



Scottish Information
Commissioner
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Decision Notice 167/2026

Information concerning protected groups under the Equality Act

Authority: Greater Glasgow and Clyde Health Board
Case Ref: 202501128

Summary

The Applicant asked the Authority for information relating to protected groups under the Equality Act 2010, particularly vulnerable disabled individuals. The Authority provided some information to the Applicant and advised her that some information was otherwise accessible. It notified her that it did not hold other information.

The Commissioner investigated and found that the Authority had misinterpreted parts of the request and failed to provide the Applicant with much of the information she requested. He required the Authority to provide the Applicant with a revised review outcome and to record evidence of the searches conducted in relation to each request.

Relevant statutory provisions

Freedom of Information (Scotland) Act 2002 (FOISA) sections 1(1), (2) and (6) (General entitlement); 10(1) (Time for compliance); 11(1) and (2) (Means of providing information); 15 (Duty to provide advice and assistance); 16(1)(c) and (d) (Refusal of request); 17(1) (Notice that information is not held); 21(10) (Review by Scottish Public Authority); 25(1) (Information otherwise accessible); 47(1) and (2) (Application for decision by Commissioner).

Background

1. On 2 May 2025, the Applicant made a multi-part request for information to the Authority. She asked for information regarding protected groups under the Equality Act 2010, particularly vulnerable disabled individuals. The full text of this request is reproduced at Appendix 1.
2. The Authority acknowledged receipt of the Applicant's information request, but it did not respond to the request.
3. On 4 June 2025, the Applicant wrote to the Authority requesting a review of its failure to respond.
4. The Authority notified the Applicant of the outcome of its review on 13 June 2025. The Authority apologised for the delay in responding and it disclosed some information to the Applicant. The Authority also provided the Applicant with weblinks to other information, and it advised her that further information was not held.
5. On 11 July 2025, the Applicant wrote to the Commissioner, applying for a decision in terms of section 47(1) of FOISA. The Applicant stated she was dissatisfied with the outcome of the Authority's review because the Authority had failed to respond to the original request within the statutory timescale of 20 working days and it had also failed to provide her with the information she had requested. The Applicant also submitted that she was dissatisfied with various aspects of the Authority's handling of her request.

Investigation

6. The Commissioner determined that the application complied with section 47(2) of FOISA and that he had the power to carry out an investigation.
7. On 3 September 2025, the Authority was notified in writing that the Applicant had made a valid application. The case was allocated to an investigating officer.
8. Section 49(3)(a) of FOISA requires the Commissioner to give public authorities an opportunity to provide comments on an application. The Authority was invited to comment on this application and to answer specific questions. These related to various aspects of the Authority's handling of the request, including whether the Authority considered it had provided the Applicant with the information she requested and the searches it had undertaken.

Commissioner's analysis and findings

9. The Commissioner has considered all of the submissions made to him by the Applicant and the Authority.

Complying with timescales

10. Section 10(1) of FOISA gives Scottish public authorities a maximum of 20 working days following the date of receipt of the request to comply with a request for information. This is subject to qualifications which are not relevant in this case.
11. The Authority acknowledged that it did not respond to the request within the statutory timeframe but noted that it had apologised to the Applicant in its review outcome.

The Authority stated that, much as it wished to comply with the statutory timescales for every request, some did exceed 20 working days and this was reported in its quarterly statistics. The Authority commented that this particular request had a higher number of questions (than usual) and, in hindsight, it recognised that the request was not straightforward and required input across many services.

12. It is a matter of fact that the Authority did not provide a response to the Applicant's request for information within 20 working days, so the Commissioner finds that it failed to comply with section 10(1) of FOISA.

The Authority's handling of the requirement for review

13. As narrated above, the Applicant did not receive a response to her information request and made her requirement for review on 4 June 2025, regarding this failure to respond.
14. When the Authority responded to the Applicant on 13 June 2025, to comply with FOISA it should have issued this as a review outcome because the Applicant had already submitted her requirement for review. However, the Authority issued this correspondence as an initial response and, as a consequence, it failed to advise the Applicant that if she was dissatisfied with its 13 June response, her next step was to make an application to the Commissioner. The Commissioner's office raised this with the Authority on 3 September 2025.
15. The Applicant expressed her dissatisfaction with the Authority's handling of her requirement for review in her application to the Commissioner.
16. In its submissions to the Commissioner, the Authority acknowledged that it should have issued a review outcome and provided the Applicant with her right of appeal to the Commissioner. In addition, at various points in its submissions, the Authority commented that a formal review outcome was not provided because the request had gone straight to appeal (i.e. following the late response).
17. Section 21(10) of FOISA requires Scottish public authorities to ensure that any response issued under section 21(5) contains particulars about the rights of application to the Commissioner and of appeal conferred by sections 47(1) and 56. It is a matter of fact that the Authority's response to the Applicant's requirement for review did not contain advice about the Applicant's right of application to the Commissioner or appeal.
18. It is clear to the Commissioner that the Authority treated the Applicant's requirement for review as a "reminder" to respond to her original request, and its email of 13 June 2025, was essentially a late response to the request dated 2 May 2025. However, the Commissioner considers that any response issued after a valid requirement for review has been received by an authority, constitutes the authority's review outcome.
19. Given the above, the Commissioner must find that the Authority did not to comply with section 21(10) (Review by Scottish public authority) of FOISA, in terms of its failure to correctly advise the Applicant of her rights of application to the Commissioner and appeal.

Section 1(1) – General entitlement

20. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it.

21. The information to be given is that held by the authority at the time the request is received, as defined by section 1(4). This is not necessarily to be equated with information which an applicant believes the authority should hold. If no such information is held by the authority, section 17(1) of FOISA requires it to give the applicant notice in writing to that effect.
22. The Commissioner notes that in its review outcome, the Authority twice (in response to requests 2c and 3b) stated that it had attached a copy of its own complaints handling procedure and it provided page references. However, during the Commissioner's investigation the Authority acknowledged that this document had not been provided to the Applicant, as the result of an oversight, and it apologised for this.
23. It is clear that the Authority's complaint handling procedures fell within the scope of the Applicant's information request, and it is also clear that the Authority did not rely on any exemption to withhold this information. As the Authority failed to provide this information to the Applicant, the Commissioner must find that it failed to comply with section 1(1) of FOISA.
24. The Commissioner requires the Authority to disclose this information to the Applicant.

