

Date 6 August 2026
Your Ref
Our Ref 11678R

Enquiries to Richard Mutch
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Dear

FREEDOM OF INFORMATION REVIEW – STANDARD OPERATING PROCEDURE

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request for Standard Operating Procedures.

Review Request:

- I am writing to formally request a review of NHS Lothian's handling of my Freedom of Information request, reference 11560, in accordance with the Freedom of Information (Scotland) Act 2002. This review is necessitated by an astonishing lack of professionalism and a complete breakdown of basic administrative standards by both the Freedom of Information team and the Patient Experience Team.

The formal response letter dated 6 July 2026 explicitly states in the answers to both Question 1 and Question 3 that the requested Standard Operating Procedure (SOP) is enclosed. However, in a definitive display of a total absence of basic quality control, the actual SOP document was completely omitted from the transmission. Your department attached nothing more than a single Word document containing the text of the cover letter itself.

This gross negligence represents a severe pattern of mismanagement:

- My original request for this vital policy document was submitted on 10 March 2026.
- The Patient Experience Team entirely failed to recognize or process this as a Freedom of Information request for nearly four months, an egregious statutory delay that you openly admit in your response.
- When your department finally attempted to rectify this breach on 6 July 2026, it failed to execute the elementary task of attaching the very document the letter claims to provide.

As mandated by the statutory right of review, this process must be undertaken by a reviewer who was not involved in the original decision-making process. I am demanding that this review

take the form of a formal internal investigation into the systemic failure to handle this file from March to the present date.

To fulfil this review, the scope of the investigation must explicitly include the audit and provision of all internal email correspondence, notes, and recorded communications generated between the FOI team and the Patient Experience Team regarding this query. It is entirely unacceptable that a public body routinely relies on unverified processes and fails at basic procedural execution.

Review Response:

Your request under FOI(S)A was received by the FOI Team on 2 June 2026 and was logged and circulated. Your previous correspondence with NHS Lothian's Patient Experience Team (PET) does not form part of the FOI(S)A Review process as it was being dealt with by PET as part the normal complaints process.

As stated previously we apologise that your initial request on 10 March 2026 was not recognised and processed as a Freedom of Information request, however it is worth noting that you did not specifically ask PET for a sight of the SOP until 28, 29 May and 1 June. It is at this stage that PET should have provided you with a copy or passed it directly to the FOI Team to take forward as a FOI(S)A request.

The Review Process does not include "investigation must explicitly include the audit and provision of all internal email correspondence, notes, and recorded communications generated between the FOI team and the Patient Experience Team regarding this query." This is outwith the scope of the Review which is only in relation to the information original requested and subsequently responded to.

Review Request:

- Please immediately supply the actual, redacted Standard Operating Procedure that was erroneously omitted, alongside formal confirmation that this review has been launched and a date by which the full internal correspondence trail will be disclosed.

Review Response

The SOP was sent to you as requested on the 7 July, when you advised that it had not been enclosed. I am advised that the FOI Communications Manager apologised for the error. This occurred as the response was drafted and circulated for approval by a different member of the team and did not include the usual footnote (Enc.), therefore the enclosure was not correctly sent.

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