

Dear

FREEDOM OF INFORMATION – DISCIPLINARY

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

Question:

- For each time an employee was given a first and final warning as a disciplinary action between January 2018 and present date, a description of the conduct warranting this disciplinary response

It would be ideal if you could break this down by year and incident. However, if this is impossible for anonymity reasons, I would accept a list of descriptions without dates or locations.

Answer:

Year	No. of First and Final Warnings	Further information
2018/19		Not available
2019/20		Not available
2020/21	21	Information is not available by reason for warning.
2021/22	26	Information is not available by reason for warning.
2022/23	25	Information is not available by reason for warning.
2023/24	15	Information is not available by reason for warning.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to patients over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

Question:

2. For each time an employee was dismissed as a disciplinary action between January 2018 and present date, a description of the conduct warranting this disciplinary response
 1. See note above.

Answer:

As provided in our response to your previous request (response of 5 February 2024), dismissals by year are as follows:

Year	No. of dismissals	Further information
2018/19	8	Not available
2019/20	12	Not available
2020/21	5<	Given numbers and potential for identification information not provided.
2021/22	6	Grounds for dismissal included: confidentiality breaches, H&S breaches, fraud, harassment and abuse of colleagues.
2022/23	5<	Given numbers and potential for identification information not provided.
2023/24	7	Grounds for dismissal included: confidentiality breaches, theft, harassment and abuse of colleagues.

To protect the identity of the individuals involved any figure of 5 or less has not been shown in the table above. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018).

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
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Cc: Chief Executive