

Date 30/04/2025  
Your Ref  
Our Ref 9961

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Dear

## FREEDOM OF INFORMATION – APPLICATION PROCESS

I write in response to your request for information in relation to a job application process.

Question:

1. How many doctors applied for this post?

Answer:

One

Question:

2. Of those that applied how many were shortlisted? How many were interviewed?

Answer:

One

Question:

3. Of the doctors that applied for this post, how many declared a financial interest in Alphamed Scotland or any other company. What is the process for declaring financial conflicts of interest at the time of application?

Answer:

One – Declared that they worked as a contractor for Alphamed Scotland.

There is no formal process in place at the application stage to declare financial conflicts of interest – this will be picked up later in the recruitment process as appropriate in terms of the interview and then covered in the contract of employment.

Question:

4. With regards to writing the job description, requesting approval for the post, approval, advertising, shortlisting, interviewing and appointing a candidate, how many doctors were involved at each stage? Please include any stages that I have omitted. Please include medical management. What were their grades?

Headquarters  
Mainpoint  
102 West Port  
Edinburgh EH3 9DN

Chair Professor John Connaghan CBE  
Chief Executive Professor Caroline Hiscox  
*Lothian NHS Board is the common  
name of Lothian Health Board*

Answer:

Approval & Advertising - 4 Doctors – 2 x Clinical Director, 2 x Associate Medical Director

Shortlisting & Interviewing - 6 Doctors – 2 x Clinical Director, 2 x Associate Medical Director, 1 x Academic Intensive Care Consultant. 1 x External Advisor (Consultant)

Question:

5. Of the above, how many have completed a financial conflict of interest declaration or similar by the time of the appointment to this post? How many have subsequently made such a declaration?

Answer:

None

Question:

6. Of the above, how many are or have been employees or shareholders or otherwise have had any relationship with Alphamed Scotland?

Answer:

None are employees or shareholders.

One individual has worked as a contractor at a single event for Alphamed Scotland.

Question:

7. What are the NHS Lothian policies regarding financial conflicts of interests as applied to recruitment? What are the responsibilities of a member of an appointing panel?

Answer:

I am advised that there are no specific HR policies applicable in this area. There are sections within the contract of employment, which I have included below:-

11. **Secondary Employment and Controls on Hours of Work**

You are expected to co-operate with NHS Lothian in protecting your health and safety and that of patients, colleagues and members of the public by abiding by the principles of the Working Time Regulations and NHS Circular: MEL (1999) 1, Working Time Regulations – Implementation in NHS Scotland. The legislation and circular place limits on the hours of work per week, and detail required breaks and rest periods. Further information is available from your line manager or the HR Department.

When considering the limits on weekly working hours, hours worked for other organisations contribute to the maximum hours to be worked. You should not, therefore, enter into other employment which would breach these limits and in taking up this appointment with NHS

Lothian you require to be aware of these limits in relation to any other employment you may already undertake. Additionally you should not take concurrent employment that may interfere with your position within the organisation or in any other way adversely affect the proper performance of your work with NHS Lothian. In particular, you may not work for another organisation or in a self-employed capacity when on sick leave or suspension during hours you would normally work for NHS Lothian. In addition, for your own benefit, you should also notify your line manager of any work you plan to undertake during a period of sick leave or suspension, outwith the hours you would normally be working for NHS Lothian, If you are in any doubt as to whether other employment may impact on your work for NHS Lothian you should raise this with your line manager or the HR Department

**22. Acceptance of Gifts and/or Hospitality**

Advice on acceptance of gifts and/or hospitality and the declaration of interests is given in NHS Circulars 1989(GEN) 32, MEL (1994) 48/80, Bribery Act (2010) and the local Board's policy on Standards of Business Conduct. Any breach of the principles will be treated as serious misconduct and may attract appropriate disciplinary action. It is the responsibility of all staff to ensure that they are impartial and strictly independent in their dealings with commercial bodies and external organisations. You are therefore advised to check with your line manager before accepting any gifts and/or hospitality.

