



Kent and Medway

NHS and Social Care Partnership Trust

Information Governance & Records Management Department

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Dear [REDACTED]

Request for Information

I write further to your request FOI ID 34613 under the Freedom of Information Act 2000 regarding:-

Sexual Harm Prevention

Your request is set out below:

1. Does your organisation have a policy that covers sexual safety, specifically preventing episodes of sexual misconduct and sexual violence involving patients, visitors and staff?

The Trust is committed to providing all patients and staff with a safe and secure environment and takes any allegations of sexual violence and misconduct very seriously. We are clear that any inappropriate behaviour is unacceptable and will take robust action when needed.

At KMPT we have an Allegations Against People in a Position of Trust policy, a Boundaries policy, and a Freedom to Speak Up policy. These policies enable a culture that safeguards patients and staff – and they are all easily accessible to staff via our intranet.

All staff receive mandatory safeguarding training, which includes training on sexual abuse, and all front-line practitioners must undertake Level 3 safeguarding training; which incorporates how to respond to disclosure of abuse, including sexual abuse and how to respond to allegations.

2. If your answer to question 1 was yes, please can you forward an electronic copy of the policy to me?

N/A

3. If your answer to question 1 was yes, what date did the policy become effective?

N/A

We are proud to be smoke free

Trust Chair – Dr Jackie Craissati

Chief Executive – Helen Greatorex

4. If you have updated your policy within the past five years, please can you provide me with an electronic copy of the policy it replaced? If the information is available, please can you specify how your current policy is now different.

N/A

5. Has your organisation accepted vicarious liability for any cases of sexual assault or violence concerning any staff or patients in the past five years (2017 to date) (Please include any cases that may have led to an out of court settlement.)

Yes

6. a) If your answer to question 5 was yes, please can you provide figures, specifically for the total number of cases and total compensation paid per year.
b) If possible, can you provide a breakdown for each case, specifying year; cost; whether the claimant was a patient, staff member or other (please specify): and whether the perpetrator was a staff member or patient?

Year	Description	Cases	Total damages	Total costs
2017	Sexual assault on patient by member of staff	Fewer than 5	£60,433	£44,892
	Physical assault on staff by patients	Fewer than 5	£22,847	£68,066
2018	Physical assault on staff by patients	6	£53,866	£40,973
	Assault on visitor by patient	Fewer than 5	£1,878	£1,608
2019	Sexual assault on patient by a member of staff	Fewer than 5	£40,000	£28,892
	Physical assault on staff by patients	Fewer than 5	£9,438	£8,832
2020	Sexual assault on patient by a member of staff	Fewer than 5	£25,000	£22,156
2021	Physical assault on staff by a patient	Fewer than 5	Not yet settled	Not yet settled
2022	Sexual assault on patient by a member of staff	Fewer than 5	£25,000	£14,235
	Physical assault on staff by a patient	Fewer than 5	£4,500	£15,500

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. 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

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