

Date: 29/02/2024
Your Ref:
Our Ref: 8386

Enquiries to : Richard Mutch
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Dear

FREEDOM OF INFORMATION – LEGAL ACTION

I write in response to your request for information in relation to legal action within NHS Lothian.

Question:

- Please can you confirm whether NHS Lothian have a policy and/or approach where financial compensation can be paid without legal action being required to be instigated, based on cases of a diagnosis that has been missed and/or medical misdiagnoses, or whether legal action is always necessary?

Answer:

I am advised that legal action is not always necessary. We do not have a formal policy but take the approach that every claim for medical negligence goes through the Central Legal Office (CLO - NHS Scotland solicitors).

The CLO then look into each claim and make recommendations to the Board based on their findings.

I hope the information provided helps with your request.

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing, Midwifery and AHPs
Cc: Chief Executive