

Date 29 September 2026
Your Ref
Our Ref 11863

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

Dear

FREEDOM OF INFORMATION REVIEW - NON-SURGICAL COSMETIC PROCEDURES

I write in response to your request for review of NHS Lothian's response to your Freedom of Information request about non-surgical cosmetic procedures. Having discussed your request and our response of 25 August 2026, I can respond as follows:

Original Request and Response:

Question:

Please provide recorded information held by the Board concerning complications arising from non-surgical cosmetic procedures and the development of Scottish legislation regulating those procedures.

For this request, "independent aesthetic practitioner" means a person who personally performs non-surgical aesthetic procedures and who is not registered as a doctor, dentist, nurse, midwife, pharmacist or another statutory healthcare professional.

For the period 1 January 2023 to the date of this request, please provide:

1. Copies of correspondence, briefings, reports, presentations, meeting records or advice exchanged with the Scottish Government, Healthcare Improvement Scotland, Public Health Scotland or another body concerning:
 - a. the safety or regulation of non-surgical cosmetic procedures;
 - b. restrictions upon which practitioners may perform specified procedures;
 - c. requirements to operate from HIS-registered premises;
 - d. the presence of an authorised prescriber or healthcare professional; and
 - e. procedure classification or risk categorisation.
2. The number of attendances, referrals or admissions recorded by the Board following complications or suspected complications from non-surgical cosmetic procedures, broken down where recorded by:
 - a. financial or calendar year;
 - b. procedure;
 - c. type of complication;

- d. hospital, service or department;
- e. whether treatment was provided in Scotland; and
- f. whether the original procedure was performed in an NHS or private setting.

3. For the records counted under point 2, the number attributed to procedures performed by:
- a. independent aesthetic practitioners;
 - b. doctors;
 - c. dentists;
 - d. nurses or midwives;
 - e. pharmacists;
 - f. other statutory healthcare professionals;
 - g. practitioners whose professional status was not recorded; and
 - h. practitioners whose identity or status could not be verified.

Aggregate figures are requested. No information identifying clients or individual practitioners is required.

4. Copies of any coding guidance, data definitions, collection instructions or methodology used to identify:
- a. a non-surgical cosmetic procedure;
 - b. a complication arising from such a procedure;
 - c. the procedure performed;
 - d. the setting in which it was performed; and
 - e. the professional or registration status of the person who performed it.
5. Copies of any analysis, audit, research, literature review or internal report comparing complication rates or outcomes between different practitioner or professional groups.
6. Copies of any complication, injury, infection, referral or admission data supplied by the Board to the Scottish Government, HIS, Public Health Scotland, a parliamentary committee, an advisory group or another body for the purpose of developing or supporting the proposed legislation.
7. Copies of requests received by the Board for evidence, data or professional advice concerning the Scottish Government consultation, the relevant Bill, procedure groupings, practitioner restrictions, premises requirements or proposed secondary legislation.
8. Copies of any evidence, advice, recommendations or concerns submitted in response to the requests identified under point 7.
9. Copies of records identifying NHS Board employees or representatives who attended or contributed to any government advisory group, expert group, workshop or meeting concerning the regulation of non-surgical cosmetic procedures. Please provide their job titles, the body or meeting attended and the dates of participation.

10. Copies of any assessment of the expected effect of the legislation upon NHS services, including:
 - a. changes in the number or severity of complications presented to the NHS;
 - b. displacement of procedures into informal or unregulated settings;
 - c. increased demand for corrective treatment;
 - d. reduced reporting of complications;
 - e. treatment availability in rural or island areas; and
 - f. additional costs or staffing requirements for the Board.
11. Copies of records received concerning the number or participation of practising independent aesthetic practitioners directly involved in developing the regulatory proposals, excluding people who only submitted an open public consultation response.
12. Copies of records concerning the role, status, authority or representative standing of:
 - a. the Joint Council for Cosmetic Practitioners;
 - b. Save Face Limited;
 - c. the Scottish Medical Aesthetics Safety Group;
 - d. BABTAC; and
 - e. the British Beauty Council.
13. Copies of any correspondence or meeting records between the Board and an organisation listed in point 12 concerning non-surgical cosmetic procedures, practitioner competence, complication reporting, referrals, public guidance or Scottish regulation.

Answer:

Analytical Services are unable to provide an answer for this request as there is no diagnosis or treatment coding that allows us to specify complications following non-surgical cosmetic procedures, and therefore providing the information would require a search of individual patient records. The requested information is not held in a centrally 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 patients 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.

The Plastic Surgery Department does not carry out any non-surgical aesthetic procedures. Nor are they aware or keep a note of any complications from patients having had this carried out by a non-medical practitioner.

As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.

