

Date 22/04/2026
Your Ref
Our Ref 11406R

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

Dear

FREEDOM OF INFORMATION REVIEW – REASONABLE ADJUSTMENTS

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about reasonable adjustments. Having discussed your request and our response of 14 April further, I can respond as follows:

Original Request and Response:

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:

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

- *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.*

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.”



Review Request:

For clarity, I would be grateful if you could confirm that the internal review will address the specific grounds I raised, including:

Summary of Grounds for Review

I request a full review on the following grounds:

A. Misapplication of Section 25 Information is not actually accessible, and in some cases is not public at all.

B. Failure to provide the requested information No policies, procedures, assessment criteria, or internal guidance were provided.

C. Failure to confirm whether information exists NHS Lothian did not state whether relevant documents exist. the failure to provide policies, procedures, assessment criteria, and internal guidance,

D. References to inaccessible intranet-only material This cannot be exempt under Section 25. the referencing of intranet only material as if it were publicly accessible

E. Answers do not address the questions asked Several responses are generic and unrelated to communication-related reasonable adjustments. the failure to answer the questions asked.

Request for Action

I request that NHS Lothian:

1. Conduct a full review of FOI 11301.
2. Confirm whether the requested documents exist.
3. Provide the documents, or apply the correct exemptions with justification.
4. Provide working public links where Section 25 is applied, including justification of how each link answers the question asked.
5. Provide any internal policies, procedures, guidance, or training materials relating to communication-related reasonable adjustments.

Review Response:

We attempted to be helpful answering your request based on the information held or available centrally to our Public Health and Health Policy Department (Equality and Human Rights Team). It should have been made clearer that there is no single standard approach across NHS Lothian and individual Departments and Services are responsible for this. It is not possible to extract and provide all of these, so we gave you the accessible information.

a.	We provided a link to an intranet page Lothian Caldicott Guardian – we did not state that this fell within the Section 25 exemption and therefore provided the relevant excerpt from the page. All the other links provided were from external pages and Section 25 did apply.
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b.	There is no single document or process in place. So in relation to a single document Section 17 of the Freedom of Information (Scotland) Act 2002 will apply – information not held.
c.	As stated in response to (b)
d.	As stated in response to (a)
e.	<p>As now stated, we do not have a specific policy, so attempted to be helpful providing links to the available information.</p> <p>The links provided were centrally available to us without reaching out to ever department and service. Additions provided below.</p> <p>An exert was provided from the Lothian Caldicott Guardian intranet page. We can provide this in full if that would be helpful. The exert was the relevant detail for your request.</p>

Amendments and additions to original response, provided by Nursing:

<p>1. Policies and Procedures Please provide copies of any current NHS Lothian policies, procedures, guidance documents, or frameworks that relate to:</p> <ul style="list-style-type: none"> • communication related reasonable adjustments for patients, and • the assessment, approval, and implementation of such adjustments. 	<p>Reasonable adjustments are not typically delivered as a single standardised approach as these are dependent on individual patient need and service context therefore our approach is informed more broadly across equality, diversity, inclusion and person-centred care guidance. Given the range of services, workstreams and patient groups across NHS Lothian, approaches will naturally vary depending on the clinical setting and operational requirements and we therefore do not currently have a single standalone policy in relation to communication-specific reasonable adjustments policy</p>
<p>2. Application and Assessment Process Please provide any documents that describe:</p> <ul style="list-style-type: none"> • 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. 	<p>There is also some information here for patients specifically in relation to electronic communication - Electronic Letters – NHS Lothian Our Services</p> <p>I am further advised that our Health Records Department may receive other requests directly from patients, but this will not be possible to collate. As it is not centrally extractable.</p>



<p>3. Governance and Oversight Please provide documents that outline:</p> <ul style="list-style-type: none"> • 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. 	<p>As there is no policy there is no specific governance structure other than detailed previously. As per Section 17 we do not hold any additional processes in relation to this.</p>
<p>4. Internal Guidance to Staff Please provide any internal staff guidance, training materials, or operational instructions relating to:</p> <ul style="list-style-type: none"> • communicating with patients who require written or alternative communication formats, and • handling requests for non telephone communication routes. 	<p>All staff have access to the recently published Scottish Government toolkit: Foundation Inclusive Communication Toolkit - gov.scot</p> <p>Guidance for staff in relation to improving patient experience which also includes training links and info re Health literacy : Patient Experience — Lothian Quality</p> <p>There is also mandatory training on Equality and Diversity. The specific training module is not extractable, but is based on Equality and Human Rights Education – NHS Lothian Staff</p>

As with previous links these additions are publicly available.

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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
e-mail: enquiries@foi.scot

Yours sincerely

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