

**Reference Number:** FOI202425/178  
**From:** Press/Media  
**Date:** 01 August 2024  
**Subject:** Sexual safety incidents that have taken place at your trust, including but not limited to sexual harassment, sexual abuse, sexual assault and rape

**Terminology:**

Sexual safety incidents include any behaviour of a sexual nature that is unwanted, or makes another person feel uncomfortable or afraid. This covers:

- Sexual assault: when a person is coerced or physically forced to engage in sexual activity against their will, or when a person (of any gender) touches another person sexually without their consent.
- Sexual harassment: any behaviour that is characterised by inappropriate sexual remarks, gestures or physical advances which are unwanted and make a person feel uncomfortable, intimidated or degrade their dignity.
- Other sexual incidents: where an individual may have witnessed or experienced something of a sexual nature that does not fit into the categories of sexual harassment or assault, and which made the person feel uncomfortable and/or sexually unsafe.

**Q1** Total sexual safety incidents

How many sexual safety incidents did the trust record? (This includes incidents by all alleged perpetrators against all alleged victims: staff, patients, visitors, members of the public)

- a) in 2022/23 financial year
- b) in 2023/24 financial year

**A1** a. 0  
b. Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

**Q2** Sexual safety incidents by staff against patients

How many sexual safety incidents allegedly perpetrated by staff against patients did the trust record?

- a. in 2022/23 financial year
- b. in 2023/24 financial year

**A2** a. 0  
b. 0

**Q3** Sexual violence and misconduct by patients against other patients

How many sexual safety incidents allegedly perpetrated by patients against other patients did the trust record?

- a. in 2022/23 financial year
- b. in 2023/24 financial year

A3      a. 0  
          b. 0

Q4      Sexual safety incidents by patients against staff

How many sexual safety incidents allegedly perpetrated by patients against staff did the trust record?

- a. in 2022/23 financial year
- b. in 2023/24 financial year

A4      a. 0  
          b. Information exempted under Section 40: Personal data. Providing this information would likely identify individuals involved.

Q5      Sexual safety incidents by staff against other staff

How many sexual safety incidents allegedly perpetrated by staff against other staff did the trust record?

- a. in 2022/23 financial year
- b. in 2023/24 financial year

A5      a. 0  
          b. 0

Q6      Age of alleged victims

How many of the sexual safety incidents did the trust record where the victim was a patient:

- a. Under 18 (this includes under 16 and under 13)
- b. Under 16 (this includes under 13)
- c. Under 13

A6      Information not held - Liverpool Heart and Chest Hospital is a specialist adult cardiothoracic centre and does not provide services to children and those under the age of 18.

Q7      Please provide figures for the 2022/23 and 2023/24 financial years.

How many incidents of physical violence perpetrated by patients against staff did the trust record?

- a. in 2022/23 financial year
- b. in 2023/24 financial year

A7      a. 25  
          b. 36

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.