11 March 2019

Dear

Freedom of Information Request – DGS 208

Thank you for your recent request for information made under the Freedom of Information Act 2000, which was received by NHS Dartford Gravesham and Swanley Clinical Commissioning Group (CCG) on 4 March 2019 the information you have requested is below.

1. For each of the last five calendar years, 2014, 2015, 2016, 2017 and 2018, please state the number of allegations received of:
   - Sexual misconduct
   - Sexual harassment
   - Sexual assault
   - Rape

   NHS Dartford Gravesham and Swanley Clinical Commissioning Group has not received any allegations of this type relating to current or ex members of staff.

2. For each of the above allegations received, please state:
   a) Whether the alleged victim was a member of the public, patient or health worker
   b) Whether the alleged perpetrator was a member of the public, patient or health worker
   c) Brief details of allegations
   d) Outcome of case ie for instance if the alleged perpetrator was a member of staff were they cautioned, disciplined of sacked
   e) Whether allegation was referred to police

   NHS Dartford Gravesham and Swanley Clinical Commissioning Group has not received any allegations of this type relating to current or ex members of staff.

3. For each of the last five calendar years, 2014, 2015, 2016, 2017 and 2018, please state the number of allegations received where the alleged victim was under the age of 18 of:
   a) Sexual misconduct
   b) Sexual harassment
c) Sexual assault
d) Rape

NHS Dartford Gravesham and Swanley Clinical Commissioning Group has not received any allegations of this type relating to current or ex members of staff.

4. For each of the above allegations received re alleged victims under 18, please state:
a) Whether the alleged victim was a member of the public, patient or health worker
b) Whether the alleged perpetrator was a member of the public, patient or health worker
c) Brief synopsis of allegations
d) Outcome of case ie for instance if the alleged perpetrator was a member of staff were they cautioned, disciplined or sacked
e) Whether allegation was referred to police

NHS Dartford Gravesham and Swanley Clinical Commissioning Group has not received any allegations of this type relating to current or ex members of staff.

5. Please state the number of non disclosure agreements your organisation holds with current or former staff which involve or relate to sexual misconduct, sexual harassment, sexual assault, rape or other sexual offences. For each of these, please state the number and financial value of the settlements.

NHS Dartford Gravesham and Swanley Clinical Commissioning Group has not received any allegations of this type relating to current or ex members of staff.

Please provide any official definitions your organisation uses to classify allegations of a sexual nature and any official guidance/flow charts for dealing with such cases.

NHS Dartford Gravesham and Swanley Clinical Commissioning Group does not have official definitions to classify allegations of a sexual nature. Below is information which has been lifted from the CCG's relevant Human Resources policies.

**Disciplinary policy** – states sexual misconduct at work, whether criminal or not is classed as gross misconduct. *There is no definition though.

Dignity at Work
Discrimination against other employees or members of the public by employees in the course of their duty on grounds of sex, sexual orientation, age, marital status, ethnic origin, religion, nationality, disability or other personal characteristics. Any breach of equal opportunities will be regarded as a very serious matter. Victimisation or bullying of other employees in the course of duty will also be viewed seriously.

Off Duty Offences
In the event of an employee being arrested or charged with an offence committed outside of work, the CCG will consider whether or not the alleged offence has any implication for the person's health service employment.
In any event, an employee convicted of a criminal offence may be dismissed by the CCG if, in the considered opinion of the CCG, the conviction renders the person unsuitable for further employment.

**Zero Tolerance policy** – states, the organisation will operate a policy of ‘zero tolerance’ concerning violence and inappropriate behaviour against its employees. Individuals who threaten, use inappropriate behaviour, or are violent towards staff may have treatment withheld and eventually excluded from the premises and/or reported to the police. The definition of violence within the NHS is as set out in HSC 1999/226: ‘Any incident where staff are abused, threatened or assaulted in circumstances related to their work, involving an explicit or implicit challenge to their safety, wellbeing or health’

Unacceptable Behaviour
The following are examples of unacceptable behaviour. Although not exhaustive, this indicates the type of behaviour that CCG’s employees should not be exposed to:
- Malicious allegations relating to members of staff
- Offensive remarks, gestures or behaviours, related to age, gender reassignment, disability, religion or belief, sexual orientation, marriage or civil partnership, pregnancy and maternity
- Abusing alcohol or drugs in CCG premises
- Wilful damage to Trust property
- Theft
- Threats or threatening behaviour
- Physical Violence of any type
- Excessive noise, e.g. Loud or intrusive conversation or shouting
- Threatening or abusive language that may include excessive swearing or offensive remarks
- Comments or abusive language that infringe equality E.g. Religious taunts or homophobic language
- Other unlawful acts outlined in equality legislation E.g. Direct or indirect discrimination, harassment or victimisation

**Bullying and harassment Policy**, definition of harassment: Section 32 of the Agenda for Change Handbook defines harassment as: “any conduct based on age, sex, sexual orientation, gender assignment, disability, HIV status; race, colour, language, religion, political, trade union or other opinion or belief, national or social origin, association with a minority group, domestic circumstances, property, birth or other status which is not reciprocated or wanted and which affects the dignity of men and women at work”

Verbal Harassment
Statements, remarks, jokes, banter or innuendoes which are derogatory, or which ridicule or insult a person on the grounds stated; the use of threatening or obscene language; making verbal sexual advances; attempts to stir up hatred or discontent against particular groups.

Physical Harassment
Physical contact – ranging from touching to serious assault, gestures, intimidation or aggressive behaviour which are intimidatory or which ridicule, discomfort or embarrass individuals e.g. invasion of personal space, making sexual advances in a physical manner.
Whistleblowing Policy - How to Raise a Concern Internally

Step 1
If an employee has a concern about malpractice or inappropriate behaviour of any kind including sexualized behaviour towards a patient/service user, child or young person, they should initially raise it with their line manager, either verbally or in writing. However, if this is not appropriate please see Step 2. The employee may wish to involve a Trade Union representative or colleague to advise or assist them or to speak on their behalf. They should ensure they keep a detailed record of all relevant events as they happen.

Step 2
If the concern relates to their manager, or an employee feels unable to raise the matter with their manager for some other reason, they should raise the matter with another senior person they can CCG. If the concern relates to a child or young person, they can contact the Designated Nurse for Safeguarding Children on 01634 382825. They may again wish to involve a Trade Union representative or colleague. Employees should advise if they want to raise the matter in confidence so that appropriate arrangements can be made.

If you are still dissatisfied following the internal review, you have the right under Section 50 of the Freedom of Information Act 2000 to appeal against the decision by contacting the Information Commissioner. The Information Commissioner provides full and detailed guidance on the Freedom of Information Act, and on when and how to complain.

Please find below the link to their website page and their helpline number.
https://ico.org.uk/for-the-public/official-information/
Helpline number: 0303 123 1113

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. An anonymised version of our response will therefore be posted on our website.

Please remember to quote the reference number above in any future communications.