Section 17(1) – Notice that information not held

25. The Authority stated that information was not held in relation to:

Request 1b

26. "Please provide the policy or guidance that explicitly states that patients can access their NHS records without submitting a Subject Access Request (SAR)";

Request 6b

25. "Please provide recorded information on how the Health Board ensures contractors (e.g. homecare providers, GP practices) comply with patient rights under the Patient Rights (Scotland) Act 2011";

Request 7

26. "Please provide recorded information on whether the Health Board has conducted risk assessments to evaluate the necessity of a Patient Support Programme (PSP) related to homecare services. If available, please provide copies of these assessments or a summary of findings, including the criteria used to determine whether a PSP is necessary";

Request 8

27. "Please provide recorded information on whether the Health Board has conducted a review of workforce planning for homecare services between 2020 and 2025 to ensure appropriate staffing levels. Additionally, please provide findings that evaluate staffing safety and the processes in place for oversight and escalation, in alignment with the Health and Care (Staffing) (Scotland) Act 2019"; and

Request 9

28. "Please provide recorded guidance or policies outlining the procedures for withholding or withdrawing NHS care, prescriptions, and proven safe, beneficial, life-prolonging treatment from disabled patients due to their complaints."
29. Further to paragraphs 20 and 21, if no relevant information is held by the authority, section 17(1) of FOISA requires the authority to give the applicant notice to that effect.

30. The standard of proof to determine whether a Scottish public authority holds information is the civil standard of the balance of probabilities. In determining where the balance lies, the Commissioner considers the scope, quality, thoroughness and results of the searches carried out by the public authority.
31. The Commissioner also considers, where appropriate, any reason offered by the public authority to explain why it does not hold the information. While it may be relevant as part of this exercise to explore expectations about what information the authority should hold, ultimately the Commissioner's role is to determine what relevant recorded information is (or was, at the time the request was received) actually held by the public authority.

The Applicant's comments on section 17

32. The Applicant stated that the Authority failed to explain why no relevant policy existed or why information was missing, and she stated that its responses were incomplete (that is, she believed that the Authority held further information which had not been provided to her).
33. In relation to request 1b, the Applicant commented that the Authority acknowledged the existence of a policy, which it quoted from and which fell within scope of her request, but did not disclose it.
34. In comments on request 6b, the Applicant stated that the Authority had advised her that the information was not held at board level and that she should contact independent contractors directly. The Applicant was dissatisfied with this response and she argued that it was inaccurate to say the information was not held at board level, and inconsistent with its statutory responsibilities. She expected the Authority, as the contracting body, to hold or have access to the agreements and guidance documents.
35. In respect of request 7, the Applicant argued that it was misleading for the Authority to state the information was not held (it had provided her with links to Health and Social Care Partnerships (HSCPs) to which it considered she could make a request for this information). She stated that national guidance published by NHS Scotland on 20 March 2025 as part of the [Independent Review of Medicines Homecare in Scotland](https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2025/03/independent-review-medicines-homecare-scotland-review-report-recommendations/documents/nhs-scotland-medicines-homecare-review/nhs-scotland-medicines-homecare-review/govscot%3Adocument/nhs-scotland-medicines-homecare-review.pdf)¹ required each NHS board to conduct local risk assessments for Patient Support Programmes.
36. For request 8, the Applicant noted that responsibility for workforce planning lay with the Authority, not HSCPs, but that no recorded information had been disclosed.
37. Addressing request 9, the Applicant argued that the Authority's position that information was not held was implausible, given the clinical, ethical and legal significance of such decisions, and she stated that both the General Medical Council (GMC) and the British Medical Association (BMA) published national professional guidance on withholding and withdrawing life-prolonging treatment and that this was normally reflected in local policies, procedures or training materials.
38. Furthermore, she stated that if the Authority relied solely on national guidance, she expected this reliance would be documented and it was therefore unlikely that the Authority held no recorded information concerning how the withholding or withdrawal of care was managed.

¹ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2025/03/independent-review-medicines-homecare-scotland-review-report-recommendations/documents/nhs-scotland-medicines-homecare-review/nhs-scotland-medicines-homecare-review/govscot%3Adocument/nhs-scotland-medicines-homecare-review.pdf>

39. The Applicant also expressed dissatisfaction that the Authority had informed her that it did not hold all of the requested information but had failed to provide any explanation about why this was the case.

The Authority's comments

40. The Authority provided the Commissioner with a copy of the search request sent to the service and a list of the job titles of the staff involved in searches. The Authority also provided a copy of its FOISA Information Provider Standard Operating Procedure, and the same document relating to Information Approvers (both of which were dated as being effective from 1 November 2025). In addition, it provided a copy of its FOI search checklist for information providers.
41. The Authority commented that FOI information providers were aware that searches must be conducted for information, and that this was included in its ILearn Module and its Roles and Responsibilities Guidance (which the Commissioner understands to be the two standard operating procedure documents referenced above), which it also provided to the Commissioner.
42. The Authority submitted that staff listed as FOI information providers were all from relevant departments who could provide the information, and that the FOI officer determined which service could provide the information at triage stage.
43. The Authority submitted that searches were conducted but commented that these were not evidenced by the services, apart from staff providing what they could. It stated that each staff member responded by email, either with information or suggesting who to contact if they considered they did not hold the information. It acknowledged that while a new search checklist had since been introduced, this was not in place at the time of the request.
44. In its submissions the Authority stated that it had applied section 17 of FOISA to the request where there were no known documents as described. It commented that during the 20 working days it became evident that the questions were not clear, and it acknowledged that perhaps it should have sought clarification about exactly what information was being asked for. The Authority did not specify which requests it might have sought this clarification in relation to.

The Commissioner's view

45. In all cases, it falls to the public authority to persuade the Commissioner, with reference to adequate, relevant descriptions and evidence, that it holds no more information than it has identified and located in response to the request. In this case, having considered all relevant submissions and the terms of the request, the Commissioner is not satisfied that the Authority has achieved this.
46. Where an authority has told a requester that it does not hold particular information, evidence of the authority's searches will usually be a key consideration during the Commissioner's investigation. As a minimum, authorities should be able to provide the Commissioner with the following information:
- (i) details of the records or locations which were searched.
 - (ii) why these were the relevant records and locations.
 - (iii) the keywords used.

