

**Headquarters**

Executive Office  
Gyle Square  
1 South Gyle Crescent  
EDINBURGH  
EH12 9EB  
Telephone 0131 275 6000  
Text Relay: 18001 0131 275 6000  
Fax: 0131 275 7530  
[www.nss.nhs.scot](http://www.nss.nhs.scot)



[REDACTED]

By email: [REDACTED]

Date 20<sup>th</sup> September 2024  
Your Ref FOI-2024-000311  
Our Ref FOI-2024-000311

Enquiries to [REDACTED]  
Email [nss.foi@nhs.scot](mailto:nss.foi@nhs.scot)

Dear [REDACTED],

**Freedom of Information Request Reference: FOI-2024-000311**

Firstly regarding your complaints policy

Where contact has been made, either as professional or patient with NSS, and a complaint subsequently received via your open access public portal email, are the original complaint text and response routinely copied to the employer of the complainant? If so would you warn the complainant or ask permission to pass on their personal opinions? Or would it constitute a data breach under your own policies with the response and text of the original complaint being restricted to the complainant alone?

Below now relates to the Specialist Healthcare commissioning directorate of the NSS

As I understand there are policies and processes in place to assess whether certain treatments should be funded for out of Scotland or referred back to be provided for patients in Scotland.

1. How often are these policies and processes reviewed internally in any given period of 2 years?
  1. How often are changes made and how often does the organisation manage to audit the change to demonstrate either progress or lack of progress related to the change. In other words do you implement the change and close an audit loop
  2. Who internally would do these reviews? Are they relatively independent of those practicing the policies and processes? I.e. Are you potentially marking your own homework?
2. How often are the policies and processes reviewed by external eyes in any given 2 year period?
  1. If reviewed by external assessors, how many changes have been recommended and who confirms the changes have been completed and audit loops closed?
  2. Are external or for that matter internal reviewers qualified to examine the outcomes, would they have the knowledge of the treatments to know how to examine HC commissioning decisions in the correct context, ie would you have



Chair Keith Redpath  
Chief Executive Mary Morgan

*NHS National Services Scotland is the common name of the Common Services Agency for the Scottish Health Service.*

a Psychiatrist examine Obstetric treatment commissioning decisions or would you ensure it was an Obstetrician?

3. If you have no regular reviews internally and from external assessors can you explain the rationale for not having critical appraisal?
4. For clinically trained Medical professionals NSS HC commissioning who routinely revalidate with the GMC through Medical appraisal, do they obtain multisource feedback and "user satisfaction questionnaires" from those they serve in the NHS rather than just patients given their managerial role and in line with Leadership and management for all Drs from the GMC

After a search of our paper and electronic records I can confirm that NHS National Services Scotland (NSS) does hold the information that you have requested. This information is detailed below.

### **Firstly regarding your complaints policy**

**Where contact has been made, either as professional or patient with NSS, and a complaint subsequently received via your open access public portal email, are the original complaint text and response routinely copied to the employer of the complainant?**

Complaints made by patients or members of the public are not routinely copied to their employer as we do not have access to this information routinely when responding to their complaint.

Exception to this would be if there was a need to involve other agencies to safeguard either the individual or others if the complaint disclosed information that indicated there was a risk of harm to themselves or others.

Where complaints make reference to patient safety risks then NSS have a responsibility to act on that information in the interest of raising concerns to prevent harm to patients. This falls within various NHS policies and legislation for example include Once For Scotland Policy for Whistleblowing; NHS Scotland Caldicott Principles and Duty of Candour

Where a concern is raised about a particular service or incident we may contact the relevant Board to ensure appropriate investigation and action is taken. If the complainant happens to be employed by that same Board then this will mean that their employer may be notified of the complaint and subsequent outcome.

If complaints are received from professionals registered with a regulatory body and the content of the complaint raises concerns about their professional standards, NSS has a responsibility to raise those concerns with the regulatory body.

