

[REDACTED]
[REDACTED]

Date 1 October 2026
Your Ref FOI-2026-3476
Our Ref FOI-2026-3476

Enquiries to [REDACTED]
Email psd.foi@nhs.scot

Dear [REDACTED]

Freedom of Information Reference FOI-2026-3476

I refer to your Freedom of Information (Scotland) Act 2002 (FOISA) request that we received on 7 September 2026, and subsequent clarification received on 8 September 2026 requesting the following information:

I am seeking information concerning the public holiday entitlement of NHS consultants in Scotland.

The British Medical Association (BMA) has published guidance stating:

"If a consultant is full-time then the view from the central legal office in Scotland is that they are entitled to 8 days of public holidays. if the substantive hours are less than full-time then the public holiday entitlement would be pro-rata to the contracted hours."

Please provide:

- 1. Any legal advice, opinion, memorandum, briefing, email, note, or other document concerning the conversion of consultants' public holiday entitlement from days into hours.**
- 2. Any documents held by NHS National Services Scotland and/or the Central Legal Office concerning the interpretation or administration of consultant public holiday entitlement following PCS(DD)2021/01, including correspondence or communications with: a) NHS Boards; b) Scottish Government; c) NHS Scotland employers; and d) BMA Scotland.**
- 3. Any documents explaining, supporting, or applying the view that less-than-full-time consultants receive a pro-rata public holiday entitlement calculated by reference to contracted hours.**

If any information is withheld, please:

- i) identify the document or category of document being withheld;**
- ii) specify the exemption(s) relied upon; and**

Chair Mr Keith Redpath
Chief Executive Professor Karen Reid

iii) explain the public interest factors considered where applicable.

Where legal professional privilege is claimed, I request disclosure of any non-privileged summaries, implementation guidance, factual material, calculations, examples, or communications derived from or based upon that advice.

Clarification received on 8 September 2026:

The quote is taken from the BMA web page at the link below:

<https://www.bma.org.uk/pay-and-contracts/leave/annual-leave-entitlement/consultants-leave>

It is near to the bottom of the page, under the section 'Working on public holidays'.

I have reviewed web.archive.org and the sentence appeared between 24/01/2021 and 10/04/2021.

After a search of our electronic and paper records I can confirm that in relation to the information sought under [Section 17\(1\)\(b\) of FOISA for "Information not held"](#) this information is not held by the Central Legal Office (CLO) who are part of Public Services Delivery (PSD) Scotland.

The relevant teams have carried out extensive searches from the previous 7 year period and have not found any information which falls into the scope of your request. There is no information held in relation to any advice given to the content found on the BMA's website.

There were results found for one health board (dated 2019) in which documents contained reference to the subject matter however this was a specific request for advice in relation to a data subject, and not an overarching view of the subject matter.

This information was specific to a person and their circumstances, and was not deemed to fall within the scope of your request as it did not contain any of the following:

- 1) A general conversion of consultants' public holiday entitlement from days into hours,
- 2) Any interpretation or administration of consultant public holiday entitlement following [PCS\(DD\)2021/01](#) widely,
- 3) Any explanation, either supporting, or applying the view that less-than-full-time consultants receive a pro-rata public holiday entitlement calculated by reference to contracted hours.

If you require any further information, please do not hesitate to contact me using the email address psd.foi@nhs.scot

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 Associate Director Corporate Governance using the email address psd.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](#).

Yours sincerely,

