

Dear [REDACTED]

Freedom of Information Reference FOI-2022-000320

I refer to your request of 29th November 2022 under the Freedom of Information (Scotland) Act 2002 for information in relation to the following:

Please could you provide under FOI legislation a full list of attendees and also the minutes of the meeting attended by an NHS chief executive and NHS directors on Wednesday 21 September 2022, which was the subject of this BBC report:

<https://www.bbc.co.uk/news/uk-scotland-63659754>

I am writing to advise you that the information that you have requested from NHS National Services Scotland (NSS) is being withheld under Section 30(b) "Free and frank provision of advice or exchange of views".

The group that met consisted of the chair and vice-chair of the NHS Scotland Board Chief Executives Group along with the chairs of each of the functional groups that meet at an NHS Scotland level. The functional groups are role based and cover Medical Directors, Nurse Directors, Public Health Directors, Finance Directors, HR Directors, Planning Directors. All health boards are invited to send representatives to each of the functional groups and each group appoints a chair from within its membership. The group meets every quarter and their scheduled meetings for 2022 were 8 April, 23 June, 8 September, and 5 December.

The meeting referred to in your request was held on Wednesday 21st of September 2022 and was an extra session of the group to capture initial ideas that may help improve financial sustainability in NHS Scotland. The session was held outside of their regular pattern of quarterly meetings and was for the purpose of generating ideas.

A minute of the session was not taken. However, notes were captured to enable further discussion of ideas to determine if they were of value or benefit. As none of the ideas had been substantiated or scrutinised by any other NHS Scotland group, the document was given the appropriate security and confidentiality markings.

The application of this exemption is subject to a public interest test and can only be applied if disclosure would or would be likely to cause substantial inhibition.

The Public Interest Test:

- We considered unreservedly that there is a vital public interest in NSS being open and transparent in the decision making, the policies and the processes that the organisation is involved in.
- We considered that there is a public interest in providing information in response to requests from citizens, bodies and those working in the media, who all perform a key role in the ongoing scrutiny of public bodies.
- We considered it is firmly in the public interest that NSS should be ready to provide accurate information and receive challenge and questions and views on what it produces.

Following a public interest test, we have decided to exempt the information and personal details of the attendees from release. For NSS to release this information would cause prejudice to the effective conduct of public affairs and substantially inhibit the free and frank provision of advice. NSS have decided to withhold it for the following specific reasons:

- NSS believes that it is important that NHS Scotland staff can freely, frankly, and openly exchange ideas for deliberation and consideration by others to help inform policy or service improvement.
- The session was at the start of a process that would have seen ideas scrutinised and either supported or rejected by other NHS Scotland groups.
- Free, frank, and open discussion ensures that staff can raise ideas and ensures that NHS Scotland is considering and assessing all possible options for a problem or opportunity.
- Releasing all information relating to ideation workshops may mean that staff censure their ideas and may not share them due to personal concerns for how they may be presented to the public if released at such an early stage of ideation.
- We believe our decision is consistent with the ICO's acknowledgement that "bodies may also need space and time in which to fully consider their policy options, to enable them to reach an impartial and appropriate decision, away from public interference."¹

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the Head of Information and Cyber Security using the email address nss.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online Appeal form](#).

If you have any queries about this letter, please contact me at the above address.

¹ ICO, The Public Interest Test: <https://ico.org.uk/for-organisations/guidance-index/freedom-of-information-and-environmental-information-regulations/the-public-interest-test/>