

Date 15/04/2026  
Your Ref  
Our Ref 11218

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Dear

## FREEDOM OF INFORMATION – CHILD PROTECTION PROCEDURES

I write in response to your request for information in relation to Child Protection procedures

Question:

1. Please can you provide me with copies of your organisation's guidance on dealing with complaints relating to the Children (Equal Protection from Assault) (Scotland) Act 2019?

Answer:

We have interpreted the term "complaints" as any referral or notification to us and this would initiate the multi-agency Child Protection procedures given it is an offence to physically chastise a child. The matter would be progressed via the CP hub initiating an IRD with Police.

Question:

2. Please can you provide me with the number of reports your organisation referred 5 years prior to the implementation of the Equal Protection Act, and after its implementation, relating to physical discipline from staff members?

Answer:

We do not separately record data (now or 5 years prior) if a child was assaulted by a member of staff. An assault on a child is a criminal act and would be referred to police regardless of the perpetrator.

Question:

3. Please can you send copies of all internal emails from your communications/PR department to the senior management team relating to how to handle inquiries into cases involving physical discipline?

Answer:

All staff will have been informed about the legislation via their mandatory training which is management and overseen by line managers. The CP procedures are very clear – if staff

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Chair Professor John Connaghan CBE  
Chief Executive Professor Caroline Hiscox  
*Lothian NHS Board is the common  
name of Lothian Health Board*

know or suspect that a child has been assaulted (regardless if the alleged perpetrator is a member of staff), a our CP procedures must be initiated with a referral to the CP hub.

Question:

4. Please can you provide me with a copy of all correspondence with the Scottish Government relating to requests for data/evidence relating to physical discipline over the last 7 years?

Answer:

We do not hold correspondence in relation to this going back 7years in an extractable format.

Question:

5. Please can you provide me with data on the amount of time and money spent on training within your organisation over the last 7 years relating to the introduction of the Equal Protection Act?

Answer:

The Equal Protection Act (2019) was incorporated into all existing training including mandatory eLearning, risk assessment (both multiagency and single agency), protecting children with disability and vulnerability of babies. This is done through knowledge and understanding of the legislative context practitioners & organisations are expected to work under and through case study work where physical abuse is discussed and highlighted.

The topic of physical chastisement is incorporated into the topic of 'significant harm' where participants in training are asked 'what legislation exists to help us determine what would reach the threshold for significant harm?'

In 2019 when the legislation was passed, my predecessor was in post and staff were briefed on the legislation through 7 minute briefings and notifications through email distribution while course content was updated.

These briefings are kept on the intranet for staff to source through the public protection pages

In addition to the legislation, staff are also briefed in mandatory eLearning and in risk assessment training around the obligations and duties of care and the whistleblowing policy. There is also a section in risk assessment training in recognising & reporting abuse perpetrated by a person of trust.

Question:

6. In how many cases has your organisation provided "proportionate co-ordinated support" to families where concerns relating to physical discipline of a child have been raised over the last 5 years, in line with the National Guidance for Child Protection in Scotland 2021 (updated 2023)?

Answer:

This is not held in a centrally extractable format and is difficult to answer given the Multi-partnership aspect of the procedures. Also that child and their family may receive support via GP, HV, School nurse, Care Exp nursing team, CAHMS, Meadows etc

Question:

7. How does your organisation provide “proportionate co-ordinated support” to families where concerns relating to physical discipline of a child have been raised over the last 5 years, in line with the National Guidance for Child Protection in Scotland 2021 (updated 2023)?

Answer:

As above this is not held 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 patients and incidents 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.

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](http://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  
Enc.