- (iv) which staff were involved and why they were considered relevant.
 - (v) the outcome of the searches.
 - (vi) evidence that the searches have been carried out, including the outcome of the searches.
47. In this case, the Authority did not provide the Commissioner with adequate evidence of the searches it undertook in response to the Applicant's request or the results of those searches.
48. While the Authority provided a copy of the email sent to services asking for searches to be carried out in relation to the request, the standard operating procedure for information providers and approvers, and the staff listed as information providers to whom the request was sent, it did not provide details (such as screenshots) of the specific searches carried out, including the terms searched for, the areas searched and the results of these searches.
49. In terms of its specific response to request 1b, the Commissioner notes that the Authority firstly stated that "there is no policy" in relation to what the Applicant had referenced in her request. However, it then referred to "the policy" and quoted from it. Given this contradiction, the Commissioner cannot accept that this information is not held. He requires the Authority, in its revised review outcome, to clarify to the Applicant its position with regard to which policy it was quoting from, whether it considers this policy to fall within scope of the request and (if the policy falls within scope of the Applicant's request) to either disclose it to the Applicant or withhold it under an exemption.
50. The Commissioner has carefully considered the wording of the Applicant's request 9 on withdrawal of treatment "from disabled patients due to their complaints". The Commissioner considers that the Applicant appears to be referring to treatment being withdrawn from a patient as the result of a complaint they made to the Authority. He considers it highly unlikely that the Authority (or any public authority) would hold a policy setting out when it would withdraw treatment from disabled patients because they had submitted a complaint.
51. The Commissioner (while he has not investigated in detail the guidance covering withdrawal of a patient's treatment by medical staff) notes that the GMC in its [guidance on Good Medical Practice](https://www.gmc-uk.org/professional-standards/the-professional-standards/good-medical-practice)² advises at [paragraph 46](#) that members must not allow a patient's complaint to adversely affect the care or treatment that they provide or arrange.
52. Given this, the Commissioner considers it is highly unlikely that the Authority would hold guidance making provision for the withdrawal of treatment from disabled patients due to them making a complaint, in line with the wording of the request, and he therefore can accept that the Authority was correct to apply section 17(1) of FOISA to this part of the request.
53. In relation to the remaining four requests (1b, 6b, 7 and 8) given that he does not know what locations the Authority searched or what search terms it used, the Commissioner cannot uphold the Authority's position, based on the submissions it has provided, that it holds no further information falling within the scope of these requests.
54. The Commissioner requires the Authority to conduct new searches in respect of requests 1b, 6b, 7 and 8 and to issue the Applicant with a revised review outcome.

² <https://www.gmc-uk.org/professional-standards/the-professional-standards/good-medical-practice>

As part of its revised review outcome, the Commissioner requires the Authority to provide the Applicant with details of the searches it has undertaken in order to assure her that they were adequate and proportionate.

55. The Authority should retain evidence of these searches, so they can be provided in the event of a further appeal to the Commissioner.

Comments on the Applicant's dissatisfaction with the Authority's failure to cite section 17

56. The Commissioner notes the Applicant's dissatisfaction, in relation to requests 6b, 7, and 8, that while the Authority advised her that the information she requested was not held, it had not confirmed this under section 17 of FOISA. However, the Commissioner would note that section 17 of FOISA only requires an Authority to "give the applicant notice in writing that it does not hold it" when responding to a request where the information is not held. Authorities are not required to specifically cite section 17 of FOISA when advising an Applicant that information is not held.
57. Given this, the Commissioner cannot uphold the Applicant's dissatisfaction on this point.

Section 25(1) – Information otherwise accessible

58. Information which an applicant can reasonably obtain other than by requesting it under section 1(1) of FOISA is exempt from disclosure. This exemption is not subject to the public interest test in section 2(1)(b) of FOISA.
59. Section 25(1) of FOISA is not intended to prevent or inhibit access to information, but to relieve public authorities of the burden of providing information that an applicant can access readily without asking for it.
60. During the investigation, the Authority stated (in response to a request for clarification from the Commissioner's office) that it was applying section 25(1) of FOISA to those parts of the request where it had directed the Applicant to information which was available on various websites.
61. The Commissioner therefore understands that the Authority has applied section 25(1) of FOISA to the following requests:

Request 1a

62. "Please provide recorded information on how patients are informed of their rights to access their NHS records under the Patient Rights (Scotland) Act 2011";

Request 2a

63. "Please provide a copy of your Equality and Diversity Policy, explicitly addressing the right of protected groups (e.g. disability and age) under the Equality Act 2010."

Request 2b

64. "Please provide recorded information on the Health Board's reasonable adjustments policy for disabled patients, including the procedure followed to ensure compliance with the Equality Act 2010, particularly concerning the Public Sector Equality Duty."

Request 2c

65. "Please provide recorded guidance or policies that outline the procedures for handling complains from individuals asserting their Equality Act rights (e.g. discrimination, harassment, victimisation)".

Request 3a

66. Please provide recorded information on the procedure the Health Board follows when a patient complains about discrimination related to a protected characteristic, including how Protected Acts are identified, investigated, and resolved. Additionally, confirm whether a specific Protected Act handling procedure is recorded for the benefit of protected groups.

Request 3b

67. "Please provide details of an accessible contact point and pathway for individuals raising Equality Act-related complaints."

Request 4a

68. "Please provide the recorded information the Health Board has (such as leaflets or website content) that informs disabled individuals of their rights under the Equality Act, including the right to reasonable adjustments and protection from discrimination."

Request 4b

69. "Please provided recorded information on how this information is made accessible and distributed to vulnerable, disabled patients by the health board."

Request 4c

70. "Please provide recorded information on how NHS care workers are trained to inform disabled patients of their Equality Act rights proactively."

Request 4d

71. "Please provide recorded information on how NHS care workers are trained to proactively inform vulnerable disabled patients that they can access their NHS records without submitting a SAR."

Request 5

72. "Please provide the recorded information demonstrating how the Health Board ensures compliance with the Public Sector Equality Duty under Section 149 of the Equality Act 2010, particularly concerning protected acts", and

Request 6a

73. "Please provide recorded information on instances where patients are required to submit SAR to access their NHS records, along with any supporting documents demonstrating alignment with their rights under the Patient Rights (Scotland) Act 2011, including accessibility requirements."

The Applicant's comments on section 25

74. The Applicant stated that the Authority was incorrect to rely on section 25 of FOISA to withhold information because the sources of information to which the Authority had referred did not contain the information she had requested. The Applicant stated that the information she had requested was not otherwise or easily accessible because she had not been able to obtain it from any of the sources to which she had been referred.
75. Regarding request 1a, the Applicant stated that the information to which she was directed did not contain the requested information.

