



**East London**

**NHS Foundation Trust  
Information Governance**

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21<sup>st</sup> August 2024

**Our reference: FOI DA5486aR**

I am responding to your request for a further internal review under the Freedom of Information Act 2000 which was received on 5<sup>h</sup> August 2024. This was regarding our response on 2<sup>nd</sup> August 2024.

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.

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](http://www.ico.org.uk)

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**Chief Executive Officer:** Lorraine Sunduza  
**Chair:** Eileen Taylor

**Request:**

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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**Chair:** Eileen Taylor

**Original Request FOI DA5486a:**

**I understand the "less than five" absolute exception but in the context of this FOI, could you please reconsider the first request?**

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

**The information you might hold and in this case, a number, is only a small part of a massive whole that when summed up, negates the argument of identification of these employees.**

**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).**

**Answer:** The Trust has reviewed question 1 of 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, either directly or when amalgamated with other information. Additionally, providing such information may compromise such individual's right to confidentiality. Considering this is regarding sensitive personal information, a breach of confidentiality and an individual's right to privacy through disclosing such information would breach Data Protection legislation and, on balance, is therefore not considered in the public interest. The Trust is therefore unable to provide this information.



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**Original Request FOI DA5486:**

**Pursuant to the UK's Public Records Act, I hereby request the following:**

**Question 1: 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 question 1 of 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. The Trust is therefore unable to provide this information.

**Please consider the timeframe listed in request (1) above for all subsequent requests below.**

**Question 2: A breakdown of the different crimes reported: rape, grooming, groping, lewd acts, anal or vaginal penetration, and other examples listed as crime by the Home Office.**

Answer: The Trust has reviewed question 2 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—  
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and  
(b) if that is the case, to have that information communicated to them.*

East London NHS Foundation Trust does not record information regarding staff that are accused or arrested for criminal offences unless they lead to a formal process in line with Trust policy, and is therefore unable to provide a response.

**Question 3: All disciplinary files or records of employees investigated for child sexual abuse. This request relates to employees whose names have already been released into the public domain and as such, Section 40 of the Act which exempts sensitive information on the identity of these employees cannot be applied to this request.**

Answer: The Trust has reviewed question 3 of 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. The Trust is therefore unable to provide this information.



**Question 4: An annual summary from 2019 of all legal costs, settlements, or restitution paid to affected families of these children.**

**(Such public records should include, but not be limited to, all complaints; allegations; claims; investigatory reports; analyses; summaries; memoranda and/or notes; interview recordings; transcripts and/or notes; reviews; emails, text or other electronic messages, voicemails, and/or other communications and/or correspondence; determinations; decisions; orders; resignation letters; employment reclassification documents; offers in compromise and/or settlement agreements; termination and/or transfer papers; letters of reproof and/or other disciplinary actions, whether imposed or not; referrals to law enforcement, administrative, and/or licensing agencies, departments, and/or bodies; appeals; court filings and/or rulings; and all similar materials notwithstanding the use of other terminology, nomenclature, or categorization by this or other involved public agencies.)**

**Answer:** The Trust has reviewed question 4 of your request for information under the Freedom of Information Act (FOI) 2000.

Section 1(1) of the Freedom of Information Act 2000 states:

*Any person making a request for information to a public authority is entitled—  
(a) to be informed in writing by the public authority whether it holds information of the description specified in the request, and  
(b) if that is the case, to have that information communicated to them.*

East London NHS Foundation Trust does not record the information requested and is therefore unable to provide a response.



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