**23. Conflict / Declaration of Interests**

The Board is responsible for maintaining a register of declaration of financial interests of any staff concerned with the awarding of a contract. If your position allows you to influence purchasing decisions or you have ordering powers you must discuss the matter with your manager and produce a written declaration of any interest which may infringe or might reasonably be deemed by others to infringe on your impartiality in any matter relevant to your duties.

The NHS Lothian guidance for all staff on "Applying the Principles of Good Business Conduct" information, available on the Intranet: [Applying the Principles of Good Business Conduct](#) (enclosed below) – this includes specific guidance on the Recruitment and Selection of Employees. Although, relevant conflicts around recruitment processes are largely described as relating to personal relationships, rather than financial conflicts of interest.

Question:

8. To what extent was the person specification for this job tailored to Dr Waterston's CV?

Answer:

None of our Job Descriptions are tailored to specific candidates. They are written to reflect the vacancy that we have. Those who wrote the job description did not have copy of any potential candidates CV.

Question:

9. Please disclose the person specification for this job and for the previous three consultant in emergency medicine jobs at the Royal Infirmary of Edinburgh

Answer:

These are publicly available at NHS Scotland | Jobs | Search here for your perfect career - Job Information

[NHS Scotland | Jobs | Search here for your perfect career - Job Information | Apply for 205318 - Consultant in Emergency Medicine & Critical Care - MCD](#)

[NHS Scotland | Jobs | Search here for your perfect career - Job Information | Apply for CG2717 - Locum Consultant, Emergency Medicine](#)

[NHS Scotland | Jobs | Search here for your perfect career - Job Information | Apply for CG 1979: Locum Consultant in Emergency Medicine](#)

[NHS Scotland | Jobs | Search here for your perfect career - Job Information | Apply for CG 1909: Consultant Posts in Emergency Medicine](#)

This information is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - Information otherwise accessible

(1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

Question:

10. To what extent was the person specification different for this job as compared to the previous three?

Answer:

This is available by comparing the job descriptions provided above. One addition will be the requirement to be on the specialist register for Intensive Care Medicine. This is due to the post being part-funded by Intensive Care Medicine and involves participating in the Intensive Care Medicine Rota.

Question:

11. To what extent did the narrow person specification for this job prevent other Emergency Medicine doctors from being eligible?

Answer:

Any doctor with dual training in both Emergency Medicine and Intensive Care Medicine would have been eligible to apply. This is a well recognised national Dual Training Programme.

Question:

12. Please disclose any email or other correspondence related to writing the job description, requesting approval for the post, advertising, shortlisting, interviewing and appointing a

candidate, please include any stages that I have omitted. If parts of correspondence are redacted, please disclose as much as possible.

Answer:

This will be the Recruitment Authorisation Form.

Question:

13. Please disclose any email or other correspondence by any of the above identified doctors related to the company Alphamed Scotland

Answer:

N/A – There is none.

Question:

14. Please disclose any email or other correspondence regarding this job advert and Dr Waterson, prior to the job being advertised.

Answer:

N/A – There is none

Question:

15. Is there any other information held by NHS Lothian that would be helpful in answering the overarching question above.

Answer:

Alphamed Scotland is not owned, nor run by Dr Fraser Waterson.

Question:

16. Has the financial conflict of interest in this case been reported to any external authority?

Answer:

N/A – There is no financial conflict of interest that we have identified.

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](http://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.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

**ALISON MACDONALD**  
**Executive Director, Nursing**  
Cc: Chief Executive

Part of the process of upholding our Values, is to ensure that personal or private interests are not in conflict with the interests of the NHS Board. We also must ensure that all decision-making on behalf of the Board is demonstrably free from any bias or favouritism.

Secondary employment is when you are performing any kind of work for someone else, some other organisation, or even as self-employment, which is distinct from your NHS Lothian duties.

