

Date 6 August 2026
Your Ref
Our Ref 11681R

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

Dear

FREEDOM OF INFORMATION REVIEW - STAFF BANK ANNUAL LEAVE

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about Staff bank annual leave. Having discussed your request and our response of 7 July 2026, I can respond as follows:

Original Request and Response:
Question:

- I would like to request information on how much Annual leave is lost from staff members on NHS Lothians staff bank without actually taking the accrued annual leave hours they are entitled to after completing shifts with the staff bank.

Answer:

I am advised that the requested information is not held in a central extractable format.

Under the Freedom of Information Act NHS Lothian is not required to create new records to enable it to respond to your enquiry. This information is not collated or held in aggregate form and it would be necessary to review all case files relating to staff over the period you have requested to assemble the information you seek. Even if NHS Lothian did this – and there would be significant cost implications in doing so – it would be unable to respond in full to your request. The information requested is therefore exempt under section 12.1 – Cost.

For context, we have 11,306 bank workers on our BankStaff system. To find out how many bank annual leave hours that has been accrued but not claimed would require the following steps:

1. Finding the bank staff member on the system and selecting their name
2. Going into the Annual Leave Claim section
3. Go back to previous quarter to view report (as the automatic view shows the current quarter) and take a note of any leave unclaimed

The steps above only take 1 minute to do but multiplied by the 11,306 bank workers, this would take over 752 hours to complete for a single year.

Review Request:

- I am writing to request an internal review of the response to FOI request **11571**, dated **7 July 2026**, regarding Staff Bank annual leave.

I am dissatisfied with the response because my concern is not only about producing a full manual calculation for every bank worker. My wider concern is that many Staff Bank workers may be accruing annual leave entitlement without being aware of it, may not be claiming it, and may therefore be losing paid leave entitlement.

The response states that NHS Lothian has **11,306 bank workers** on the BankStaff system and that identifying accrued but unclaimed annual leave would require manually checking each worker's Annual Leave Claim section, including previous quarters. The response estimates this would take over **752 hours** for a single year. While I understand why NHS Lothian has relied on section 12 cost grounds, this answer appears to confirm that there may be **no central oversight or reporting mechanism** for accrued but unclaimed Staff Bank annual leave.

That raises an important governance and staff rights concern: **if NHS Lothian cannot centrally identify unclaimed annual leave, how does it ensure bank workers are aware of their entitlement and are not losing accrued paid leave?**

I ask that the review considers the following:

1. Whether section 12 was correctly applied to the whole request, or whether partial information could have been provided.
2. Whether NHS Lothian holds any centrally available information that could answer the issue in part, including but not limited to:
 - Staff Bank annual leave policy or procedure
 - Guidance issued to bank workers explaining how annual leave accrues and how it must be claimed
 - Any standard emails, letters, induction materials, intranet pages or BankStaff guidance on annual leave
 - Any payroll or BankStaff reports showing annual leave claimed, paid, accrued, expired, outstanding or unclaimed
 - Any audit, risk assessment, staff governance review, complaint, grievance or internal discussion about unclaimed Staff Bank annual leave
 - The number of bank workers who claimed annual leave in the last financial year
 - The total value or total hours of annual leave paid to bank workers in the last financial year
 - Any information explaining what happens to accrued but unclaimed leave at the end of each quarter or leave year
3. Whether NHS Lothian has complied with its duty to provide advice and assistance by explaining what narrower request could be answered within the cost limit. The Scottish

Information Commissioner states that authorities have a duty to provide reasonable advice and assistance to people making, or planning to make, information requests. ([foi.scot](https://www.foi.scot))

4. Whether the response contains an error, as it refers to reviewing “case files relating to patients”, which does not appear relevant to Staff Bank annual leave.

Review Response:

1.	I can confirm that the cost exemption has been correctly applied and that it would not be possible to reduce the scope of the request within the cost limit and produce meaningful and accurate information.
2.	This cannot be considered as part of a Review as was not the original request - so out with scope of the review request. If you would like to submit this as a new request, we can take this forward for you.
3.	If we were to provide this for a certain group of staff, we would need to export a list of staff within that group and then search each name individually as outlined in the steps within the response. This would still require a large volume of manual work and therefore a significant cost.
4.	The exemption stated was taken from a template that should have been amended, we apologise for this error. However, the response is correct and is in relation to staff.

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