

Dear

FREEDOM OF INFORMATION – COMPLAINT PROCESS

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

Question:

I am making a request for information under the Freedom of Information (Scotland) Act 2002 in relation to NHS Lothian's handling and investigation of complaint reference ~~~~~, received on ~~~~~ 2025.

This request concerns governance, process, and documentary records relating to the investigation and complaint handling. It does not seek personal medical records.

Please provide the following information:

1. Investigation and Decision-Making Roles

The professional roles and job titles of individuals involved in:

- investigating complaint ~~~~~,
- drafting the response issued on ~~~~~ 2025,
- drafting the subsequent response issued following the reopening of the complaint,
- reviewing, approving, or signing off each response.

2. Staff Accounts Considered

Confirmation of which staff members' accounts were obtained or relied upon during the investigation, including whether accounts were sought from:

- the ~~~~~ who was the subject of the complaint,
- the ~~~~~ who received the clinical handover,
- any other clinical staff involved in the episode of care.

3. Evidence Reviewed

A list of the categories of evidence reviewed during the investigation, including:

- clinical records,
- written patient documentation,
- staff accounts,
- relevant policies or guidelines.

Please confirm whether the written ~~~~~~ provided by the complainants was reviewed as part of the investigation.

4. Internal Correspondence

Copies of internal correspondence created between ~~~~~~ 2025 and the date of the most recent response relating to:

- the investigation of complaint ~~~~~~,
- management of response timescales,
- decisions to extend the Stage 2 response timeframe,
- the decision to reopen the complaint,
- preparation and issue of the further response following reopening.

5. Governance, Risk, or Legal Involvement

Confirmation of whether NHS Lothian's governance, risk, or legal teams were consulted in relation to complaint ~~~~~~, including:

- the stage or stages at which consultation occurred,
- the purpose of that consultation.

6. Timescale Management

Records documenting decisions to extend the Stage 2 complaint response timescale beyond 20 working days, including:

- dates on which extensions were agreed,
- reasons recorded for those extensions.

7. Complaint Handling Guidance

Copies of the complaint-handling procedures, guidance, or flowcharts relied upon when managing complaint ~~~~~~, including those relating to reopened complaints.

Answer:

I must advise that the information requested is considered exempt under Section 38(1)(a)(b) – personal information and that it would be more appropriate for you to access this via a Subject Access Request - loth.sarteam@nhs.scot. The specific nature of your request in relation to a single complaint means that any release under FOI(S)A would be so heavily redacted that it would be meaningless.

It is also the case that as the complaint process is not at this time complete the information requested is considered exempt under Section 30(b)(c) of the Freedom of Information (Scotland) Act 2002 - Prejudice to effective conduct of public affairs. The complaint can still be progressed via the Scottish Public Services Ombudsman (SPSO) - <https://www.spso.org.uk/>.

I am sorry I cannot help 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.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive