

Dear

FREEDOM OF INFORMATION – DISCRIMINATION

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

Question:

1. How many complaints of each of the following types of discrimination were reported to your organisation in 2021, 2022 and 2023:
 - a) Disability discrimination
 - b) Race or ethnicity discrimination
 - c) Sexual orientation discrimination - None

Answer:

	2021	2022	2023
a.	5<	5<	0
b.	0	0	5<
c.	0	0	0

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).

Question:

2. How many complaints were reported to your organisation about discrimination related to a person's HIV status in:
 - a) 2021
 - b) 2022
 - c) 2023

Answer:

2021	0
2022	0
2023	0

Question:

3. If HIV-related discrimination complaints were reported to your organisation, how many of the following incidents were reported?
- (a) Refusal of a service after HIV status was shared.
 - (b) Failure to make reasonable adjustments for a person's HIV status.
 - (c) Harassment related to a person's HIV status.
 - (d) Use of an organisational policy that discriminated against a person based on their HIV status.
 - (e) Another kind of HIV discrimination incident.

Answer:

Not applicable

Question:

4. If HIV-related discrimination complaints were reported to your organisation, were they reported by?
- (a) Members of the public.
 - (b) Employees of your organisation

Answer:

No

Question:

5. If HIV-related discrimination complaints were reported to your organisation, how many complaints were upheld?

Answer:

Not applicable

Question:

6. Does your organisation have a policy to deal with incidents of HIV discrimination reported to them at a strategic level? If so, could you explain what the policy is or attach a copy of said policy?

Answer:

There is no specific reference to HIV discrimination in workforce policies. These are based on the statutory protected characteristics.

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