Employees may have the opportunity to have secondary employment, and this can come in many forms, and some examples are below

- A person has a contract of employment with another organisation
- A person is asked to present a lecture or a training course to another organisation, and this not part of their normal NHS duties
- A person is engaged in providing private healthcare
- A person is asked to participate in an event and is being for his or her time for doing so.
- A person is paid fees or an honorarium for providing professional advice/opinion.

There is nothing wrong with an employee having secondary employment as such. **However under the NHS Lothian contract of employment, there are certain situations where an employee must not take secondary employment:**

What Should I Do if I am offered Secondary Employment

1. Discuss it immediately with your line manager, and consider the issues in List 1 (below).
2. If it is agreed that secondary employment is appropriate, then agree with your line management whether it will be carried out under Option 1 or Option 2 as set out in List 2 (below).
3. If you proceed under Option 2, then remember to **declare the secondary employment** as an interest as and when appropriate. If you are required to register interests (as a result of being a member of a board or committee), then register the interest immediately.

List 1: Occasions when Secondary Employment is Inappropriate

- It would lead to a breach of the weekly limit of hours for compliance with the European Working Time Regulations.
- The position may interfere with your role in NHS Lothian, or in any other way adversely affect the proper performance of your work in NHS Lothian.
- You must not work when on suspension during hours you would normally work for NHS Lothian.
- Employees must refrain from undertaking any secondary employment whilst on sick leave from NHS Lothian. This includes any work during “out of hours” periods, e.g. weekends and evenings UNLESS a GP Fit Note states otherwise. This will also apply to employees who hold two separate contracts within NHS Lothian i.e. two part-time posts.

You cannot be paid twice for the same time. If after considering the above factors at List 1 you are allowed to undertake secondary employment, then there are two broad options:

List 2: Two Options for Proceeding with Secondary Employment

1. You carry out the secondary employment during NHS Lothian working hours.  
The relationship is between NHS Lothian and the secondary employer

NHS Lothian (through your line manager) agrees terms with the secondary employer. The line manager should liaise with [Accounts Receivable Team](#) to invoice the secondary employer for any income

Any income earned from secondary employment will be paid directly to NHS Lothian

You agree with your line manager how and when the work will be carried out

Any travel arrangements should be organised through the Travel Procurement Team

2. You carry out the secondary employment during your own time  
The secondary employment is a matter between you and the employer  
You will have to declare as an interest the fact that you have this secondary employment. This may prevent you from participating in some meetings and decision making where the interest is relevant.  
If you are a member of a body that requires you to register interests then you will have to register the secondary employment as an interest.

Employees may have interests arising from their personal lives, or perhaps other aspects of their working lives.

The interests of employees should not in any way interfere with or influence how NHS Lothian carries out its business. Steps can be taken to ensure that this does not happen, and transparently show that this is the case.

A common source of employee's interests is secondary employment, and you can find information on [secondary employment](#) here.

[What should I do?](#)

[What kind of interests must an employee declare?](#)

[How to Make a Declaration](#)

**How to Deal with Interests**

[Holding any meeting](#)

[Recruitment and Selection of Employees](#)

[Procurement of Goods & Services](#)

[What should I do?](#)

If in the course of your duties an item of business comes up in which you may have a personal interest in, then you must declare that interest.

This will allow others to decide whether that interest is relevant to the conduct of business, and whether you should continue to participate in the matter.

If you are a member of the NHS Board or an Integration Joint Board, then you should follow the members' Code of Conduct for that body.

