

Date 13/03/2026
Your Ref
Our Ref 11132

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION – SAFE STAFFING LEVELS

I write in response to your request for information in relation to safe staffing levels.

Question:

- How many times have your services breached safe staffing levels and across each hospital department since July 2022 - current?
- More specifically, when has the Key Decision Maker - Staff Bank Nurse, Executive Director, Clinical Lead, etc - required staffing support from an external resource or third party because there wasn't enough staff on the ward?
(Please could you provide: dates, times, ward details, how short were the staff levels were)
- What is the minimum requirement of staffing to be available on each ward at any given time?

Answer:

I am advised that we do not hold this level of detail in a centrally extractable format.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to staffing over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

We do not hold a dataset that records a “safe staffing breach” and SafeCare/Datix/red flags are indicators rather than a definitive breach measure.

In line with the Health & Care (Staffing) (Scotland) Act 2019 and the 12IA duty to ensure appropriate staffing NHS Lothian has systems and processes in place to ensure a multifaceted approach that goes beyond staffing levels alone.

The availability of staffing can be attributed to a variety of factors, such as vacancies, sick leave, maternity leave and other leave-related issues and therefore the data is not available as

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Chair Professor John Connaghan CBE
Chief Executive Professor Caroline Hiscox
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requested because these factors are complex, variable, and constantly evaluated by numerous supporting sources.

Agency / third-party support (dates, times, ward, shortfall etc.)

Within our Staff bank we do not have a mechanism to establish if all requests were in response to reduced staffing.

Total Agency Shifts for N&M per Calander year

04/22 - 03/23	42,371
04/23 - 03/24	37,750
04/24 - 03/25	7,806
04/25 - 02/26	6,752

Minimum staffing per ward

As above this information is not held centrally.

The Health and Care (Staffing) (Scotland) Act 2019 does not specify numbers or skill mix of professions, nor does it impose set ratios or minimum staffing levels. Rather, the legislation supports local decision-making, flexibility and the ability to redesign and innovate across multi-disciplinary and multi-agency settings, (see [Statutory Guidance](#)). NHS Lothian does not specify a safe staffing level per ward nor shift and staffing is adjusted in accordance with activity, acuity and demand as needed to enable safe and high-quality services.

In line with the 12II duty to follow the common staffing method, nursing and midwifery establishments are reviewed at least annually to ensure a consistent, transparent, evidence-based approach to decisions around staffing. Staffing levels are also determined by considering the factors below:

- The nature of the particular kind of health care provision
- The local context in which it is being provided
- The number of patients being provided it
- The needs of patients being provided it
- Seeking appropriate clinical advice

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.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing
Cc: Chief Executive