

Date 10/07/2025  
Your Ref  
Our Ref 10229R

Enquiries to Richard Mutch  
Extension 35687  
Direct Line 0131 465 5687  
[loth.freedomofinformation@nhs.scot](mailto:loth.freedomofinformation@nhs.scot)  
[richard.mutch@nhs.scot](mailto:richard.mutch@nhs.scot)

Dear

## FREEDOM OF INFORMATION REVIEW – DIABETES SERVICES

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about Diabetes Services. Having discussed your request and our response of, 30 May 2025, I can respond as follows:

Original Request and Response:

Under the Freedom of Information Act 2000, I wish to request the following information regarding Type 1 diabetes care provided by NHS Lothian primary and secondary healthcare services :

### 1. Patient Re-engagement with Diabetes Services

1a) Details of all information, guidance, and support materials (written, verbal, or digital) provided to patients:

- Upon referral
- Upon initial contact
- Within a later timescale

1b) Full protocols for patients re-establishing contact after a period of absence, including :

- Reassessment procedures
- Care plan updates
- Tailored interventions

This should include specific guidance provided on:

- Freestyle Libre 2 / Libre 2 Plus (training, data interpretation, eligibility criteria)
- Fast-acting insulins, e.g., Fiasp (dosing adjustments, differences from older insulins)
- Insulin delivery devices e.g., NovoPen 6 / NovoPen 6 Plus (NHS eligibility criteria, training/guidance for patients transitioning from vial/syringe insulin e.g. Actrapid, dose adjustments, device use)
- Diabetes management calculations, including:
  - Total Daily Dose (TDD) of insulin.
  - Insulin On Board (IOB) calculations.

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*

- Insulin-to-Carb Ratio (ICR).
- Correction Factor (ISF).
- Exercise-related insulin adjustments.
- Sick day rules.

\*Please specify the date that each current specific guidance was created / last reviewed.

1c) The expected timeframe for providing the above information to re-engaging patients.

1d) The role of the following in delivering diabetes care and management, and how their roles align with regulatory obligations (e.g. GMC/NMC/HCPC):

- Consultant
- Designated Clinical Nurse Specialist
- other Clinical Nurse Specialists in the team
- Dietitian.
- Other multidisciplinary team members.
- General Practitioner.

## 2. Governance & Compliance

2a) Any relevant legislation (e.g., Equality Act 2010), national guidelines (e.g., NICE NG17, SIGN 154), and professional standards governing care

2b) Documentation on how these are implemented (e.g., staff training, audits, compliance monitoring)

## 3. Clinical Pathways & Protocols

3a) Copies of formalised care pathways, treatment protocols, or Standard Operating Procedures (SOPs) for Type 1 diabetes management.

3b) Role delineation within multidisciplinary teams (e.g., who provides education on Libre, insulin dosing, carb counting etc.).

3c) Confirmation of alignment with NICE NG17 and/or SIGN 154.

3d) Any NHS Lothian specific guidelines on:

- Insulin calculations.
- Hypoglycaemia prevention.
- Hyperglycaemia management.

## Response and Format

Please provide this information :

- in writing ~~~~~
- In a numbered format aligned with the points above including relevant links to relevant policies or codes of practice in each section.

As per Section 10 of the FOIA, a response is required within 20 working days. If exemptions apply, please specify the relevant subsection and justification.

Answer:

<https://org.nhslothian.scot/foi/wp-content/uploads/sites/22/2025/06/10055.pdf>

Review Request:

While I appreciate the attempt to provide information, I believe that the response fails to meet legal accessibility requirements and omits key details I explicitly requested.

## **1. Failure to Provide Accessible Information**

As a person with multiple disabilities, I require information in an accessible, consolidated format. Under Section 20 of the Equality Act 2010 (duty to make reasonable adjustments) and Regulation 7 of the Public Sector Bodies Accessibility Regulations 2018, NHS Lothian is legally obligated to provide information I can access without undue disadvantage.

The response to the Freedom of Information request (Ref: 10055) : -

- Redirects me to over 10 external websites (many not WCAG 2.1 AA compliant) rather than providing direct answers
- Offers no alternative formats i.e.. a single easily accessible, easy to read document
- Ignores NHS Lothian's knowledge of my disabilities (through my medical care), making this a clear breach of your public sector equality duty (Equality Act, Section 149).

## **2. Incomplete or Deficient Responses**

The response to the Freedom of Information request (Ref: 10055) fails to address : -

- Re-engagement protocols:

The claim that "no protocols exist" contradicts NHS Scotland's emphasis on structured care pathways.

Please clarify in writing how ad-hoc decisions comply with clinical governance standards, or provide evidence that no such protocols are held.

- Compliance documentation:

The response ("I am unable to provide documentation") breaches FOISA Section 1(1).

Please either disclose the requested documents e.g., staff training records, audit reports or issue a valid exemption notice under FOISA.

- Care pathways & role delineation:

This answer appears to merely link to external sites and evades your duty to disclose NHS Lothian's specific protocols.

Please provide all internal documents outlining care pathways and multidisciplinary team responsibilities.

- Guidance dates:

You did not state when resources e.g., Libre 2 training, insulin calculation guides) were last reviewed.

Please confirm the creation/last review dates for all referenced materials, or state that these dates are not recorded.

### **3. Misapplication of FOISA Section 25**

Section 25 ("Information Otherwise Accessible") cannot apply to:

- Internal documents e.g., staff training, governance audits
- Dates of last review for guidance materials.
- NHS Lothian's own protocols (not all are published externally).

### **Request for Review**

I would therefore ask NHS Lothian to:

1. Reissue the response in an accessible format e.g., a single document in plain English
2. Provide all withheld information e.g., training materials, audit reports or properly justify exemptions under FOISA.
3. Confirm compliance with the Equality Act 2010 and Accessibility Regulations 2018 in future FOI responses.

Review Response:

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | <p>All responses are provided in the same or similar format. You did not request additional support at time of request and we would not access your medical details to establish if there were accessibility issues. We attempted to be helpful sourcing and providing links to information.</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                        |
| 2. | <p>- <u>Re-engagement protocols:</u></p> <p>There is no policy or policies, this is managed on an individual basis dependent on clinic need. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold this.</p> <p>- <u>Compliance documentation:</u></p> <p>There is no single central source for this information and it not possible to extract data on compliance due to the varied interlinked roles and services. We would have to carry out a new piece of work to identify this and it would take us over the £600 threshold set under the Act – Section 12 cost</p> <p>- <u>Care pathways &amp; role delineation:</u></p> <p>The links take you to documents which NHS Lothian use or reference. We have no additional specific policies. We have provided links to any useful information that we can in order to assist you.</p> <p>We are sorry if some of those resources do not comply with website accessibility regulations however this is out with our control. The Equality and Human Rights Commission (EHRC) enforces compliance with website accessibility regulations. You can find out how to make a complaint about an inaccessible public sector website from <a href="#">the EHRC website</a>.</p> <p>Under the Freedom of Information of Information (Scotland) Act 2002 (FOI(S)A), NHS Lothian is required to provide access to information that we hold. Where we do not hold the information requested, we have attempted to assist you by signposting you to other organisations and sources that do provide this information.</p> <p>You may find the information about diabetes services available on the <a href="#">NHS Inform website</a> more accessible. If you need this information in another format you can ask NHS Inform to provide it to by calling them on 0800 22 44 88, or texting 07903 588 669 or one of the other contact methods on the <a href="#">NHS Inform Contact Us webpage</a>.</p> <p><i>Please accept our apologies for not making it clear that we will consider making reasonable adjustments if you need the response to your FOI(SA) request to be provided in alternative formats if this is possible.</i></p> |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>- <u>Guidance dates:</u></p> <p><b>You did not state when resources e.g., Libre 2 training, insulin calculation guides) were last reviewed.</b></p> <p><b>Please confirm the creation/last review dates for all referenced materials, or state that these dates are not recorded.</b></p> <p>Do we have these dates? Anything we can see here?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3. | <p>FOI(S)A allows the public to access information held by public authorities. Authorities are not required to create new information to respond to requests.</p> <p>If it would cost an authority more than £600 to respond to an FOI(S)A request it can refuse to respond and requests can be refused if they are manifestly unreasonable.</p> <p>We have a duty to provide advice and assist people requesting information - including saying if we do not hold the information.</p> <p>If people are requesting health information that we do not provide you can contact NHS Inform, as it has more accessible information.</p> <p>The reasonable adjustment duty requires us to take reasonable steps to avoid putting disabled people at a substantial disadvantage compared with non-disabled people. This includes providing an auxiliary aid, if not providing it will put disabled people at a substantial disadvantage. An auxiliary aid includes accessible information.</p> <p>The reasonable adjustment duty applies to FOI(S)A requests and the way we apply the requirements of the FOI(S)A laws above (e.g. it may be reasonable to spend more than £600).</p> <p>The duty applies in the provision of services regardless of whether or not we know the person is disabled. One way to ensure we comply with the duty is to include a standard sentence that explains people can ask for information in alternative formats in our correspondence/ guidance on FOI(S)A process - e.g. please let us know if you need us to provide any of this information in a different format.</p> <p>We are not required to anticipate the needs of everyone who uses the FOI service, but we are required to think about and take reasonable steps to overcome barriers.</p> <p>When deciding if a step is reasonable, we need to think about:</p> <ul style="list-style-type: none"> <li>• Will the step be effective at overcoming the substantial disadvantage</li> </ul> |

