

Our Ref: IM-FOI-2022-2122
Date: 28 October 2022



FREEDOM OF INFORMATION (SCOTLAND) ACT 2002

I refer to your recent request for information which has been handled in accordance with the Freedom of Information (Scotland) Act 2002.

For ease of reference, your request is replicated below together with the response.

- 1. Over the past five years, how many incidents/allegations of sexual assault which took place on NHS premises have you recorded?**
 - 1.1 Over the past five years, how many incidents/allegations of rape which took place on NHS premises have you recorded?**
 - 1.2 Over the past five years, how many incidents/allegations of other sexual offences which took place on NHS premises have you recorded?**
 - 2. If this information is retrievable on your system, over the past five years, how many incidents/allegations of sexual assault or harassment and rape and other sexual offences which took place on non-NHS premises where the perpetrator was an NHS staff member (works for NHS, doctor, nurse, etc) have you recorded?**
 - 2.1 Please state in how many cases there was a workplace/professional relationship between the perpetrator and the victim (colleague, carer-patient, etc) if known?**
 - 3. If this information is recorded on your system, over the past five years, how many incidents/allegations of sexual assault or harassment, rape and other sexual offences which took place on non-NHS premises and where the victim was an NHS staff member (works for NHS, doctor, nurse, etc) have you recorded?**
 - 3.1 Please state in how many cases there was a workplace/professional relationship between the perpetrator and the victim (colleague, patient-carer, etc) if known?**
- I would like both the total number for all these incidents/allegations as well as a breakdown for each of these years: 2017-18, 2018-19, 2019-20, 2020-21, 2021-22**

Having considered your request in terms of the Act, I regret to inform you that I am unable to provide you with the information you have requested, as it would prove too costly to do so within the context of the fee regulations.

As you may be aware the current cost threshold is £600 and I estimate that it would cost well in excess of this amount to process your request.

As such, and in terms of Section 16(4) of the Freedom of Information (Scotland) Act 2002 where Section 12(1) of the Act (Excessive Cost of Compliance) has been applied, this represents a refusal notice for the information sought.

To explain, crimes are recorded by offence classification using Scottish Government Justice Department crime classification codes rather than by type of business or when recorded an occupation. As a result, the only way to provide an accurate response to your request would

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be to read through each and every crime report for the years requested to establish if the type of premises is detailed as being a NHS property/employee and then further examine in order to answer the specific details of your request. Given the thousands of reports that would have to be researched this is an exercise which I estimate would far exceed the cost limit set out in the Fees Regulations.

You can access our published crime statistics via the following link: [How we are performing - Police Scotland](#)

Should you require any further assistance please contact Information Management - Dundee at foidundee@scotland.police.uk quoting the reference number given.

If you are dissatisfied with the way in which Police Scotland has dealt with your request, you are entitled, in the first instance, to request a review of our actions and decisions.

Your request must specify the matter which gives rise to your dissatisfaction and it must be submitted within 40 working days of receiving this response - either by email to foi@scotland.police.uk or by post to Information Management (Disclosure), Police Scotland, Clyde Gateway, 2 French Street, Dalmarlock, G40 4EH.

If you remain dissatisfied following the outcome of that review, you are thereafter entitled to apply to the Office of the Scottish Information Commissioner within six months for a decision. You can apply [online](#), by email to enquiries@itspublicknowledge.info or by post to Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife, KY16 9DS.

Should you wish to appeal against the Office of the Scottish Information Commissioner's decision, there is an appeal to the Court of Session on a point of law only.

As part of our commitment to demonstrate openness and transparency in respect of the information we hold, an anonymised version of this response will be posted to the Police Scotland Freedom of Information [Disclosure Log](#) in seven days' time.

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