76. Furthermore, she argued that on 1 July 2025, the Scottish Government had confirmed that patients were expected to be able to access their records informally under the [Patient Rights \(Scotland\) Act 2011](#)³, and that this was reflected in the [NHS Scotland Charter of Patient Rights and Responsibilities](#)⁴, which supported the right to see and understand one's records while receiving care. Therefore, the Applicant argued, the Authority would be expected to hold patient-facing information (e.g. leaflets, guidance, or internal policy documents) explaining these rights, but she stated that none had been identified or provided.
77. The Applicant stated that the information she requested in respect of requests 2a, b and c was not available through the links she had been given.
78. In relation to request 2a, the Applicant argued that the reports supplied were not equivalent to a policy and did not address procedures or rights of protected groups as requested.
79. In respect of request 2b, the Applicant argued that the link provided led to irrelevant information intended for staff, not patients.
80. In comments on request 2c, the Applicant stated that the document referenced had not been attached. The Commissioner has already addressed this failure in paragraph 22 and 23 of this Decision and will not consider it further here.
81. Referring to request 3a, the Applicant argued that the Complaints Handling Procedure to which she was referred did not contain the requested level of detail and she submitted that the Authority had failed to provide information showing how discrimination complaints or protected acts were identified, managed or investigated.
82. For request 3b, the Applicant was dissatisfied because the Authority had referred her to generic complaint procedures which did not contain information about accessible contact points or dedicated pathways for Equality Act-related complaints and did not address accessibility adjustments for disabled complainants.
83. In respect of requests 4a, b, c, and d, the Applicant stated that that information she had requested was not available at the link provided, which related to staff and not patients.
84. In comments on request 5, the Applicant stated that the webpage to which she was referred contained monitoring reports and not the specific information she had requested, and she argued that a monitoring or reporting document was not evidence of compliance mechanisms or procedural oversight as she had requested.
85. The Applicant stated that for request 6a, the Authority had directed her to a web page which did not contain the information she had requested. She argued that the information she had requested related directly to the Authority and not to any other organisation, and she commented that the Authority had a non-delegable duty of care to provide services for disabled individuals within their area of responsibility.

³ <https://www.legislation.gov.uk/asp/2011/5/contents>

⁴ <https://www.gov.scot/binaries/content/documents/govscot/publications/advice-and-guidance/2022/10/charter-patient-rights-responsibilities-revised-june-2022/documents/charter-patient-rights-responsibilities-revised-june-2022/charter-patient-rights-responsibilities-revised-june-2022/govscot%3Adocument/charter-patient-rights-responsibilities-revised-june-2022.pdf>

The Authority's comments on section 25

86. In its submissions the Authority apologised that it had provided internal links in response to some requests, and it acknowledged that at least one link had directed the Applicant to information aimed at its own staff, rather than patients.
87. During the investigation, the Commissioner's office asked the Authority to confirm with a specific page or paragraph reference, where it considered the information requested by the Applicant was found, for each instance where the Authority had provided her with a link and applied section 25(1) of FOISA. The Authority did not provide this confirmation.
88. In its submissions the Authority also commented that the request was across multiple services, and the information was not easily identifiable. It explained that some services had to contact other services for assistance as the information was not held in one place. The Authority stated that during the 20 working days allowed for response, it became evident that further clarification may have been necessary, but that the Authority had responded as best it could to all of the requests.
89. The Authority acknowledged that "the incorrect link" to information regarding staff and not patients had been provided, and it apologised for this.
90. As referenced above, the Authority acknowledged that there were gaps and incorrect links in the review outcome provided to the Applicant and that it had therefore not complied with the legislation.

The Commissioner's view

91. The Commissioner notes the Authority's submissions on the links it provided to the Applicant and agrees that there were gaps and incorrect links.

Request 1a

92. The Commissioner has carefully considered the wording of request 1a, which asked for information about how patients were informed of their rights to access their NHS records under the Patient Rights (Scotland) Act 2011. The [Access to Records](#)⁵ link provided referred to the Data Protection Act 2018 and GDPR and not the Act referenced in the request.
93. The Commissioner therefore considers that the Authority has not provided a link to the information requested.

Request 2a

94. In Request 2a, the Applicant asked for "a copy of your Equality and Diversity Policy, explicitly addressing the right of protected groups (e.g. disability and age) under the Equality Act 2010".
95. The Commissioner notes that the Authority provided the Applicant with a link to information on "[Meeting the requirements of Equality Legislation](#)"⁶, including a video and links to two reports.

⁵ <https://www.nhsggc.scot/patient-visitor-faqs/health-rights/access-to-records/>

⁶ <https://www.nhsggc.scot/your-health/equalities-in-health/meeting-the-requirements-of-equality-legislation/a-fairer-nhsggc/>

96. The introduction to the first report, "[A Fairer NHSGGC 2025-2029](#)"⁷ stated that this report described the Authority's mainstreaming and specific equality outcomes for the next four years, and that this was in line with its legal duties as set out in the [Public Sector Equality Duty](#)⁸ and [Equality Act 2010 \(Specific Duties\) \(Scotland\) Regulations 2012](#)⁹.
97. The second report, [a monitoring report covering 2024-2025](#)¹⁰, detailed the actions taken by the Authority to meet its equality-related legislative responsibilities.
98. While the Commissioner notes that the reports referenced equality legislation and set out how the Authority was meeting the requirements of equality legislation, he does not consider the information provided is what the Applicant requested in request 2a, which specified a policy.
99. He considers the information at the link (about what the Authority is doing to meet the requirements of legislation) to potentially arise as a result of the information requested (the policy), but not itself to constitute this information. In his view, the links provided are to reports rather than to a policy, which, in his view, would be an over-arching document detailing overall corporate obligations under the specified legislation.
100. The Commissioner considers that information available at the link relates to ongoing work and, while that work may well be informed by any such policy document, the reports do not themselves (either separately or together) comprise that policy. He therefore concludes that the link provided in response to request 2a does not contain the requested information and that the information was not otherwise accessible to the Applicant.

Request 2b

101. The Applicant in request 2b asked for its reasonable adjustments policy for disabled patients. The Authority provided her with a link which clearly related to [reasonable adjustments for staff](#)¹¹. The Commissioner considers that this information was not what she requested and that this information was therefore not otherwise accessible to the Applicant.

