



Kent and Medway
NHS and Social Care Partnership Trust
Information Governance & Records Management Department

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Sent via email

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Dear [REDACTED]

Request for Information

I write further to your request FOI ID 44261 under the Freedom of Information Act 2000 regarding: -

Alleged Sexual Assaults against people aged 60 and over by staff members

Your request is set out below:

1. How many sexual safety incidents has the trust recorded where the alleged victim was a patient aged 60 or over and the alleged perpetrator was a staff member (including agency staff)?

Please provide figures for:

April 2021 to the end of March 2024 (total)

Time Period	Number of Incidents
April 2021 – March 2022	Fewer than 5
April 2022 – March 2023	Fewer than 5
April 2023 – March 2024	Fewer than 5

Due to the low numbers involved in the response to your request I would like to confirm that we are unable to release the information, in full. We are not obliged, under section 40 (2) FOIA to provide information that is personal information of another person if releasing would contravene any of the provisions of the Data Protection Act 2018. In this instance we believe that the figures are significantly low enough that identification of those involved could be made, and would therefore contravene the first Data Protection principle, therefore section 40 (2) is engaged. The terms of this exemption in the freedom of information act mean that we do not have to consider whether or not it would be in the public interest for you to have the information

2. Do you have a Sexual Safety policy in place that covers assaults on patients by staff?

Yes, however this must be used in conjunction with the Trust's Managing of Allegations Policy, Mental Capacity Policy and Safeguarding Policy.

3. Does the policy also explicitly address the sexual abuse of older people?

We are proud to be smoke free

Trust Chair – Dr Jackie Craissati
Chief Executive – Sheila Stenson

No, the policy is used in conjunction with Mental Capacity Act, Managing Allegation Against Staff and Safeguarding Policy to ensure a person-centred safe response for all ages.

4. Have staff received training on dealing with sexual abuse against people with dementia?

Not specifically, however all staff must have mental capacity act training and safeguarding training which factors into account vulnerability and mental capacity to ensure a safe personal centred response, that reflects best interests' decision if capacity is a concern.

5. What training have staff received on dealing with sexual abuse against people with dementia?

All staff must have mental capacity act training and safeguarding training which factors into account vulnerability and mental capacity to ensure a safe personal centred response, that reflects best interests' decision if capacity is a concern.

6. Is this training mandatory for staff dealing with patients with dementia?

Mental Capacity Act Training and Safeguarding Training is statutory and mandatory for all clinical staff.

7. If your hospital has incidents recorded, please provide more information:

Sex of victims

No. Male

No. Female

No. Other

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8. Sex of alleged perpetrator

No. Male

No. Female

No. Other

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9. Role(s) of alleged perpetrators

HCA

Nursing Staff

Surgeon

Anaesthetist

Other

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10. Locations of alleged incidents (pls specify number for each incident)

Same Sex Ward

Single Sex Ward

Theatre

Public Area

Other

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11. Was incident reported to the police (please specify number for each incident)

All incidents were reported to the Police and KCC.

12. If not reported, please give reasons for this:

N/A

Please indicate if outcome of any police investigations if known:

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13. Was a referral made to the local Sexual Assault Referral Centre?
(please specify number for each incident) Yes No Unknown

No, SARC referrals are made with informed consent, or in the persons best interests as appropriate, and seeking police or LA or SARC guidance as needed.

14 Was the victim signposted to sexual violence support services (please specify number for each incident) Yes No Unknown

The information requested is not routinely collected outside normal record keeping of a clinical record. The requested information is not held centrally and is contained within the individual clinical records which cannot be extracted as a standalone piece of data. In order to extract the requested information and collate the results would require a manual exercise to identify and review clinical records and would exceed the appropriate time limits, as per the Freedom of Information Act 2000 section 12(1) which does not oblige a public authority to comply with a request for information if the authority estimates that the cost of complying with the request would exceed the appropriate limit.

I confirm that the information above completes your request under the Freedom of Information Act 2000. I am also pleased to confirm that no charge will be made for this request.

If you have any questions or concerns or are unhappy with the response provided or the service you have received you can write to the Head of Information Governance at the address on top of this letter. If you are not content with the outcome of your complaint, you may apply directly to the Information Commissioner for a decision.

Yours Sincerely

On Behalf of
The Information Governance Department