

Reference:	FOI.2512.20
Subject:	Hate crime
Date of Request:	13 February 2020

Requested:

Please can I request the following under the Freedom of Information Act, for the years 2017, 2018, 2019, and 2020 so far.

- The number of reported incidents of hate crime towards hospital staff by members of the public – visitors and patients.
- Please detail what sort of hate crime, gender based, transphobic, homophobic, racist, etc – and if it was verbal or physical, and if anyone was injured (and the severity)
- If possible please detail which department of the hospital this occurred in –For example A&E, maternity, children’s ward, out patients. – and if possible what the staff members job was, such as doctor, nurse, security, porter.
- If possible please detail if the reported incident was carried out by a patient, or visitor?
- Please detail if the police were called, and if any action was taken.

Also the number of incidents reported by patients of hate crimes in hospital departments – please detail the same.

Response:

The UHB is unable to provide you with all of the information relating to incidents of hate crime against staff by patients and visitors, as it is estimated that the cost of answering your request would exceed the “appropriate level” as stated in the Freedom of Information (Fees and Appropriate Limit) Regulations 2004. The “appropriate level” represents the estimated cost of one person spending 18 hours or (2 ½ working days) in determining whether the UHB holds the information, and locating, retrieving and extracting the information.

Incidents of abuse against staff by patients and visitors within Hywel Dda University Health Board (UHB) are recorded on Datix, our incident reporting system. The reporting form requests certain information to enable the incident to be categorised, however the bulk of the information such as detail of where the incident occurred and if it was reported to authorities is contained within a free text field.

Incidents of verbal abuse can be categorised as ‘verbal abuse’ or as ‘verbal abuse with racial content’, ‘verbal abuse with gender content’ and ‘verbal abuse with disability content’. It is possible that incidents of hate crime could be recorded as any of these categories and so in order to provide you with the total number of incidents detail of the incidents the UHB would be required to conduct a manual search of each of these incidents which is estimated to cost:

895 records @ 10 minutes per patient record = 149 hours
 149 hours @ £25 per hours = £3,725

The UHB is therefore applying an exemption under Section 12 of the Freedom of Information Act 2000, which provides an exemption from a public authority’s obligation to comply with a request for information where the cost of compliance is estimated to exceed the *appropriate limit*.

Under Section 16 of the Freedom of Information Act the UHB has an obligation provide advice and assistance, the UHB has therefore provided the number of the incidents categorised as 'verbal abuse with racial content', 'verbal abuse with gender content' and 'verbal abuse with disability content' by a patient or visitor within the requested timeframe within the table below.

Calendar Year	Patient	Visitor
2017	11	*
2018	24	*
2019	14	0
2020	*	0

Where the figures in the table have been replaced with an asterisk, the UHB is unable to provide you with the exact number of patients due to the low numbers of cases (5 and under), as there is a potential risk of identifying individuals if this was disclosed. The UHB is therefore withholding this detail under Section 40(2) of the Freedom of Information Act 2000. This information is protected by the Data Protection Act (DPA) 2018 / General Data Protection Regulations (GDPR) 2016, as its disclosure would constitute unfair and unlawful processing and would be contrary to the principles and articles 6 and 9 of the GDPR. This exemption is absolute and therefore there is no requirement to apply the public interest test.

In reaching this decision, the Data Protection Act 2018 / General Data Protection Regulations 2016 defines personal data as data which relates to a living individual who can be identified solely from that data or from that data and other information which is in the possession of the data controller.