Request 2c

102. In response to request 2c, which asked for guidance or policies outlining the procedures for handling complaints from individuals asserting their rights under the Equality Act, the Authority referred the Applicant to the NHS Scotland Complaints Handling Procedure (which was separate to the Authority's own complaints handling procedure and has already been referenced in paragraphs 22 and 23) and it provided a link to this.
103. The Authority directed the Applicant to page 7 of the [NHS Scotland Complaints Handling Procedure](#)¹². This page included details of how to get help to make a complaint, including a link to the Patient Advice and Support Service (PASS).

⁷ <https://www.nhsggc.scot/downloads/a-fairer-nhsggc-2025-29/>

⁸ <https://www.legislation.gov.uk/ukpga/2010/15/section/149>

⁹ <https://www.legislation.gov.uk/ssi/2012/162/schedule>

¹⁰ <https://www.nhsggc.scot/downloads/a-fairer-nhsggc-monitoring-report-2024-25-2/>

¹¹ <https://www.nhsggc.scot/staff-recruitment/hrconnect/growing-our-great-community-through-equality-diversity-and-inclusion/reasonable-adjustments/#:~:text=Our%20Reasonable%20Adjustment%20Guidance%20explains%20what%20reasonable%20adjustments,of%20their%20staff%20with%20disabilities%20or%20long-term%20conditions.>

¹² <https://www.nhsggc.scot/downloads/nhs-scotland-complaints-handling-procedure/>

This page also provided an email, phone number, and postal address for anyone who required reasonable adjustments or assistance in making a complaint.

104. The Commissioner considers that this policy included the procedures for making a complaint, and that these procedures would include a complaint relating to equalities legislation as referenced in request 2c. The Commissioner therefore considers that the Authority was correct to apply section 25(1) of FOISA to request 2c in respect of the NHS Scotland procedure.

Request 3a

105. The Applicant requested information about the procedure followed when a complaint was made about discrimination in relation to a protected characteristic and the Authority stated that such complaints were managed under the [NHS Scotland Complaints Handling Procedure](#)¹³. The Commissioner, having considered the procedure, accepts that it is likely to be designed for all circumstances, including those referenced by the Applicant, and that information contained in the procedure was therefore within scope of the request. The Commissioner notes that again the link was not provided to the Applicant (the complaints procedure was referenced) but considers that doing so would have been helpful to her.
106. He also notes that the Applicant specifically asked the Authority to confirm whether a specific “protected act” handling procedure was recorded for the benefit of protected groups but that no explicit confirmation was provided. The Commissioner’s view (while he considers that some information was provided within scope of the request in terms of the NHS Scotland Complaints Handling Procedure) is that the Authority did not address the whole of request 3a.
107. Given the absence of information in relation to this part of the request, or on where it would be available to the Applicant, the Commissioner considers that this information was not otherwise accessible to her. He therefore requires the Authority to review its response to request 3a and to ensure it provides confirmation as to whether there is or is not specific guidance as referenced by the Applicant.

Request 3b

108. Request 3b concerned an accessible contact point and pathway for individuals raising Equality Act-related complaints. In its response, the Authority identified two relevant documents. It referred the Applicant to one document available at a weblink: the NHS Scotland Complaints Handling Procedure and it advised the Applicant that it had also attached a copy of its own complaints handling procedure (which was not attached, as detailed in paragraphs 22 and 23).
109. The Authority directed the Applicant to page 7 of the NHS Scotland complaints handling procedure, which included details of how to get help to make a complaint, and included a link to the Patient Advice and Support Service (PASS). This page also provided an email, phone number and postal address for anyone who required reasonable adjustments or assistance in making a complaint.
110. The Commissioner considers that the NHS complaints handling procedure to which the Authority referred the Applicant provided information sought by the Applicant in relation to request 3b.

¹³ <https://www.nhsggc.scot/downloads/nhs-scotland-complaints-handling-procedure/>

111. The Commissioner therefore considers that the Authority was correct to apply section 25(1) of FOISA to request 3b, in so far as its response related to the NHS Scotland document. However, as noted above, while the Authority claimed to have provided the Applicant with a copy of its own complaints handling procedure (which the Commissioner also considers to be relevant to request 3b) it failed to do so. Given this, the Commissioner must find that section 25(1) cannot be upheld in relation to this omitted document.

Requests 4a, b, c, and d

112. The Commissioner considers that request 4a asked for information aimed at disabled individuals, and that requests 4b, c, and d, sought information about how disabled patients were advised or informed of particular information relating to their rights. The Authority provided the same link (in response to all four requests) relating to ["Reasonable Adjustments For Staff With Disabilities Or Long Term Conditions"](#)¹⁴. The Commissioner considers that the information at this link is clearly related to information aimed at staff, rather than patients as requested by the Applicant, and that it does not contain the information she requested.
113. Given his conclusion, he cannot uphold section 25(1) in relation to requests 4a, b, c and d.

Request 5

114. Request 5 asked for information demonstrating how the Authority ensured compliance with the Public Sector Equality Duty under Section 149 of the Equality Act 2010, particularly concerning protected acts. The Authority provided the Applicant with a link to information on its website entitled ["Meeting the Requirements of Equality Legislation"](#)¹⁵
115. The Commissioner has carefully considered the information at the link and the wording of request 5. In his view, the information at the link demonstrates and sets out actions the Authority will take to comply with legislation, which is different to what he considers the Applicant to have requested, which was internal information for staff which addressed how to ensure compliance.
116. In considering this request, the Commissioner has considered [UK Government advice on complying with equality duty](#)¹⁶. This guidance contains separate sections on "How to comply with the general duty" and "How to demonstrate compliance with the general duty". In the Commissioner's view, the Applicant was asking for information relating to the former but was directed towards information which demonstrated the latter and he considers that these links did not provide what she asked for.
117. The Applicant made particular reference in request 5 to "protected acts" but the Commissioner notes that these do not appear to be referenced in either of the reports, or in the video at the same link. The Commissioner does not accept that the information asked for in request 5 was available to the Applicant.

