

Date 21/04/2026
Your Ref
Our Ref 11317

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION – OCCUPATIONAL HEALTH

I write in response to your request for information in relation to Occupational Health.

Question:

- The previous response stated that while NHS Lothian does not routinely refer staff to private providers, the need has arisen in a "very limited number of cases" for "Treatment & Assessment". To better understand this process, please provide the following information:
 - a. Selection Criteria: Provide the specific clinical or administrative criteria used by the Occupational Health and Safety Service to determine when a staff member qualifies for a private sector referral for "Treatment & Assessment".
 - b. Internal Policy/SOP: Please provide a copy of the formal policy, guideline, or Standard Operating Procedure (SOP) that governs the referral of NHS staff to private healthcare providers via Occupational Health.
 - c. Exhaustion Protocol: Does NHS Lothian require that all "out of Lothian" NHS service options be exhausted before a private referral is considered? If so, please provide the documentation or protocol that outlines this requirement.
 - d. Decision-Making Authority: Please specify which role or department within NHS Lothian holds the final budget-holding authority to approve the costs associated with these private referrals, such as those listed for 2023 and 2024.
 - e. Mental Health Specifics: Regarding the "Treatment & Assessment" category, please clarify if this includes referrals for secondary psychiatric or psychological input when local NHS Lothian mental health services are deemed unavailable or unsuitable for the staff member.

Answer:

I am advised that:

- There is no formal written process around the selection criteria determining when these referrals might be undertaken. This is because the numbers are very limited and are determined on a case-by-case basis.
- The main determining factors are scenarios linked to highly sensitive and confidential matters and not considerations primarily linked to accessing care.

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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

- When the need arises, these decisions are made by senior clinicians (consultants) in the occupational health service. While the funding is drawn from the Occupational Health & Safety Service (OHSS) budget, the referrals are undertaken with the knowledge of the executive director under whom the OHSS sits at the time e.g. the Medical Director or Director of People & Culture.
- As the number of referrals made are very small, (5< in total over the period in question), it is not possible to provide further information on the mental health specific reasons on grounds of preserving confidentiality.

To protect the identity of the individuals involved any figure of 5 or less has not been shown in this response and no details specific to individual care have been provided. Since we do not have their consent to release this data from their records, the information is exempt under section 38(1)(b) of the Freedom of Information (Scotland) Act i.e. to provide it would breach the Data Protection Act (2018).

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