Some examples are given below:



- The employee or someone with whom they have a close relationship has a controlling and/or a significant financial interest in an organisation that is engaged in NHS Lothian's activities, or is being discussed as part of a meeting.
- The employee has a close relationship with an individual who is engaged in NHS Lothian's business, or is being discussed as part of a meeting that the employee is taking part in. This will be particularly relevant if the person with whom he or she has a close relationship could personally benefit from what is being considered.
- The organisation under discussion provides some form of support to the employee's department.
- The employee has previously received hospitality or entertainment from the organisation or individual being discussed, and it was the type of hospitality / entertainment that requires to be approved before it can be accepted. (put in link).
- The employee could personally benefit from what is being discussed in any meeting.
- The employee has personal assets/interests that could be affected by the matter under discussion.
- The employee holds a position in/receives income from another organisation that does or may conduct business with NHS Lothian, and this is relevant to the matter being discussed.

The specific details of an interest do not need to be declared, e.g. the nature of a close relationship with an individual, or the value of a financial interest.

If you are in any doubt whatsoever whether something should be declared or not, then just declare it.

The following questions may help you:

- If the interest became public knowledge, would a member of the public, acting reasonably, think that the interest would influence your decision-making for NHS Lothian?
- If the interest related to a relationship with an individual, would you be able to demonstrate that your relationship did not unjustly influence your decision-making or that of NHS Lothian? Are there steps you can take to demonstrably remove yourself from the decision-making relating to this individual?

#### How to Make a Declaration

If the interest arises in the course of a meeting, employees must at least make a basic oral declaration of interest if they or their close associates have an interest in an item of business.

Examples of simple declarations are:

- "I am a shareholder in Nursing Homes PLC".
- "I periodically undertake contract work for Organisation Ltd."
- "I have a close relationship with an employee of Bidder A in this tender process."
- "I am a former employee of Bidder B in this tender process."
- "I have a close relationship with the applicant for this post."
- "I have received hospitality in the past from Company Z"

In the absence of specific detail to the contrary, the Chair of the meeting should assume that the declared interests are significant and that there is a probable conflict of interests, and take appropriate action (see below).

If the interest arises during the routine carrying out of duties, then the employee should advise his or her line manager.

#### How to Deal with Interests

Personal interests can present themselves in many different ways, and the points below provide guidance on what you should do in different circumstances.

### **Holding any meeting**

#### Inviting Declarations of Interest

Conflicts of interests can arise in any meeting. Chairs of meetings should ensure there has been an opportunity for people to consider and declare interests. In practice most declarations will be verbal.

There are several ways of doing this: -

- Simply asking at the start of the meeting if anyone has any interests to declare.
- Including a standard prompt in the agenda for the meeting to remind people to declare any interests in the items of business that is going to be discussed.

For all Board and Committee meetings, and other formal meetings, the agenda of the meeting should include the following prompt:

“Employees are reminded that they must declare any financial and non-financial interests they have in the items of business for consideration, identifying the relevant agenda item and the nature of the interest.”

#### What to do if any interests have been declared

Where there is a declared financial interest, the employee should not be allowed to be involved in the discussion or the decision- making on that item. The chair may ask the person to leave the room when the item is being discussed.

Where there is a declared non-financial interest, the chair can exercise judgement, based on the nature of the interest and the subject being discussed, as to whether the employee should have their involvement in the discussion limited in any way.

If the Chair has an interest, he/she should pass the role of chair of the meeting to someone else for the affected item of business. The Chair's interest must then be treated in the same way as any other declared interest.

### **Recruitment and Selection of Employees**

Meetings and panels relating to this subject should be subject to the same measures as described above for any meeting.

If you have an interest or relationship with an applicant, and you have or may have any involvement in the recruitment & selection process, then you should declare this interest to the recruiting manager at the start of the process.

Please follow the [general guidance](#) in the HR Online section.

The involvement in the process could include:

- Providing a recommendation or a reference for an applicant
- Being a member of an interview panel or someone supporting the panel.

- Providing feedback on test results and other aspects of the selection process.

Following such a declaration, an employee can:

- Make a written recommendation to the recruiting manager to consider the individual for the post.
- Provide a personal reference for the candidate.
- Prepare reports to the selection panel or officer on selection assessment material relating to the applicant.

The recruiting manager and panel must assess the merits of supporting information provided in the light of any declared interests.

