

Date 29/04/2026
Your Ref
Our Ref 11213

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

Dear

FREEDOM OF INFORMATION REVIEW – SUBNATIONAL PLANNING

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about subnational planning.

Original Request and Response:

Question:

1. Copies of all email correspondence sent by, or on behalf of, the Chief Executive of NHS Lothian to officials within the Scottish Government that relates to subnational planning. This should include references to planning governance, proposed models, implications for regional services, and any discussion touching upon workforce planning, recruitment to planning related posts, responsibility allowances for senior roles, or remuneration associated with planning functions. I request that this covers the period from 1 January 2022 to the date of this request and should include attachments or briefing material.
2. Copies of email correspondence between the Chief Executive of NHS Lothian and the Chief Executive of NHS Greater Glasgow and Clyde concerning subnational planning. This should include discussion involving shared regional planning approaches, communications about staffing or recruitment to planning roles, allocation of responsibility allowances, or consideration of trade union engagement. The same time period applies and should include attachments and forwarded content held by NHS Lothian.
3. Copies of agendas, notes, minutes, papers, and action logs for any meetings attended or convened by the Chief Executive of NHS Lothian where subnational planning was discussed. This should also include meetings where recruitment to planning roles, adjustments to responsibility allowances, or trade union dialogue relating to subnational planning were considered. Please provide the date and title of each identified meeting and supply any associated agenda or papers held.
4. A list of meetings attended by the Chief Executive of NHS Lothian with the First Minister or Scottish Government ministers where subnational planning, regional planning, workforce or

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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*

recruitment matters, responsibility allowances, or trade union dialogue were discussed. For each meeting identified, please provide the date, attendees, and any agenda or supporting documents that NHS Lothian holds.

5. Any correspondence held by NHS Lothian that records trade union dialogue, representations, or consultation relating to subnational planning, including any matters connected to staffing, recruitment, responsibility allowances, or consequential workforce changes.
 - o After clarification timeframe reduced to the summer of 2024.

Answer:

Unfortunately, at this time I must advise that as this is an on-going process the information requested is considered exempt under Section 30 of the Freedom of Information (Scotland) Act 2002 - Prejudice to effective conduct of public affairs.

Information is exempt information if its disclosure under this Act-

- (b) would, or would be likely to, inhibit substantially-
 - (i) the free and frank provision of advice; or
 - (ii) the free and frank exchange of views for the purposes of deliberation; or
- (c) would otherwise prejudice substantially, or be likely to prejudice substantially, the effective conduct of public affairs.

While we except there is a genuine public interest in the release of the requested information the impact of doing so greatly outweighs this due to the negative impact it would have on this on-going process and our ability to progress it.

Review Request:

- I am writing to request an internal review of Lothian NHS Board's handling of my FOI request 'Subnational planning'.

I am requesting an internal review, with particular focus on the public interest test, which I think has overlooked some important points in favour of disclosure.

Given this has been headline news, it is absolutely inappropriate to withhold all information under Section 30.

I believe that the exemption you have applied refers to some, but not all, of the information I requested.

Therefore I am requesting an internal review of your previous response and, should the exemption be upheld, would be grateful if you could provide the rest of the information.



Review Response:

As advised in the original response, at this time we consider this exempt under Section 30 of the Freedom of Information (Scotland) Act 2002 - Prejudice to effective conduct of public affairs.

If you are not satisfied with this response you still have the right to make a formal complaint to the Scottish Information Commissioner who you can contact at the address below or using the Scottish Information Commissioner's Office online appeals service at <https://www.foi.scot/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.

Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews, Fife
KY16 9DS
Telephone: 01334 464610
Fax: 01334 464611
e-mail: enquiries@foi.scot

Yours sincerely

**Freedom of Information Reviewer/
NHS Lothian**
cc: Executive Nurse Director