



East London
NHS Foundation Trust
Information Governance
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22 August 2024

Our reference: FOI DA5556

I am responding to your request for information received 21 August 2024. This has been treated as a request under the Freedom of Information Act 2000.

I am now enclosing a response which is attached to the end of this letter. Please do not hesitate to contact me on the contact details above if you have any further queries.

Yours sincerely,

Information Rights Coordinator

If you are dissatisfied with the Trust's response to your FOIA request then you should contact us and we will arrange for an internal review of this decision.

If you remain dissatisfied with the decision following our response to your complaint, you may write to the Information Commissioner for a decision under Section 50 of the Freedom of Information Act 2000. The Information Commissioner can be contacted at:

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

Tel: 0303 123 1113
Web: www.ico.org.uk

Please note that the data supplied is not allowed to be re-used and/or published without the explicit consent of East London NHS Foundation Trust. Please contact the signatory to request permission if this is your intention



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Chief Executive Officer: Lorraine Sunduza
Chair: Eileen Taylor

Request:

Question 1: Could you please confirm the current employment statuses of these employees and any other disciplinary actions that were undertaken by the Trust in response to these allegations?

Such disciplinary actions could include but is not limited to if said employees were suspended by the Trust, retained as staff, dismissed, barred from practising, transferred to another NHS Trust, or other actions as seen fit by the Trust.

Answer: The Trust has reviewed your request for information under the Freedom of Information Act (FOI) 2000.

Section 40 for the FOI Act states:

(2) This exemption covers the personal data of third parties (anyone other than the requester) where complying with the request would breach any of the principles in the UK GDPR.

The information you have requested relates to less than five individuals and has the potential for those individuals to be identified through the action that was taken as well as their current employment status. The Trust is therefore unable to provide this information in detail.



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Original Request DA5486aR:

Please consider this as my request for an internal review to my FOI with reference number FOI 200. This request is made following your last email where you upheld your decision on Section 40 of the Act:

I understand the "less than five" absolute exception upheld in your response, however, I'd like a review of this response.

This FOI was sent to over 200 NHS Trusts in England to accumulate, to the best estimate, the number of NHS employees who have been accused of, or have faced child sexual abuse allegations in the last five years.

The information you might hold and in this case, a number less than five, is only a small part of a massive whole that when aggregated into one large sum, negates the idea or argument that this would lead to the identification of your employees.

I draw your attention to the FOI responses sent to the Guardian, a renowned media in the UK, where its report stated that NHS Trusts had recorded "493 alleged child sexual offences in hospitals."

This figure, collated due to cooperation of several NHS Trusts with FOIs, has been quoted across several reports in 2024, including in multiple reports that highlight the underreporting of sexual abuse in the NHS. I believe the same situation applies here.

In relation to my FOI, if you're aware of these incidents, could you please consider this before making a final decision? All subsequent requests marked 2-4 have been made redundant and I'm asking you to apply this to only the first request marked (1).

Q1) A list of the number of all employees accused or arrested on charges of child sexual abuse from January 1, 2019, until the day this request is fulfilled.

Answer: The Trust has reviewed its previous response and upholds its decision not to disclose this information under Section 40(2) of the Freedom of Information Act 2000.

The data above totals less than five individuals. This could assist and be aggregated to help identify particular individuals who have been accused or arrested for the listed charges. Additionally, providing such information may compromise these individuals' right to confidentiality. As a result, the application of Section 40(2) under the Freedom of Information Act has been upheld. Considering this is regarding sensitive personal information potentially concerning an individual's personal data relating to criminal convictions and offences including through suspicion or allegations, alongside a potential breach of confidentiality and an individual's right to privacy through disclosing such information, disclosure would breach Data Protection legislation. This is therefore, on balance, not considered in the public interest to be disclosed.

The ICO states that information about offenders or suspected offenders in the context of criminal activity, allegations, investigations and proceedings is considered sensitive and is given extra protection under the UK GDPR. Therefore, any breach of this is considered to be a breach of an individual's sensitive personal data if such a person can be potentially identified. The Trust is therefore unable to provide this information.

In relation to the article identified, this does not provide figures under five and nor does it identify particular figures as relevant to any specific Trust. Therefore, it does not enable individuals to potentially be identified through any of the data within the article.



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