

Date 03/04/2026
Your Ref
Our Ref 11206

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

Dear

FREEDOM OF INFORMATION – PATIENT WELFARE

I write in response to your request for information in relation to patient welfare.

Question:

- Are medical staff allowed to obstruct a patient's legal documents of a living will requests?
- Are medical staff allowed to obstruct a patient's welfare attorney acting for them when the patient has incapacity?
- What action is taken if medical staff do so (to both questions)?

Answer:

I must advise that we do not know what is meant by the term 'obstruct' in each question therefore we are unable to answer whether we believe a doctor has acted inappropriately or not (in respect of the Adults with Incapacity (Scotland) Act 2000). If you can provide more detail/clarification we may be able to assist further.

I am sorry I cannot help with your request at this time.

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.

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*



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