In the presence of a declared interest, the employee cannot be involved in the decision-making that either shortlists candidates or makes the appointment.

In the event that the employee is the recruiting manager, then in excusing him or herself from the recruitment process, the responsibility of recruiting manager should be passed to someone of at least equivalent authority who is suitably independent. Managers should be aware of the potential for disruption to the recruitment process as a consequence of applying this procedure.

Consequently every effort should be made to identify and declare interests as soon as possible, and immediate action taken to put in place alternative measures so as to ensure the recruitment & selection is not disrupted.

### Procurement of Goods & Services

Meetings and panels relating to this subject should be subject to the same measures as described above for any meeting.

Employees should not take any action that would give any supplier or bidder an unfair advantage over other suppliers. There must be no favouritism.

Consequently employees must:

- Never informally share with potential suppliers the prices we currently pay for goods or services, or other sensitive commercial information concerning our supplies. Any requests for such information must be submitted in writing, and will be considered by the Board's system to respond under the Freedom of Information Act.
- Always declare any relevant interests with regard to a procurement decision or engagement with a supplier, and be prepared to be barred from decision-making as a consequence of this.

When a specific procurement exercise is underway, the Procurement function will ask all employees involved (e.g. evaluating bids, short-listing bids, awarding contracts) to complete a Declaration of Interests Form and submit it to the Procurement Department. The form must be completed even if it is just to confirm that there are no interests to declare.

The Procurement function will examine such declarations, and will ensure that if there is a possibility of a conflict of interest:

- Any individual with a conflict of interest is barred from the panel that awards the contract.
  - Where the individual is required, due to their special expertise required to evaluate individual bids, then their conclusions are presented together with their declared interest. The panel must therefore consider the

conclusions in the light of the declared interest.

Site Visits / Inspections to Inform the Procurement Decision

It is possible that officers may be required to inspect the functioning of equipment or other goods or services at different locations, so as to undertake an assessment to inform a contract award. The costs of such visits must be borne by NHS Lothian, and not the bidders. A robust procurement project will mean that the evaluation process prioritises and identifies appropriate site visits.

Ongoing Contract Management Relationships

Once a contract of supply has been established, certain employees will have responsibilities to monitor the performance of the supplier, and ensure that the supplier is delivering to the standards required under the contract. These employees should not have an interest in the supplier whose performance they are monitoring.

If an employee does have an interest then he or she should declare it to his line manager.

These interests could take the form of a close relationship with an employee or even the owner of the supplier, or perhaps a financial interest in the supplier.

The line manager must take corrective action in the presence of declared interests. This can include:

Removing the employee from monitoring responsibilities for that particular supplier, and assigning the task to another employee. The employee with the interest must also not be allowed to authorise any orders or payments for the supplier concerned.

If the above is not possible, introduce a process of reviewing the monitoring systems to ensure that the system is objective. The manager must ensure that the performance management system is driven by as much objective information as possible, and limit the element that is a matter of personal judgment.

## **SPONSORSHIP AND RELATONSHIPS WITH OTHER ORGANISATIONS**

### **WHEN WOULD THIS SECTION APPLY?**

There are times when external organisations wish to provide support to NHS Lothian employees. Equally there may be occasions where departments wish to approach external organisations in order to invite support for what they want to do. The support may be in the form of funding, or perhaps an offer to incur expenditure on behalf of the employee(s) or the department.

Some examples:

An organisation may wish to provide support to an employee or some employees for travel and/or accommodation to attend a conference or perhaps some training course or a site visit.

An organisation may wish to provide support to an event that NHS Lothian is organising. The company may or may not want something specific in return for the support.

An organisation may be prepared to cover the costs of a specific initiative, such as a publication to provide information to patients and the general public.

### **WHAT ARE THE RISKS?**

There is a risk of a relationship being established between the organisation and the individual employee, which in turn could lead to an unfair perception that the employee may not act in the best interests of NHS Lothian or its patients.

