

Statement of Approach to Investigating Sexual Safety

Introduction

1. This Statement of Approach explains how the Chair will investigate issues of sexual safety in order to meet the Inquiry's Terms of Reference.
2. In the course of its work, the Lampard Inquiry will examine matters relating to sexual safety within mental health inpatient settings overseen and operated by the Trust(s). The Inquiry does not seek to create its own definition of sexual safety. Instead, it adopts the definition set out in the "[Sexual Safety Collaborative – Standards and guidance to improve sexual safety on mental health and learning disabilities inpatient pathways](#)". This Statement explains how the Inquiry will apply that definition in practice and the types of conduct and evidence it will consider.
3. For the purposes of its investigations, and consistently with the Sexual Safety Collaborative guidance, sexual safety concerns the rights of patients and others within mental health settings to be protected from sexual harm and from exposure to sexualised behaviour that is unwanted, unsafe, exploitative, abusive, coercive or otherwise inappropriate, and to feel safe and supported within care environments.
4. The Inquiry will consider sexual safety issues arising from conduct of a sexual nature occurring:
 - On inpatient wards or hospital premises; and
 - Whilst an inpatient is on authorised or unauthorised leave, where the organisation responsible for the relevant mental health inpatient unit knew or ought reasonably to have known of the behaviour or associated risk.

Examples of sexual harm and sexualised behaviour

5. The Inquiry may consider evidence of sexual harm or sexualised behaviour including but not limited to:

- Sexual harassment;
- Grooming, sexual exploitation, trafficking, coercion, manipulation or pressure into sexual activity, or sexual transactions;
- Sexual misconduct or abuse of position by staff or others in a position of trust;
- Online or technology-facilitated abuse of a sexual nature, including exposure to or sharing of sexual images or pornographic content;
- Conduct of a sexual nature likely to cause another person to feel unsafe, distressed, frightened, humiliated or intimidated, including:
 - Sexualised language, comments, teasing, jokes or innuendo;
 - Nakedness, exposure or sexualised behaviour in communal or shared spaces;
 - Exposure to another person's sexual activity, or self-stimulation where it impacts others;
- Sexual behaviour that is inappropriate having regard to a person's age, vulnerability, legal capacity or the care setting;
- Any intimate or sexual activity involving a child under the age of 16 in a mental health setting; and
- Any other conduct that would constitute an offence under the Sexual Offences Act 2003.

Considerations particular to mental health settings

6. The Inquiry recognises that some sexualised or sexually disinhibited behaviour may arise as a symptom of a person's mental health condition. Where such behaviour adversely affects that individual or others, creates or evidences unmanaged risk, or requires assessment, safeguarding or intervention, it may

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nonetheless engage issues of sexual safety and fall within the Inquiry's investigations.

7. The Inquiry further recognises that adults of legal age who have capacity have the right to express their sexuality and to have their personal needs met in a safe and private manner. These rights must be balanced carefully against the rights of those individuals and others to be protected from sexual harm and unwarranted sexual behaviour and to be safe within mental health settings.

Contextual assessment of sexualised behaviour

8. In examining matters relating to sexual safety, the Inquiry will consider the context in which the behaviour occurred, including vulnerability, capacity, power imbalance, the care setting, and the adequacy of risk assessment, safeguarding and organisational response.

Conclusion

9. The Inquiry's focus is on systems, culture, institutional decision-making and accountability, and the quality of organisational and inter-agency responses to sexual safety concerns. The Inquiry is not permitted to make findings of individual criminal or civil liability.
10. The Inquiry recognises that matters relating to sexual safety may be sensitive and distressing. In engaging with those who may have experienced, witnessed or otherwise been affected by sexual harm or sexualised behaviour, the Inquiry will adopt a trauma-informed approach. This includes conducting its work with care and sensitivity, minimising the risk of re-traumatisation, and signposting individuals to appropriate sources of support where necessary.