¹⁴ <https://www.nhsggc.scot/staff-recruitment/hrconnect/growing-our-great-community-through-equality-diversity-and-inclusion/reasonable-adjustments/>

¹⁵ <https://www.nhsggc.scot/your-health/equalities-in-health/meeting-the-requirements-of-equality-legislation/a-fairer-nhsggc/>

¹⁶ <https://www.gov.uk/government/publications/public-sector-equality-duty-guidance-for-public-authorities/public-sector-equality-duty-guidance-for-public-authorities>

Request 6a

118. In response to request 6a, the Authority provided the Applicant with a link to [its online information about access to records](#)¹⁷. This provided information for the public on finding out what personal information an organisation held about an individual, and advised that to use this right, people could make a “subject access request” (SAR).
119. The Commissioner has carefully considered the wording of the request and the content found at the link provided.
120. The request asked for “information on instances where patients are required to submit SAR to access their NHS records, along with any supporting documents demonstrating alignment with their rights under the [Patient Rights \(Scotland\) Act 2011](#)¹⁸, including accessibility requirements”.
121. While he considers that information at the link was related to the subject of the request (the relevant [form](#)¹⁹ references health, hospital, maternity and mental health records) it did not appear to address information about circumstances where patients were “required” to submit a SAR to access their NHS records and nor did it appear to reference the Patient Rights (Scotland) Act 2011.
122. In light of the above and given the quality of the Authority’s submissions, the Commissioner is not satisfied that all of the specific information requested by the Applicant was otherwise accessible to her in relation to request 6a.
123. In summary, the Commissioner finds that the Authority was not entitled to rely on the exemption under section 25(1) of FOISA to withhold information in respect of requests 1a, 2a and b, 3a in terms of the part of the request which referenced protected acts, 3b in relation to its own complaints handling procedure, 4a, b, c, and d, 5, and 6a (in terms of the links it provided).
124. He requires the Authority to address this in its revised review outcome and (if it takes the view that section 25(1) of FOISA applies to any of the information in respect of it being available at links other than those contained in its original review outcome) it should provide the Applicant with specific page and paragraph references so that she can easily locate this information, or provide the Applicant with a copy of the information.

Section 16 – Refusal of request

125. Section 16(1)(c) of FOISA requires Scottish public authorities to inform applicants of the exemption(s) that they wish to rely upon. Subject to certain limits in section 16(3) of FOISA, section 16(1)(d) requires public authorities to explain why the claimed exemption(s) apply.
126. In its submissions, the Authority acknowledged that some exemptions were missing from the review outcome provided to the Applicant.

¹⁷ <https://www.nhsggc.scot/patient-visitor-faqs/health-rights/access-to-records/>

¹⁸ <https://www.legislation.gov.uk/asp/2011/5/contents>

¹⁹ <https://www.nhsggc.scot/downloads/application-form-for-accessing-living-persons-records/>

127. The Commissioner notes that, in respect of request 3a, while the Authority referred the Applicant to the NHS Scotland Complaints Handling Process, it did not appear to address the Applicant's specific request asking it to confirm whether a specific protected act handling procedure was recorded. He considers that the Authority failed to address this part of the Applicant's request as outlined above in paragraph 106 and 107.
128. The Commissioner also notes that, in respect of requests 6c and d, the Authority appeared to provide the Applicant with statements rather than apply exemptions.
129. Given the Authority's admissions that there were missing exemptions in its review outcome, and the lack of clarity in the review outcome as to which exemption the Authority was applying to each of the requests, the Commissioner is satisfied that the Authority, by failing to correctly identify, and notify the Applicant of, all of the exemptions it considered to be applicable to the withheld information, failed to comply with sections 16(1)(c) and 16(1)(d) of FOISA in respect of requests 3a, 6c, and 6d.
130. The Commissioner requires the Authority to provide the Applicant with clear responses to requests 3a, 6c and 6d in a revised review outcome.

Section 11 of FOISA – Means of providing information

131. Section 1(1) of FOISA provides that a person who requests information from a Scottish public authority which holds it is entitled to be given that information by the authority, subject to qualifications which, by virtue of section 1(6) of FOISA, allow Scottish public authorities to withhold information or charge a fee for it. The qualifications contained in section 1(6) are not relevant in this case.
132. The information to be given is that held by the authority at the time the request is received, as defined in section 1(4).
133. Under section 11(1) of FOISA, a Scottish public authority is required, so far as is reasonably practicable, to give effect to the preference(s) of a person requesting information, where they express a preference for receiving information by one or more of three specified means in section 11(2). These means are:
 - (i) a copy of the information, in permanent form or another form acceptable to the applicant;
 - (ii) a digest or summary of the information; and
 - (iii) a reasonable opportunity to inspect a record containing the information.
134. Section 11(3) states that, in determining whether it is reasonably practicable to provide information in the specified format, the authority may have regard to all the circumstances, including cost. Where it determines that it is not reasonably practicable to give effect to the preference, it must explain why.
135. Where section 11(1) does not apply, section 11(4) permits the authority to provide the information by any means which are reasonable in the circumstances.
136. The Applicant in her original request asked for information to be provided as a PDF. Her requirement for review reiterated this request and additionally requested that it be provided via an SD card or USB drive, along with hard copies.

The Authority's comments

137. The Authority acknowledged that the Applicant had asked for the information to be sent in PDF format and stated that it had advised her at the time of disclosure that it would be happy to send this by post in letter/paper format, and by USB, if she provided her postal address. The Authority provided the Commissioner with a copy of this email to the Applicant, which was dated 16 June 2025, but commented that it did not receive a response.
138. However, it also acknowledged that it had not provided information via PDF as requested by the Applicant and it apologised for this.

The Applicant's comments

139. The Applicant acknowledged that she had received the email dated 16 June 2025 and confirmed she had not responded.
140. The Applicant explained that, because the Authority's review outcome of 13 June 2025 did not contain the information she had requested, she did not consider that sending the same material in paper format or USB would address the deficiencies in the response and so did not provide her address. (The Applicant stated that had the information she had requested been disclosed, she would have provided her address so that it could be provided in the alternative formats.)
141. In comments to the Commissioner, the Applicant stated that she had requested the information in an accessible easy-to-understand format (e.g. plain language for disabled individuals) and in electronic (PDF) form.

The Commissioner's view

142. The Commissioner notes the Applicant's view that there was no point in providing her postal address when she considered the information she had requested had not been provided.
143. Nonetheless, he considers that in seeking her address the Authority attempted to meet its obligations in relation to that specific part of the Applicant's information request. He therefore considers that the Authority fulfilled its obligations in respect of this part of the Applicant's request under section 11(1) of FOISA.
144. Given the Applicant requested the information to be provided in PDF format, and given the Authority acknowledged this was not done, the Commissioner finds that the Authority did not fulfil the requirements of section 11(1) of FOISA in respect of this part of the Applicant's request.
145. In respect of the Applicant's request that the information be provided in an accessible easy-to-understand format, the Commissioner considers that the review outcome was not easy to understand. Responses were not numbered, thereby making it difficult to follow, and the content was confusing in respect of its meaning (e.g. the Authority's response to request 1b which referenced "the policy" while also stating no policy was held, and the Authority's statements in response to requests 6c and 6d).
146. Section 11(1) (Means of providing information) of FOISA allows requesters to express a preference for receiving information by various means so far as is reasonably practicable. Section 11(2)(b) of FOISA states that one of those means is the provision of a digest or summary of the information.