**If so would you warn the complainant or ask permission to pass on their personal opinions? Or would it constitute a data breach under your own policies with the response and text of the original complaint being restricted to the complainant alone?**

Complainants that are contacting NSS as patients are providing their personal opinion and as per above, steps would be taken to share this information if it was required for Safeguarding.

Complainants employed as a professional in a Health Board making contact are classed as providing their professional opinion and content would be shared as per the description of circumstances described above. In these circumstances there would not be a data breach.

**Below now relates to the Specialist Healthcare commissioning directorate of the NSS**

**As I understand there are policies and processes in place to assess whether certain treatments should be funded for out of Scotland or referred back to be provided for patients in Scotland.**

**1. How often are these policies and processes reviewed internally in any given period of 2 years?**

- 1. How often are changes made and how often does the organisation manage to audit the change to demonstrate either progress or lack of progress related to the change. In other words do you implement the change and close an audit loop**

[Under Section 17 of FOISA for "Information Not Held"](#) in relation to patient referrals to NHS England providers, NSS do not hold information regarding how often the policy is reviewed. Any change to policy is made on the direction of Board Chief Executives and/or the Scottish Government.

The operationalisation of the policy by NSS is subject to continual review and refinement. We work with Health Board representatives with a view to improvement. Twice yearly meetings are held with representatives of the Health Boards from across Scotland to consider issues related to NHS England cross-border healthcare. National Services Division (NSD) are members of the NHS England Highly Specialised Services Oversight Group along with colleagues from England, Wales and Northern Ireland where service proposals and issues are considered.

- 2. Who internally would do these reviews? Are they relatively independent of those practicing the policies and processes? I.e. Are you potentially marking your own homework?**

[Under Section 17 of FOISA for "Information Not Held"](#) NSS do not hold information regarding how policy change would be reviewed.

For internal review, NSD have a Quality & Performance Team. Any changes in relation to the operationalisation of policy would be considered by the Senior Management Group of NSD who are not involved in the day to day processing of funding applications. In addition, Health Board representatives are informed/consulted via regular meetings. The National Specialist Services Committee (NNSC) which is made up of external representatives and is chaired by a Board Chief Executive are informed of the outputs of any formal review which takes place.

**2. How often are the policies and processes reviewed by external eyes in any given 2 year period?**

[Under Section 17 of FOISA for "Information Not Held"](#) NSS do not hold this information however can confirm that Health Board representatives meet regularly with NSD.

- 1. If reviewed by external assessors, how many changes have been recommended and who confirms the changes have been completed and audit loops closed?**

[Under Section 17 of FOISA for "Information Not Held"](#) NSS do not hold any information on how many changes have been recommended. The Senior Management Group are responsible for the oversight of any work undertaken within NSD.

- 2. Are external or for that matter internal reviewers qualified to examine the outcomes, would they have the knowledge of the treatments to know how to examine HC commissioning decisions in the correct context, ie would you have a Psychiatrist examine Obstetric treatment commissioning decisions or would you ensure it was an Obstetrician?**

NSS are dependent on NHS England to monitor outcomes for the English services whom they commission on our behalf.

[Under Section 17 of FOISA for "Information Not Held"](#) NSS do not hold information regarding how NHS England obtain their subject matter expertise.

For national service commissioning undertaken by NSS we rely on clinicians from the commissioned service to provide any clinical information. Scrutiny of any commissioning decisions is via the NSSC which includes senior clinicians as well as other senior leaders from Health Boards and Scottish Government.

**3. If you have no regular reviews internally and from external assessors can you explain the rational for not having critical appraisal?**

Reviews are considered internally by the Senior Management Group. External scrutiny is via the regular meetings with Health Board representatives, NSSC and/or Scottish Government.

**4. For clinically trained Medical professionals NSS HC commissioning who routinely revalidate with the GMC through Medical appraisal, do they obtain multisource feedback and "user satisfaction questionnaires" from those they serve in the NHS rather than just patients given their managerial role and in line with Leadership and management for all Drs from the GMC**

Yes. NSS obtain multisource feedback and "user satisfaction questionnaires"

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 Governance & Board Services using the email address [nss.foi@nhs.scot](mailto: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](#).

Yours sincerely