- |                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Is it practicable to take the step</li><li>• Financial and other costs</li><li>• Any disruption taking the step would cause</li><li>• Our financial and other resources</li><li>• Amount already spent</li><li>• Availability of other assistance</li></ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you are not satisfied with this response you still have the right to make a formal complaint to the Scottish Information Commissioner who you can contact at the address below or using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/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.

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS  
Telephone: 01334 464610  
Fax: 01334 464611  
e-mail: [enquiries@foi.scot](mailto:enquiries@foi.scot)

Yours sincerely

**Freedom of Information Reviewer/  
NHS Lothian**  
cc: Executive Nurse Director

Yvonne Spedding  
[miss.yvonne.spedding@gmail.com](mailto:miss.yvonne.spedding@gmail.com)

Date 10/07/2025  
Your Ref  
Our Ref 10055-10229

Enquiries to Richard Mutch  
Extension 35687  
Direct Line 0131 465 5687  
[loth.freedomofinformation@nhs.scot](mailto:loth.freedomofinformation@nhs.scot)  
[richard.mutch@nhs.scot](mailto:richard.mutch@nhs.scot)

Dear Ms Spedding

## FREEDOM OF INFORMATION REVIEW – DIABETES SERVICES

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about Diabetes Services. Having discussed your request and our response of, 30 May 2025, I can respond as follows:

Original Request and Response:

Under the Freedom of Information Act 2000, I wish to request the following information regarding Type 1 diabetes care provided by NHS Lothian primary and secondary healthcare services :

### 1. Patient Re-engagement with Diabetes Services

1a) Details of all information, guidance, and support materials (written, verbal, or digital) provided to patients:

- Upon referral
- Upon initial contact
- Within a later timescale

1b) Full protocols for patients re-establishing contact after a period of absence, including :

- Reassessment procedures
- Care plan updates
- Tailored interventions

This should include specific guidance provided on:

- Freestyle Libre 2 / Libre 2 Plus (training, data interpretation, eligibility criteria)
- Fast-acting insulins, e.g., Fiasp (dosing adjustments, differences from older insulins)
- Insulin delivery devices e.g., NovoPen 6 / NovoPen 6 Plus (NHS eligibility criteria, training/guidance for patients transitioning from vial/syringe insulin e.g. Actrapid, dose adjustments, device use)
- Diabetes management calculations, including:
  - Total Daily Dose (TDD) of insulin.
  - Insulin On Board (IOB) calculations.

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*



- Insulin-to-Carb Ratio (ICR).
- Correction Factor (ISF).
- Exercise-related insulin adjustments.
- Sick day rules.

\*Please specify the date that each current specific guidance was created / last reviewed.

1c) The expected timeframe for providing the above information to re-engaging patients.

1d) The role of the following in delivering diabetes care and management, and how their roles align with regulatory obligations (e.g. GMC/NMC/HCPC):

- Consultant
- Designated Clinical Nurse Specialist
- other Clinical Nurse Specialists in the team
- Dietitian.
- Other multidisciplinary team members.
- General Practitioner.