147. Section 11(5) provides that such tests of reasonable practicality are not to be construed as detracting from any duty under section 29 of the Equality Act 2010 and it is not within the Commissioner's remit to investigate or comment on authorities' obligations under equality legislation.
148. However, the Commissioner considers that an accessible, easy-to-read, format would fall within the scope of section 11(2)(b) of FOISA. Given the lack of clarity in parts of the Authority's review outcome, and the Commissioner's view that the Authority did not provide the Applicant with the information she requested, he also therefore finds that she has not been provided with the information in the means she requested.
149. The Commissioner therefore requires the Authority to ensure that when it carries out its revised review outcome, it addresses this part of the Applicant's request.

Section 15(1) of FOISA - duty to provide advice and assistance

150. It is essential to any requester pursuing their right to information that (where the public authority is not simply providing the information but rather is directing the requester to a place where it may be obtained) the requester knows enough about where to look for it to be able to pursue that right effectively. To this end, the authority's duty to provide advice and assistance can be vital.
151. Section 15(1) of FOISA requires a Scottish public authority, so far as is reasonable to expect it to do so, to provide advice and assistance to a person who proposes to make, or has made, a request for information to it. Section 15(2) states that a Scottish public authority shall be taken to have complied with this duty where (in relation to the provision of advice and assistance in a particular case) it conforms with [the Scottish Ministers' Code of Practice on the discharge of functions by Scottish public authorities under FOISA and the Environmental Information \(Scotland\) Regulations 2004 \(the Section 60 Code \(December 2016²⁰\)\)](https://webarchive.nrscotland.gov.uk/public/20180606062315/https://beta.gov.scot/publications/foi-eir-section-60-code-of-practice/).
152. Paragraph 9.5.2 of the Section 60 Code (December 2016), which was in place at the time the Authority considered the Applicant's request, states:
153. "The authority should not assume that the applicant will know where and how the information can otherwise be obtained. If the information is already publicly available (e.g. on the authority's website) the authority should tell the applicant how to access it and provide adequate signposting, for example, providing direct links to online information. In all cases the authority should bear in mind its general duty to provide advice and assistance to applicants."

The Applicant's comments on section 15 of FOISA

154. The Applicant considered that the Authority had failed to provide her with advice and assistance.

The Authority's comments on section 15 of FOISA

155. The Authority acknowledged that there had been "gaps and failure" and that it wished to go back through the whole request to ensure that each part was fully responded to. It added that it had tried to provide a source for any information it considered it did not hold.

²⁰ <https://webarchive.nrscotland.gov.uk/public/20180606062315/https://beta.gov.scot/publications/foi-eir-section-60-code-of-practice/>

156. In its submissions to the Commissioner, it also acknowledged that one link provided to the Applicant on making an information request to another authority did not work.

The Commissioner's view

157. The Commissioner notes that the Authority in its submissions acknowledged that further clarification of the requests might have been necessary. Paragraph 5 of the previous version of [the Section 60 Code \(December 2016\)](#)²¹ was clear that public authorities had a duty to advise and assist applicants and 5.4 stated that if an authority was unclear about what information a requester wants, it should not delay in seeking clarification.

158. Given the above, the Commissioner considers that the Authority should have requested clarification from the Applicant in respect of any part of the request it was unclear about. However, the Authority did not seek such clarification.

159. Section 9.2.1 of the Section 60 Code (December 2016) advised authorities that the obligation to provide advice and assistance continues at the point of issuing a response. It stated:

“For example, if directing the applicant to a website, the authority should take all reasonable steps to direct the applicant to the relevant section.”

160. The Commissioner considers that, had the Authority adhered to this section of the code, it would have been obvious, in respect of most of its responses, that it was not providing what the Applicant had requested.

161. Furthermore, the Commissioner notes that Section 9.3.1 of the Section 60 Code (December 2016) states that:

“Where an authority issues a response informing the applicant that it does not hold the requested information, it is good practice for an authority to explain to the applicant why it does not hold the information. A request for review is less likely to be made if authorities inform applicants why they do not hold the information they have requested.”

162. He also notes that the Applicant specified in her request that, if the information was not held, the Authority should confirm its absence and provide any recorded policies explaining why it was not documented.

163. The Commissioner considers that while the Authority included some brief information about why it considered it did not hold particular information, the lack of numbered responses to the Applicant's individual requests and confusing worded responses (e.g. stating that no policy was held and then quoting from “the policy” in respect of 1b) meant that the explanation of why information was not held was not clear in terms of The Section 60 Code (December 2016).

164. The Section 60 Code (December 2016) also set out relevant equality considerations at paragraph 9.10.3, which stated:

“In deciding whether a response to a request for information can be provided in a particular format, authorities must take into account the requirements of the Equality Act 2010²² as there may be a further requirement under the Equality Act to make a reasonable adjustment, for example, by providing a copy of a document on audio tape.”

²¹ <https://webarchive.nrscotland.gov.uk/public/20180606062315/https://beta.gov.scot/publications/foi-eir-section-60-code-of-practice/>

²² <https://www.gov.uk/guidance/equality-act-2010-guidance>

165. Given all of the above, the Commissioner is not satisfied that the Authority met its obligations under section 15 of FOISA.
166. He acknowledges that the Authority met its obligations in respect of the [NHS Scotland Complaints Handling Procedure²³](#) which in his view provided the Applicant with some of the information she had requested in an accessible format.

The Authority's handling of the request

167. In light of all of the above, the Commissioner considers that the Authority handled the Applicant's request extremely poorly for the most part.
168. Moreover, in the Commissioner's view the Authority's first set of submissions were also very poor. These comprised a brief list of bullet points and did not address most of the specific questions asked as part of the investigation.
169. The Commissioner would stress that public authorities should make every effort to ensure that their responses to applicants are clear and relevant and that their submissions to him clearly address the points raised, in order to minimise delays in an applicant receiving a decision in their appeal.

