

Date: 31 March 2025
Our ref: K: FOI/Ref: 2025-000069
Email: NSS.DevServicesFOI@nhs.scot

Freedom of Information Reference: FOI-2025-000069 – Free of Charge Schemes.

I refer to your freedom of information request that we received on 03 March 2025 requesting the following information.

Under the Freedom of Information Act 2000, I would like to request the following information in relation to free of charge schemes/compassionate use schemes. The schemes I am referring to are those which are in scope of the following guidance from NHS

England: <https://www.england.nhs.uk/long-read/free-of-charge-foc-medicines-schemes-national-policy-recommendations-for-local-systems> | Publication reference: PRN00297

- **A list of all free of charge schemes which your drugs and therapeutics committee (or equivalent committee) has considered over the last 5 years, with decisions.**
- **A list of all free of charge schemes which your organisation has taken part in over the last 5 years, with start and end dates.**
- **How many patients have taken part in these free of charge schemes over the last 5 years.**
- **The estimated cost to your organisation of all free of charge schemes which your organisation has taken part in, in terms of resourcing, staffing, storage, and any other areas, over the last 5 years.**
- **The length of time it took from the first application by a clinician to take part in a free of charge scheme, to when the first patient was dosed with the treatment.**

We have now completed the search of our records and can provide you with the following information:

Under the Freedom of Information Act 2000, I would like to request the following information in relation to free of charge schemes/compassionate use schemes. The schemes I am referring to are those which are in scope of the following guidance from NHS

England: <https://www.england.nhs.uk/long-read/free-of-charge-foc-medicines-schemes-national-policy-recommendations-for-local-systems> | Publication reference: PRN00297

The guidance from NHS England is not applicable to NHS Scotland. However, NSS after consultation and agreement with Health Boards' (HBs) Area Drugs & Therapeutics Committees in Scotland have issued guidance on Pre-Health Technology Assessment Free of Charge (Pre-HTA FOC) medicine pricing schemes, which can be viewed in the Healthcare Improvement Scotland website: [Pre health technology assessment free of charge pricing scheme guidance – Healthcare Improvement Scotland](#)

The Patient Access Scheme Assessment Group (PASAG) Secretariat within the National Procurement (NP) Directorate of NHS National Services Scotland (NSS) coordinates the review of pre-HTA FOC schemes proposed by pharmaceutical companies via this national process. It should be noted that individual HBs may have entered into agreements with companies direct and therefore under section 17 of the Freedom of Information Scotland Act, 2002 (FOISA) an organisation does not



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

have to provide that information if it does not hold it. NSS holds no information on any Free of Charge (FOC) schemes that may have been agreed by HBs “locally.”

- **A list of all free of charge schemes which your drugs and therapeutics committee (or equivalent committee) has considered over the last 5 years, with decisions.**
- **A list of all free of charge schemes which your organisation has taken part in over the last 5 years, with start and end dates.**
- **How many patients have taken part in these free of charge schemes over the last 5 years.**
- **The estimated cost to your organisation of all free of charge schemes which your organisation has taken part in, in terms of resourcing, staffing, storage, and any other areas, over the last 5 years.**

Under Section 33(1)(b) of FOISA “Substantial Prejudice to Commercial Interests” NHS National Services Scotland (NSS) cannot disclose this information as it is considered commercially sensitive.

NSS has concluded that disclosing this information could harm the commercial interests of both NSS and our suppliers. Given the market for Free of Charge (FOC) Schemes in the UK is limited, releasing such details could provide competitors with insights into our supplier's commercial offerings, affecting future market competitiveness. Additionally, sharing this information could negatively impact NSS's ability to procure goods and services at the most advantageous prices in future.

As the Section 33(1)(b) exemption is a “qualified” exemption, a “Public Interest Test” must be carried out in order to determine if the exemption can be applied.

FOISA does not define the public interest. It has been described elsewhere as “something which is of serious concern and benefit to the public”, not merely something of individual interest. It has also been described as “something that is “in the interest of the public”, not merely “of interest to the public.” In other words, it serves the interests of the public.

NSS has recognised that there is always a strong public interest in Scottish public authorities acting in an open and transparent manner, however in this case NSS has determined that there is an even stronger public interest in NSS being able to procure goods and services at the best possible value to the public purse. Therefore, on this occasion NSS has decided that the public interest lies in the withholding of this information resulting in the application of the exemption.

- **The length of time it took from the first application by a clinician to take part in a free of charge scheme, to when the first patient was dosed with the treatment.**

Under Section 17 of FOISA an organisation does not have to provide that information if it does not hold it. NSS does not have access to this level of detail. You may wish to contact the local area HBs at the below addresses:



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*

NHS Ayrshire & Arran	foi@aaaht.scot.nhs.uk
NHS Borders	foi.enquiries@borders.scot.nhs.uk
NHS Dumfries & Galloway	dg.feedback2@nhs.scot
NHS Fife	fife.foirequestfife@nhs.scot
NHS Forth Valley	fv.freedomofinformation@nhs.scot
NHS Grampian	gram.foi@nhs.scot
NHS Greater Glasgow & Clyde	foi@ggc.scot.nhs.uk
NHS Highland	nhsh.foirequestshighland@nhs.scot
NHS Lanarkshire	foi@lanarkshire.scot.nhs.uk
NHS Lothian	loth.freedomofinformation@nhs.scot
NHS Orkney	ORK.FOIrequests@nhs.scot
NHS Shetland	shet.foi@nhs.scot
NHS Tayside	tay.foisa@nhs.scot
NHS Western Isles	wi.foi-requests@nhs.scot
Healthcare Improvement Scotland	His.foi@nhs.scot
NHS 24	FOI@nhs24.scot.nhs.uk
NHS Education for Scotland	nes.foi@nhs.scot
NHS Golden Jubilee	FOI@GJNH.scot.nhs.uk
Public Health Scotland	Phs.foi@phs.scot
Scottish Ambulance Service	sas.foi@nhs.scot
The State Hospital	TSH.FOI-Mailbox@nhs.scot

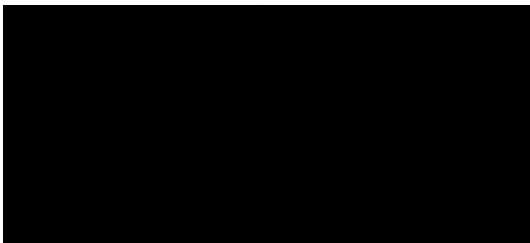
I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me.

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 and Board Services (Board Secretary) at 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 application form](#).

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

Yours sincerely,



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*