If an employee did personally accept this support, it may possibly be a [gift](#) or [hospitality & entertainment](#) which should have been declined.

There is also a risk that if NHS Lothian does not manage relationships with external organisations, then there is an increased likelihood that [bribery and corruption](#) could happen.

#### **WHAT SHOULD BE DONE?**

Take the issue out of the scope of it being a personal business conduct issue for the employee. Only consider the support on the condition that the relationship and any agreement are between NHS Lothian and the other organisation.

NHS Lothian has to remain impartial in how it conducts business. Always consider whether it is appropriate at all for NHS Lothian to solicit or accept the support. The support could be potentially acceptable as Commercial Sponsorship or perhaps some form of [joint working](#).

Ensure that there is a signed written agreement in place between NHS Lothian and the external organisation BEFORE any support is received. Set out below is a list of people by department who may sign such agreements. An example of a template agreement can be found [here](#), however it may be acceptable to use different format provided the key points in the template are covered.

Do not allow the external organisation to make any bookings (e.g. for travel or accommodation) on the employees behalf. As part of the agreement, Agree a level of funding with the external organisation, and then [raise a debtor's request](#) so that NHS Lothian may send it an invoice for the amount.

Send a copy of the agreement to Darren Thompson, Board Secretary. The agreement may be published on the Board's website.

Once the external organisation has paid the invoice and the funding is in place, contact the [NHS Lothian travel team](#) to make the arrangements for any travel and/ or accommodation for NHS Lothian employees.

If any employees incur any mileage and other incidental expenses, then they should claim reimbursement for these through the [expenses process](#).

#### **Chief Executive**

When an Executive Director is the personal recipient within the sponsorship agreement

#### **City of Edinburgh Health & Social Care Partnership**

Director of Health & Social Care/Chief Officer (City of Edinburgh)

Interim Chief Finance Officer (City of Edinburgh IJB)

#### **Deputy Chief Executive**

Deputy Chief Executive

Director of Operations

Director of Operations - Facilities

Associate Director of Operations

Chief Officer: Acute Services

Hospital Site Director

**East Lothian Health & Social Care Partnership**

Director of Health & Social Care/Chief Officer (East Lothian)

**Finance**

Director of Director

Deputy Director of Finance

Director of Capital Planning & Projects

**Human Resources & Organisational Development**

Director of Human Resources & Organisational Development

Associate Director of Human Resources

**Medical**

Medical Director

Director of Medical Education

Director of eHealth

Director of Pharmacy

Director of Occupational Health & Safety

Head of Service (Infection Prevention & Control)

Medical Director (Acute Services)

Associate Medical Director (Psychiatry) (Edinburgh)

**Midlothian Health & Social Care Partnership**

Director of Health & Social Care / Chief Officer (Midlothian)

Head of Adult Services (Midlothian)

Head of Primary Care & Older People (Midlothian)

**Nursing**

Director of Nursing, Midwifery & Allied Health Professionals

Deputy Director (Corporate Nursing)

Services Director - Royal Edinburgh Hospital & Associated Services

Associate Director (Strategic Planning)

Associate Director & Child Health Commissioner

Education & Training Lead

Director of Public Protection

Head of Patient Experience

**Public Health & Health Policy**

Director of Public Health & Health Policy

Lead Public Health Consultant for Finance

For Research & Development

Research & Development Director  
Research & Development Deputy Director  
For Dentistry  
Director  
Public Health Dental Consultant  
For Psychology  
Consultant Clinical Psychologist  
Head of Psychology & Clinical Lead (Child & Adolescent Mental Health Services)

**Quality**

Chief Quality Officer  
Associate Director for Quality Improvement & Patient Safety  
Strategic Programme Manager (Innovation)

**West Lothian Health & Social Care Partnership**

Director of Health & Social Care (West Lothian)  
Head of Health (West Lothian)  
General Manager (Oral Health)