

Dear

## FREEDOM OF INFORMATION – REASONABLE ADJUSTMENTS

I write in response to your request for information in relation to reasonable adjustments.

Question:

### 1. Policies and Procedures

*Please provide copies of any current NHS Lothian policies, procedures, guidance documents, or frameworks that relate to:*

- *communication related reasonable adjustments for patients, and*
- *the assessment, approval, and implementation of such adjustments.*

Answer:

NHS Lothian Equality and Human Rights Strategy includes a commitment to achieving 6 strategic equality and human rights priorities. Priority 3 is about meeting the needs of disabled people so they have equity of access to employment opportunities and services. The strategy is available on the NHS Lothian website - [Equality and Human Rights – NHS Lothian | Our Organisation](#). Information about Priority 3 is available here - [Accessibility – Equality and Human Rights](#).

This information is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - Information otherwise accessible

- (1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

Question:

### 2. Application and Assessment Process

*Please provide any documents that describe:*

- *how patients can request communication related reasonable adjustments, including people disadvantaged by, or unable to apply by phone.*
- *how such requests are assessed,*
- *who is responsible for making decisions, and*
- *any criteria used in decision making.*

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*

Answer:

Information is provided on the NHS Lothian Translation, Interpretation and Communication Support webpage - [Translation, Interpretation and Communication Support – Your Rights & Privacy](#). Please also see information about the NHS Lothian Caldicott Guardian provided below.

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Question:

**3. Governance and Oversight**

*Please provide documents that outline:*

- *the governance structure for communication related reasonable adjustments,*
- *any committees, roles, or teams responsible for oversight, and*
- *how compliance with the Equality Act 2010 is monitored in relation to communication accessibility.*

Answer:

Requests for reasonable adjustments to services should be made to the NHS Lothian clinical or medical professionals involved in providing care and treatment.

NHS Lothian Healthcare Governance Committee provide assurance to the Board that the quality of all aspects of care in NHS Lothian is person-centred, safe, effective, equitable and maintained to a high standard. The terms of reference are available here - [Board-Governance-Committee-Terms-of-Reference-as-agreed-by-Board-2025.04.16.pdf](#).

The Equality and Human Rights Team provides an annual report to the Healthcare Governance Committee about the progress to achieve the equality and human rights priorities. Copies of the annual reports for 2023-2024, 2024-2025 and 2025-2026 are available here - [Public sector equality duty reports – Equality and Human Rights](#).

Question:

**4. Internal Guidance to Staff**

*Please provide any internal staff guidance, training materials, or operational instructions relating to:*

- *communicating with patients who require written or alternative communication formats, and*
- *handling requests for non telephone communication routes.*

Answer:

Response: NHS Lothian Equality and Human Rights Education webpages - [Equality and Human Rights Education – NHS Lothian | Staff](#) - provide resources to support staff integrate

equality and human rights into their work. This includes information about discrimination, best practice resources and [education courses](#) staff can sign up to attend, including a session on disability and reasonable adjustments. All NHS Lothian staff must complete the NHS Scotland mandatory online Equality, Diversity, Inclusion and Human Rights module every three years, which includes information about making reasonable adjustments for patients.

The NHS Lothian Caldicott Guardian intranet pages provide information about the use of email to patients relating to their treatment in exceptional circumstances. See [Caldicott](#) and [FAQs](#) and relevant information copied below.

#### **“Formal approval from the Caldicott Guardian**

In Lothian, in some instances of data sharing it is necessary to ask the Caldicott Guardian for formal approval to share patient identifiable data by submitting an application form (see below).

The main reasons for seeking formal approval are:

1. Storage of patient identifiable data on any removable or portable media (eg USB stick, recording device)
2. The sending of patient identifiable data outwith Lothian, either
  - a. Electronically outwith Lothian’s computer system
  - b. Physically e.g. by post
3. Use of patient identifiable data for which patient consent has not been obtained for that specific use
4. Use of email to patients relating to their treatment in exceptional circumstances

Can I use email to communicate with my patients?

Email to patients’ private email addresses relating to their treatment is not currently permitted by NHS Lothian as the confidentiality of the information cannot be assured.

However, an exception to this can be sought from the Caldicott Guardian if:

- this unfairly disadvantages any patient or carer and
- they consent to receipt of messages and
- they understand messages may not be confidential.

An Email Exemption form should be completed on a case by case basis.

However, if the purpose of emailing to a private address is purely administrative (e.g. to distribute a general survey) and not relating to a patient healthcare episode, Caldicott approval is not required and patient consent to be emailed would be sufficient. Consent gained is only for that particular purpose and cannot be transferred to other purposes.”

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

Yours sincerely

**ALISON MACDONALD**  
**Executive Director, Nursing**  
Cc: Chief Executive