

Information Governance

White Building
Littlemore Mental Health Centre
Sandford Road
Littlemore
Oxford
OX4 4XN

Tel: 0845 219 1269
Fax: 0845 219 1275
Web: www.oxfordhealth.nhs.uk

6 March 2018

Reference no. 17180346

Dear

Request for Information: Freedom of Information Act

Thank you for your email of 6 February, making a request for information under the Freedom of Information Act. You requested the following information and the Trust is able to provide the information below in response:

Request:

1. The name of your trust?
2. In the following years how many incidents have been reported to/recorded by the trust for a breach of sexual boundaries by a staff member towards a service user?
 - a) 2013
 - b) 2014
 - c) 2015
 - d) 2016
 - e) 2017
3. Please provide a breakdown for each of the incidents in Q2 by years stating a brief anonymised description of the incident and the outcome of the investigations including any action taken against the staff member. (Please list the role of the staff member and if they were staff, bank or agency)
 - a) 2013
 - b) 2014

c) 2015

d) 2016

e) 2017

4. In the years mentioned above, if the the Trust has dismissed a QUALIFIED (i.e registered professional) member of staff for a breach of sexual boundaries towards a service user, has the Trust reported concerns about the individual to the Healthcare Professional Alert Notices system (HPANs)?

(Please answer yes or no and give the figure for how many staff it refers to)

5. If the Trust was to dismiss an UNQUALIFIED (i.e unregistered professional such as a Heath Care Assistant) member of staff for a breach of sexual boundaries towards a service user, does the Trust have a policy for alerting relevant authorities or future employers?

6. Does the Trust currently have any members of staff working for them onsite whilst waiting for their DBS check or renewal check? (Please answer yes or no and give the figure for how many staff it refers to. Please also list whether the staff member is staff, bank or agency)

7. Does the Trust currently have any members of staff working for them onsite who does not have a DBS check? (Please answer yes or no and give the figure for how many staff it refers to. Please also list whether the staff member is staff, bank or agency)

8. In the past five years, has the Trust ever employed a member of staff who the Trust then later found out does not have the right to work in the UK? If so, please list how many

Response:

1. Oxford Health NHS FT

With respect to questions 2 and 3 in order to adhere to best practice in maintaining patient/staff confidentiality the Trust does not publish numbers lower than 5 as this could lead to the identity of the patients/staff being revealed. Exemption – Section 40(2) of the Freedom of Information Act is applied. To disclose the information as requested would be in breach of the Data Protection Act (1998). As this information is personal and confidential by virtue of section 40(2) of the Freedom of Information Act, the Trust could therefore refuse to respond to your request in accordance with section 17 of the Freedom of Information Act.

4. No, with respect to employees and bank and agency staff.

5. Yes, with respect to employees and notification to the current employer for bank and agency staff.

6. With respect to Renewal for employees– yes. DBS check – it is very rare that a member of staff who requires a DBS check would start working before the DBS check is completed. However in rare cases there is a risk assessment process that can be applied. However, for Bank staff not in patient contact and allowed to attend training only.

7. Yes. Not all Trust employees are required to have a DBS check. None outstanding for Bank.

8. Yes, however exemption applied to number, see 1 to 3 above and no for bank and agency staff.

If you are unhappy with the service you have received in relation to your request and wish to make a complaint or request a review of our decision, you should write to me and I will ensure the decision is reviewed. The Trust will consider undertaking a review if requested to do so within 40 working days of the date the response is received by the applicant, and will apply discretion if a longer period of time has passed.

Should you wish to make a complaint as a result of the outcome of such a review, you may apply directly to the Information Commissioner's Office (ICO) for a decision.

Generally, the ICO cannot make a decision unless you have exhausted the complaints procedure provided by the Trust for FoI Act matters.

The ICO can be contacted at:

The Information Commissioner's Office, Wycliffe House, Water Lane, Wilmslow, Cheshire SK9 5AF

Please contact me if there are any further queries.

Kind regards,

Yours sincerely,

Mark Underwood

Head of Information Governance