## 2. Governance & Compliance

2a) Any relevant legislation (e.g., Equality Act 2010), national guidelines (e.g., NICE NG17, SIGN 154), and professional standards governing care

2b) Documentation on how these are implemented (e.g., staff training, audits, compliance monitoring)

## 3. Clinical Pathways & Protocols

3a) Copies of formalised care pathways, treatment protocols, or Standard Operating Procedures (SOPs) for Type 1 diabetes management.

3b) Role delineation within multidisciplinary teams (e.g., who provides education on Libre, insulin dosing, carb counting etc.).

3c) Confirmation of alignment with NICE NG17 and/or SIGN 154.

3d) Any NHS Lothian specific guidelines on:

- Insulin calculations.
- Hypoglycaemia prevention.
- Hyperglycaemia management.

## Response and Format

Please provide this information :

- in writing ~~~~~
- In a numbered format aligned with the points above including relevant links to relevant policies or codes of practice in each section.

As per Section 10 of the FOIA, a response is required within 20 working days. If exemptions apply, please specify the relevant subsection and justification.

Answer:

<https://org.nhsllothian.scot/foi/wp-content/uploads/sites/22/2025/06/10055.pdf>

Review Request:

While I appreciate the attempt to provide information, I believe that the response fails to meet legal accessibility requirements and omits key details I explicitly requested.

## **1. Failure to Provide Accessible Information**

As a person with multiple disabilities, I require information in an accessible, consolidated format. Under Section 20 of the Equality Act 2010 (duty to make reasonable adjustments) and Regulation 7 of the Public Sector Bodies Accessibility Regulations 2018, NHS Lothian is legally obligated to provide information I can access without undue disadvantage.

The response to the Freedom of Information request (Ref: 10055) : -

- Redirects me to over 10 external websites (many not WCAG 2.1 AA compliant) rather than providing direct answers
- Offers no alternative formats i.e.. a single easily accessible, easy to read document
- Ignores NHS Lothian's knowledge of my disabilities (through my medical care), making this a clear breach of your public sector equality duty (Equality Act, Section 149).

## **2. Incomplete or Deficient Responses**

The response to the Freedom of Information request (Ref: 10055) fails to address : -

- Re-engagement protocols:

The claim that "no protocols exist" contradicts NHS Scotland's emphasis on structured care pathways.

Please clarify in writing how ad-hoc decisions comply with clinical governance standards, or provide evidence that no such protocols are held.

- Compliance documentation:

The response ("I am unable to provide documentation") breaches FOISA Section 1(1).

Please either disclose the requested documents e.g., staff training records, audit reports or issue a valid exemption notice under FOISA.

- Care pathways & role delineation:

This answer appears to merely link to external sites and evades your duty to disclose NHS Lothian's specific protocols.

Please provide all internal documents outlining care pathways and multidisciplinary team responsibilities.

- Guidance dates:

You did not state when resources e.g., Libre 2 training, insulin calculation guides) were last reviewed.

Please confirm the creation/last review dates for all referenced materials, or state that these dates are not recorded.

### **3. Misapplication of FOISA Section 25**

Section 25 ("Information Otherwise Accessible") cannot apply to:

- Internal documents e.g., staff training, governance audits
- Dates of last review for guidance materials.
- NHS Lothian's own protocols (not all are published externally).

### **Request for Review**

I would therefore ask NHS Lothian to:

1. Reissue the response in an accessible format e.g., a single document in plain English
2. Provide all withheld information e.g., training materials, audit reports or properly justify exemptions under FOISA.
3. Confirm compliance with the Equality Act 2010 and Accessibility Regulations 2018 in future FOI responses.

