Instigator Gender	Outcome
34	Inappropriate comments or advances of a sexual nature	Female	Male	Adapted care package implemented & warning issued. Multiple offender – 33, 34 & 35
35	Inappropriate comments or advances of a sexual nature	Female	Male	Adapted care package implemented. Multiple offender – 33, 34 & 35
36*	Inappropriate touching / contact	Female	Male	Adapted care package implemented & warning issued. Multiple offender – 12, 36 & 38
37	Accusation of assault or rape	Female	Male	Adapted care package implemented
38*	Lurid behaviour	Female	Male	No action taken at request of victim. Multiple offender – 12, 36 & 38
39	Lurid behaviour	Female	Male	Offender had lack of capacity, individuals supported & care package adapted
40	Inappropriate touching / contact	Female	Male	Care package adapted.
41*	Inappropriate comments or advances of a sexual nature	Female	Male	No action taken at request of victim, care plan adapted for future visits.
42	Accusation of assault or rape	Female	Male	Police investigated / no charges against staff member / previous history of falsely reporting
43*	Inappropriate touching / contact	Female	Male	Adapted care package implemented
44*	Inappropriate touching / contact	Female	Male	Patient apologised for actions
45*	Inappropriate touching / contact	Female	Male	Adapted care package implemented & warning issued
46	Accusation of assault or rape	Female	Male	Police investigated incident with witnesses stating no assault took place
47*	Inappropriate touching / contact	Female	Male	No additional information available
48*	Inappropriate touching / contact	Female	Male	Adapted care package implemented
49	Inappropriate comments or advances of a sexual nature	Female	Male	Human Resources investigated
50*	Lurid behaviour	Female	Male	Offender had lack of capacity, staff supported & care package adapted
51*	Inappropriate touching / contact	Female	Male	Adapted care package implemented
52*	Inappropriate touching / contact	Female	Male	Adapted care package implemented
53	Inappropriate comments or advances of a sexual nature	Female	Male	Patient apologised for actions
54	Inappropriate touching / contact	Female	Male	Adapted care package implemented
55*	Inappropriate touching / contact	Female	Male	Case conference, instigator lacks capacity, staff supported and adapted care package implemented
56*	Inappropriate touching / contact	Female	Male	Same instigator and outcome as per 55
57*	Inappropriate touching / contact	Female	Male	Same instigator and outcome as per 55
58*	Lurid behaviour	Female	Male	Same instigator and outcome as per 55
59*	Inappropriate touching /	Female	Male	Same instigator and outcome as per 55

Incident Nos.	Offence	Victim Gender	Instigator Gender	Outcome
	contact			
60*	Lurid behaviour	Female	Male	Same instigator and outcome as per 55
61*	Lurid behaviour	Female	Male	Same instigator and outcome as per 55
62*	Inappropriate touching / contact	Female	Male	Adapted care package implemented
63	Inappropriate touching / contact	Female	Male	Adapted care package implemented and formal warning letter issued
64	Lurid behaviour	N/A	Male	Adapted care plan / patient advised
65*	Inappropriate touching / contact	Male	Male	Verbal warning placed on file. Patient had fluctuating capacity
66*	Lurid behaviour	Female	Male	Offender had lack of capacity, staff supported & care package adapted Verbal warning placed on file
67*	Inappropriate touching / contact	Female	Male	Same instigator and outcome as per 66
68*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted
69*	Inappropriate touching / contact	Female	Male	Same instigator and outcome as per 68
70	Inappropriate comments or advances of a sexual nature	Female	Male	Adapted care plan / other agencies informed
71	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, staff supported & care package adapted
72	Inappropriate touching / contact	Female	Male	Staff supported & care package adapted
73*	Inappropriate touching / contact	Female	Male	Offender had lack of capacity, staff supported & care package adapted
74	Inappropriate comments or advances of a sexual nature	Male	Male	Offender had lack of capacity due to anaesthetic, staff supported & care package adapted
75	Inappropriate comments or advances of a sexual nature	Male	Male	Adapted care package implemented, underlying issues.
76*	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, staff supported & care package adapted
77*	Lurid behaviour	N/A	Female	Investigated, patient advised.
78	Inappropriate comments or advances of a sexual nature	Female	Male	Police assistance / alert placed on file.
79*	Inappropriate comments or advances of a sexual nature	Female	Male	Adapted care package implemented
80	Inappropriate comments or advances of a sexual nature	Female	Males	Youths were unknown to staff and dispersed before police arrived
81*	Inappropriate touching / contact	Female	Male	No action taken at request of victim and patient having psychotic episode
82*	Inappropriate comments or advances of a sexual nature	Female	Male	Reviewed by Mental Health team due to capacity concerns
83*	Inappropriate comments or advances of a sexual nature	Female	Male	Verbal warning placed on file, same instigator as per 82
84*	Inappropriate comments or advances of a sexual nature	Female	Male	Reviewed by Mental Health team
85*	Inappropriate comments or advances of a sexual nature	Female	Male	Offender had lack of capacity, staff supported & care package adapted
86*	Inappropriate comments or	Female	Female	Adapted care package implemented

Incident Nos.	Offence	Victim Gender	Instigator Gender	Outcome
	advances of a sexual nature			
87	Inappropriate comments or advances of a sexual nature	Female	Female	Police investigated incident
88*	Inappropriate comments or advances of a sexual nature	Female	Male	Patient apologised for actions. Lacked capacity
89*	Lurid behaviour	N/A	Female	Patient advised about behaviour, lacked capacity

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.cddftfoi@nhs](mailto:cdda-tr.cddftfoi@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**