Review Request:

The difficulty with the response is that my request contained 13 separate numbered points covering several different categories of recorded information. NHS Lothian has largely provided one general answer relating to the difficulty of extracting complication information from individual patient records, followed by reliance on section 12(1) and a section 17 notice.

That does not appear to answer the request as made.

I accept that questions 2 and 3 may require consideration of clinical records if NHS Lothian has no centrally extractable complication dataset. However, that issue does not explain the absence of answers to separate requests for correspondence, reports, meeting records, policy material, government requests for evidence, advisory-group participation and stakeholder correspondence.

In particular, I cannot identify a substantive response to questions 1 and 5 to 13.

Question 1 requested correspondence, briefings, reports, presentations, meeting records or advice exchanged with the Scottish Government, Healthcare Improvement Scotland, Public Health Scotland or another body concerning regulation, practitioner restrictions, HIS-registered premises, prescriber or healthcare-professional requirements and procedure classification.

Questions 5 to 13 concerned, amongst other things, comparative analyses, information supplied to government, requests received for evidence, advice submitted by NHS Lothian, participation of Board staff in relevant government groups or meetings, assessments of the effect of the legislation upon NHS services, records concerning independent practitioner participation, records concerning the role or standing of named stakeholder organisations, and correspondence with those organisations.

None of those categories would ordinarily require NHS Lothian to examine individual patient files.

I therefore ask the reviewer to establish what searches were actually undertaken for each of questions 1 and 5 to 13, which departments, offices or record systems were searched, and whether relevant corporate, executive, governance, public health, clinical management, communications and policy records were considered.

If NHS Lothian's position is that no recorded information is held for any particular numbered question, please provide a separate section 17 notice for that question so that it is clear what information the Board says it does and does not hold.

I would also ask the reviewer to reconsider the application of section 12(1). The response says there would be "significant cost implications", but does not provide an estimated cost, explain how the estimate was calculated, state the number of records which would require examination, or explain which particular numbered parts of my request exceed the statutory cost limit.

Please therefore provide the calculation relied upon when applying section 12(1), including the search activities, estimated staff time and costs attributed to them.

There is also an apparent inconsistency between relying upon section 12(1), which appears to proceed on the basis that relevant information may exist but would be too costly to retrieve, and then issuing a section 17 notice stating that NHS Lothian does not hold "the requested information".

Those are materially different positions. I would be grateful if the review could distinguish clearly between:

1. information which NHS Lothian holds but considers too costly to locate or extract under section 12(1);
2. information which NHS Lothian does not hold for the purposes of section 17; and
3. information which can be provided without exceeding the cost limit.

I would also ask the reviewer to consider whether NHS Lothian complied with its duty to provide reasonable advice and assistance. If obtaining the full figures requested in questions 2 and 3 would exceed the cost limit, please identify whether any existing extracts, audits, incident reports, departmental statistics, reports, summaries or narrower recorded information can be provided without requiring a manual review of every patient record.

Finally, the response from Plastic Surgery states that the department does not keep a note of complications from patients who had procedures carried out by a "non-medical practitioner". My request used a specific definition of "independent aesthetic practitioner". Please confirm whether searches were conducted using the definition in my request rather than relying upon a different or narrower category.

I am not asking NHS Lothian to create new information. I am asking it to reconsider whether existing recorded information falling within each separate part of the request has been properly searched for and whether the exemptions and information-not-held notice have been applied to the appropriate parts of the request.

Please conduct a fresh review and provide a point-by-point outcome for questions 1 to 13.

Review Response:

1.	As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
2.	This information is not held in a centrally extractable format due to the lack of coding. It would require us to look through all attendances within Emergency Department and Plastics and even then, this would not produce accurate information. There are no non-surgical aesthetic procedures carried out by independent practitioner with the plastic surgery unit the Lothian wide plastic service. 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 patients 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. It is also not possible to provide further assistance as there is no way to reduce the scope of your request and produce meaningful and accurate data. If we were to manually examine Emergency Department records (because not coded) the total cost of answering this request would be: £1,093,750. This sum has been calculated as follows: Estimated number of records to be located and reviewed based on number of attendances at the Emergency Department per year of 125,000 times 3.5 years is a total of 437,500. Estimated time to review each record is 10 minutes which equates to 72,916.5 hours work at £15.00 per hour for a member of staff to carry out the review. This does not take into account presentations within Plastics (which might also be duplicates).
3.	As above.
4.	As stated, there is a lack of coding in relation to this. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
5.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
6.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
7.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
8.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
9.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
10.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.

11.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
12.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.
13.	No work has been undertaken in this area. As per Section 17 of the Freedom of Information (Scotland) Act 2002 formally I must advise that we do not hold the requested information.

Searches were carried out appropriately by the relevant individuals with access to this subject matter using the correct terms and those you have used.

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