

Date 28/05/2025
Your Ref
Our Ref 10106

Enquiries to Richard Mutch
Extension 35687
Direct Line 0131 465 5687
loth.freedomofinformation@nhs.scot
richard.mutch@nhs.scot

Dear

FREEDOM OF INFORMATION - JOB EVALUATION

I write in response to your request for information in relation to the Job Evaluation process.

Question:

- What is the legal advice the NHS Lothian has received regarding NHS Lothian's wrongful and legally questionable March 2018 Job Evaluation of the NHS Lothian Specialist School Nurse job which has a requirement to hold a Masters level qualification and yet has not been evaluated at the correct Job Evaluation level for this requirement?

Answer:

No advice has been taken. Please also note that this would be exempt under Section 36(1) – claim to confidentiality of communications – legal professional privilege.

Question:

- Has NHS Lothian failed to adhere to the Wages Act 1986 and has NHS Lothian failed to adhere to nationally agreed Job Evaluation standards in the 2018 Specialist School Nurse Job Evaluation?

Answer:

This is a request for an opinion and not recorded information. Opinion is not covered under the Freedom of Information (Scotland) Act 2002.

Question:

- Has NHS Lothian received legal advice warning that it is at risk of unfair pay claims or equal pay claims? Other NHS Lothian staff have been evaluated differently when required to hold a Master level qualification. How is this fair and equitable job evaluation practice?

Answer:

No advice has been taken. Please also note that this would be exempt under Section 36(1) – claim to confidentiality of communications – legal professional privilege.

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*

Question:

- Why does NHS Lothian continue to block and delay proper job evaluation of the Specialist School Nurse post and is there a deliberate attempt by NHS Lothian to avoid any investigation or independent examination of its illegal Job Evaluation processes?
- What is NHS Lothian trying to hide in denying fair job evaluation to Specialist School Nurses and what does it say about the value it places on this important role?

Answer:

This is a request for an opinion and not recorded information. Opinion is not covered under the Freedom of Information (Scotland) Act 2002.

I am sorry I cannot help further 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
Cc: Chief Executive