Decision

The Commissioner finds that the Authority partially complied with Part 1 of the Freedom of Information (Scotland) Act 2002 (FOISA) in responding to the information request made by the Applicant.

The Commissioner finds that the Authority was entitled to apply section 25(1) to requests 2c and part of 3b, and that it correctly notified the Applicant, under section 17(1), that it did not hold information falling within the scope of request 9. He also finds that by seeking the Applicant's mail address, with a view to providing her with the information in paper form and on a USB, the Authority complied with Part 1.

However, the Commissioner is not satisfied that the Authority was entitled to apply sections 17(1) and 25(1) of FOISA to the remaining requests (and that it breached section 1(1) of FOISA in doing so). He also finds that the Authority failed to comply with its obligations under sections 10(1), 11(1) and (2), 15, 16(1), and 21(10) of FOISA.

The Commissioner therefore requires the Authority to carry out a review of its responses to requests 1a, 1b, 2a, 2b, 3a, part of 3b, 4a, 4b, 4c, 4d, 5, 6a, 6b, 6c, 6d, 7 and 8 and provide the Applicant with the outcome of that review, by **10 August 2026**.

The Commissioner requires that the Authority provides this review outcome and any information disclosed in accessible format, if available, and via PDF, hard copy and USB as requested by the Applicant. The Commissioner understands that the provision of information in paper form and USB, requires the Applicant to provide the Authority with her postal address.

²³ <https://www.nhsggc.scot/downloads/nhs-scotland-complaints-handling-procedure/>

Appeal

Should either the Applicant or the Authority wish to appeal against this decision, they have the right to appeal to the Court of Session on a point of law only. Any such appeal must be made within 42 days after the date of intimation of this decision.

Enforcement

If the Authority fails to comply with this decision, the Commissioner has the right to certify to the Court of Session that the Authority has failed to comply. The Court has the right to inquire into the matter and may deal with the Authority as if it had committed a contempt of court.

Jennifer Ross
Deputy Head of Enforcement

26 June 2026

Appendix 1: Text of the original request.

Under the Freedom of Information (Scotland) Act 2002, I am requesting the following recorded information held by NHS GGC regarding protected groups under the Equality Act 2010, particularly vulnerable disabled individuals:

1. Information provided to patients:
 - a. Please provide recorded information on how patients are informed of their rights to access their NHS records under the Patient Rights (Scotland) Act 2011.
 - b. Please provide the policy or guidance that explicitly states that patients can access their NHS records without submitting a Subject Access Request (SAR).
2. Policies for Protected Groups:
 - a. Please provide a copy of your Equality and Diversity Policy, explicitly addressing the right of protected groups (e.g. disability and age) under the Equality Act 2010.
 - b. Please provide recorded information on the Health Board's reasonable adjustments policy for disabled patients, including the procedure followed to ensure compliance with the Equality Act 2010, particularly concerning the Public Sector Equality Duty.
 - c. Please provide recorded guidance or policies that outline the procedures for handling complains from individuals asserting their Equality Act rights (e.g. discrimination, harassment, victimisation).
3. Procedures for Discrimination Complaints and Protected Acts:
 - a. Please provide recorded information on the procedure the Health Board follows when a patient complains about discrimination related to a protected characteristic, including how Protected Acts are identified, investigated, and resolved. Additionally, confirm whether a specific Protected Act handling procedure is recorded for the benefit of protected groups.
 - b. Please provide details of an accessible contact point and pathway for individuals raising Equality Act-related complaints.
4. Information for Vulnerable Disabled Individuals:
 - a. Please provide the recorded information the Health Board has (such as leaflets or website content) that informs disabled individuals of their rights under the Equality Act, including the right to reasonable adjustments and protection from discrimination.
 - b. Please provided recorded information on how this information is made accessible and distributed to vulnerable, disabled patients by the health board.
 - c. Please provide recorded information on how NHS care workers are trained to inform disabled patients of their Equality Act rights proactively.
 - d. Please provide recorded information on how NHS care workers are trained to proactively inform vulnerable disabled patients that they can access their NHS records without submitting a SAR.

5. Public Sector Equality Duty Compliance:

- Please provide the recorded information demonstrating how the Health Board ensures compliance with the Public Sector Equality Duty under Section 149 of the Equality Act 2010, particularly concerning protected acts.

6. Health Board Contractor NHS Record Access:

- a. Please provide recorded information on instances where patients are required to submit SAR to access their NHS records, along with any supporting documents demonstrating alignment with their rights under the Patient Rights (Scotland) Act 2011, including accessibility requirements.
- b. Please provide recorded information on how the Health Board ensures contractors (e.g. homecare providers, GP practices) comply with patient rights under the Patient Rights (Scotland) Act 2011.
- c. Please provide recorded information on whether the Health Board contractors (e.g. homecare providers, GP practices) or other Health Boards working on their behalf require formal requests, such as SARs from patients, when they need to access their NHS records, and the justification for this requirement.
- d. Please provide the guidance from the Health Board, issued to contractors regarding patient access to their own NHS records, including whether formal requests such as SARs are required.

7. Risk Assessments for Homecare Services:

- Please provide recorded information on whether the Health Board has conducted risk assessments to evaluate the necessity of a Patient Support Programme (PSP) related to homecare services. If available, please provide copies of these assessments or a summary of findings, including the criteria used to determine whether a PSP is necessary.

8. Workforce planning for Homecare Services:

- Please provide recorded information on whether the Health Board has conducted a review of workforce planning for homecare services between 2020 and 2025 to ensure appropriate staffing levels. Additionally, please provide findings that evaluate staffing safety and the processes in place for oversight and escalation, in alignment with the Health and Care (Staffing) (Scotland) Act 2019.

9. Withholding & Withdrawal of NHS Care for Disabled Patients:

- Please provide recorded guidance or policies outlining the procedures for withholding or withdrawing NHS care, prescriptions, and proven safe, beneficial, life-prolonging treatment from disabled patients due to their complaints.

If available, please provide the requested information in an accessible format that is easy to understand, such as plain language for individuals with disabilities, and all requested information in electronic format (PDF). If any part of this request is unclear or exceeds the cost limit under FOISA, please contact me so I can refine the scope. If exemptions apply, please specify which exemptions and provide the reasons for withholding the information, as required under FOISA. If the NHS Health Board does not hold some of this information, please confirm its absence and provide any recorded policies explaining why it is not documented.