Review Response:

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                         |
|----|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| 1. | All responses are provided in the same or similar format. You did not request additional support at time of request and we would not access your medical details to establish if there were accessibility issues. We attempted to be helpful sourcing and providing links to information.                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                               |
| 2. | <p>- <u>Re-engagement protocols:</u></p> <p>There is no policy or policies, this is managed on an individual basis dependent on clinic need. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold this.</p> <p>- <u>Compliance documentation:</u></p> <p>There is no single central source for this information and it not possible to extract data on compliance due to the varied interlinked roles and services. We would have to carry out a new piece of work to identify this and it would take us over the £600 threshold set under the Act – Section 12 cost</p> <p>- <u>Care pathways &amp; role delineation:</u></p> <p>The links take you to documents which NHS Lothian use or reference. We have no additional specific policies. We have provided links to any useful information that we can in order to assist you.</p> <p>We are sorry if some of those resources do not comply with website accessibility regulations however this is out with our control. The Equality and Human Rights Commission (EHRC) enforces compliance with website accessibility regulations. You can find out how to make a complaint about an inaccessible public sector website from <a href="#">the EHRC website</a>.</p> <p>Under the Freedom of Information of Information (Scotland) Act 2002 (FOI(S)A), NHS Lothian is required to provide access to information that we hold. Where we do not hold the information requested, we have attempted to assist you by signposting you to other organisations and sources that do provide this information.</p> <p>You may find the information about diabetes services available on the <a href="#">NHS Inform website</a> more accessible. If you need this information in another format you can ask NHS Inform to provide it to by calling them on 0800 22 44 88, or texting 07903 588 669 or one of the other contact methods on the <a href="#">NHS Inform Contact Us webpage</a>.</p> <p><i>Please accept our apologies for not making it clear that we will consider making reasonable adjustments if you need the response to your FOI(SA) request to be provided in alternative formats if this is possible.</i></p> |

|    |                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                      |
|----|--------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
|    | <p>- <u>Guidance dates:</u></p> <p><b>You did not state when resources e.g., Libre 2 training, insulin calculation guides) were last reviewed.</b></p> <p><b>Please confirm the creation/last review dates for all referenced materials, or state that these dates are not recorded.</b></p> <p>Do we have these dates? Anything we can see here?</p>                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                                |
| 3. | <p>FOI(S)A allows the public to access information held by public authorities. Authorities are not required to create new information to respond to requests.</p> <p>If it would cost an authority more than £600 to respond to an FOI(S)A request it can refuse to respond and requests can be refused if they are manifestly unreasonable.</p> <p>We have a duty to provide advice and assist people requesting information - including saying if we do not hold the information.</p> <p>If people are requesting health information that we do not provide you can contact NHS Inform, as it has more accessible information.</p> <p>The reasonable adjustment duty requires us to take reasonable steps to avoid putting disabled people at a substantial disadvantage compared with non-disabled people. This includes providing an auxiliary aid, if not providing it will put disabled people at a substantial disadvantage. An auxiliary aid includes accessible information.</p> <p>The reasonable adjustment duty applies to FOI(S)A requests and the way we apply the requirements of the FOI(S)A laws above (e.g. it may be reasonable to spend more than £600).</p> <p>The duty applies in the provision of services regardless of whether or not we know the person is disabled. One way to ensure we comply with the duty is to include a standard sentence that explains people can ask for information in alternative formats in our correspondence/ guidance on FOI(S)A process - e.g. please let us know if you need us to provide any of this information in a different format.</p> <p>We are not required to anticipate the needs of everyone who uses the FOI service, but we are required to think about and take reasonable steps to overcome barriers.</p> <p>When deciding if a step is reasonable, we need to think about:</p> <ul style="list-style-type: none"> <li>• Will the step be effective at overcoming the substantial disadvantage</li> </ul> |

- |                                                                                                                                                                                                                                                                                                     |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|
| <ul style="list-style-type: none"><li>• Is it practicable to take the step</li><li>• Financial and other costs</li><li>• Any disruption taking the step would cause</li><li>• Our financial and other resources</li><li>• Amount already spent</li><li>• Availability of other assistance</li></ul> |
|-----------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------------|

If you are not satisfied with this response you still have the right to make a formal complaint to the Scottish Information Commissioner who you can contact at the address below or using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/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.

Scottish Information Commissioner  
Kinburn Castle  
Doubledykes Road  
St Andrews, Fife  
KY16 9DS  
Telephone: 01334 464610  
Fax: 01334 464611  
e-mail: [enquiries@foi.scot](mailto:enquiries@foi.scot)

Yours sincerely

**Freedom of Information Reviewer/**  
**NHS Lothian**  
cc: Executive Nurse Director