



WILTSHIRE POLICE

Force Disclosure Unit

Police Headquarters
London Road
DEVIZES
Wiltshire
SN10 2DN

Date: 20th February 2023

Ref: FOI 2023/236

Dear,

I write in connection with your request for information dated 20th February 2023 concerning sexual offences reported to have taken place on NHS premises.

I am required by the Freedom of Information Act 2000 to handle all requests in a manner that is blind as to the identity and motives of the requestor. Any information released as a response to a request is regarded as being published and therefore in the public domain without caveat.

Your request for information has now been considered and I am not obliged to supply the information you have requested.

You wrote:

Under the Freedom of Information Act 2000, please provide me with answers to the following questions about recorded sexual crimes/incidents allegedly committed on NHS premises (e.g. hospitals, GP surgeries, healthcare clinics, etc) in the past six years.

N.B. I am only requesting data about the following alleged crimes: child sex offences; sexual activity with a person with a mental disorder; and gang rape.

I believe these incidents will be recorded on your system under the following crime codes. However, please do not exclude relevant offences where the codes are not listed.

19D Rape of a female child under 16

19E Rape of a female child under 13

19G Rape of a male child under 16

20B Sexual assault on a female child under 13

19G Rape of a male child under 16

19H Rape of a male child under 13

17B Sexual assault on a male child under 13

21 Sexual activity involving a child under 13

22B Sexual activity involving child under 16

22B Causing or inciting a child under 16 to engage in sexual activity

71 Abuse of children through Sexual Exploitation

71/17 Engage in sexual communication with a child.

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88/1 Meeting a female child following sexual grooming etc (Offender is aged 18 or over and victim is under 16). Sexual Offences Act 2003 Sec 15.

88/2 Meeting a male child following sexual grooming etc. (Offender is 18 or over and victim is under 16). Sexual Offences Act 2003 Sec 15.

70 Sexual activity etc with a person with a mental disorder

70 Care worker engage in sexual activity with mentally disordered male

19J Rape of a Female – Multiple Undefined Offenders

19K Rape of a Male - Multiple Undefined Offenders

Questions:

1. How many incidents of (each of the above) child sex offences were recorded on NHS premises in the following years? Please provide a breakdown by offence type/category.

2022

2021

2020

2019

2018

2017

2. How many incidents of gang rape (multiple undefined offenders) were recorded on NHS premises in the following years? Please provide a breakdown by offence type/category.

2022

2021

2020

2019

2018

2017

3. How many incidents of sexual activity with a person with a mental disorder were recorded on NHS premises in the following years?

2022

2021

2020

2019

2018

2017

4. If possible, please also provide the following information about the above recorded crimes/incidents:

Investigation outcome, e.g. arrest; charged; convicted; named suspect but victim/key witness deceased or too ill; victim declines to support investigation (named suspect); investigation complete no suspect identified; victim unable to support action to identify offender; police - named suspect, victim supports but evidential difficulties; formal action not in the public interest; investigation complete no suspect identified.

Victim type, e.g. patient; staff – preferably specified by profession: doctor, nurse, etc; member of the public; visitor; unknown.

Suspect type, e.g. patient; staff – preferably specified by profession: doctor, nurse, etc; member of the public; visitor; unknown.

NHS location, e.g. hospital, mental health unit, GP surgery, etc.

Our response:

The information that you are requesting for the majority of your request is not stored in a way which permits easy retrieval. Without an address of every single NHS facility we have within the county to search on, the only way in which we would be able to retrieve this information is by manually trawling through each report made within the time frame requested to see if it related to a report of an incident that took place within an NHS facility and then go on to try and locate the remaining information you require. As you can imagine, the amount of reports that would have to be sifted through from 2017 – 2022, would be an incredibly excessive amount and would undoubtedly exceed the time/cost limitations we have to furnish your request within.

Under the circumstances I am absolutely confident that to locate, retrieve and extract the information you seek would by far exceed the time obligations upon this authority to comply, and in so doing would exceed the fees limits. This is set at £450 calculated at a flat rate of £25 per hour for those work activities comprising of confirming the information is held, locating it, retrieving it and extracting it.

Please note, that if one part of the request engages a Section 12 response, the whole request will engage a Section 12 response. The reason being is due to the fact that locating, retrieving and extracting any further information would only add to the already exceeded time obligations.

Ordinarily under our Section 16 duty to provide advice and assistance, we would advise you how to refine your request to a more manageable level and in order to do so, I would suggest that you provide us with a list of addresses that are NHS facilities as once we have this, then we will be able to carry out a more accurate and pointed search for you in order to retrieve the information requested. However, please bear in mind that the same difficulties may apply for Q3, as the only way in which we would be able to ascertain if a sexual offence had reportedly taken place with an individual with a mental disorder would be to manually peruse all sexual offence related reports that may be brought back by searching on the postcode of NHS facilities, and dependent on the quantity there are, the S12 exemption may still apply to this question in particular.

Section 17 of the Freedom of Information Act 2000 requires the Wiltshire Police, when refusing to provide such information (because the information is exempt) to provide you the applicant with a notice which: (a) states that fact, (b) specifies the exemption in question and (c) states (if that would not otherwise be apparent) why the exemption applies.

The exemption applicable to the information requested is:

Section 12: Exemption where cost of compliance exceeds appropriate limit

- (1) Section 1(1) 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.

In accordance with Section 17 of the Act, this letter represents a Refusal Notice for this particular request.

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I am satisfied that all the relevant information has been passed to me and been considered in the light of your request within the time constraints applicable under the legislation.

Wiltshire Police would like to thank you for the interest that you have shown in the Force.

Yours sincerely,

Force Disclosure Decision Maker

Wiltshire Police offers a re-examination of your case under its review procedure.



Force Disclosure Unit

Wiltshire Police HQ, London Road, Devizes, Wiltshire SN10 2DN
Telephone 101

Freedom of Information Request Appeals Procedure

1. Who Can Ask for a Review

Any person who has requested information from Wiltshire Police, which has been dealt with under the Freedom of Information Act, is entitled to complain and request an internal review, if they are dissatisfied with the response they received.

2. How to Request a Review

Requests for review of a Freedom of Information request must be made in writing to the:

Force Disclosure Unit
Wiltshire Police Headquarters,
London Road, Devizes,
Wiltshire,
SN10 2DN

Email at disclosure@wiltshire.police.uk.

The reference number, date of the request and details of why the review is being requested must be included. Requests for review should be brought to the attention of the Force Disclosure Unit within 20 working days of the Force's response to the original FOI request.

3. Review Procedure

Receipt of a request for review will be acknowledged in writing to include confirmation of the reasons for the review. The review will be conducted by another Decision Maker, who is independent from the original Decision Maker. The Force Disclosure Unit will set a target date for a response. The response will be made as soon as is practicable with the intention to complete the review within twenty working days. In more complex cases the review may take up to 40 working days.

The Independent Decision Maker will conduct a review of the handling of the request for information and of decisions taken, including decisions taken about where the public interest lies in respect of exempt information where applicable. The review enables a re-evaluation of the case, taking into account the matters raised by the complaint.

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4. Conclusion of the Appeal

On completion of the review the Independent Decision Maker will reply to the complainant with the result of the review. If the complainant is still dissatisfied following the review, they should contact the Information Commissioner to make an appeal. The Information Commissioner can be contacted via the following details:

Information Commissioner's Office
Wycliffe House
Water Lane
Wilmslow
Cheshire
SK9 5AF
Tel: 01625 545 700
Fax: 01625 524 510
Email: mail@ico.gsi.gov.uk