



Abdul Hai
request-659267-297a2501@whatdotheyknow.com

Our Reference: 202000028320
Your Reference: request-659267-297a2501

28 May 2020

Dear Abdul Hai,

Thank you for your request dated 14 April 2020 under the Freedom of Information (Scotland) Act 2002 (FOISA). I have responded to each of your questions below in turn.

You asked:

Can you publish the terms of reference for the investigation?

Which officer or officers will be holding it?

Have any steps been taken to ensure that the investigation has any merit and is not a waste of money after the Clinical Director said rubbish on Good Morning Scotland?

With respect to your first question, while our aim is to provide information whenever possible, in this instance the Scottish Government does not have the information you have requested. The reasons why we do not have the information are explained below. This is a formal notice under section 17(1) of FOISA that the Scottish Government does not have the information you have requested. The reasons for this is that there was no 'formal' investigation undertaken on this issue, as detailed further in the response to your third question. No 'terms of reference' were set and hence, no documentation is available that sets out any such terms.

In your second question, you asked for the names of particular officials. The response to the first question remains relevant, as there were no terms of reference which any officers would hold. In addition, we would add that while our aim is to provide information whenever possible, in this instance we would be unable to provide the information you have requested because an exemption under section s.38(1)(b) (personal information) of FOISA applies to that information. This exemption applies

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because the information requested would be the personal information of the staff involved. This exemption is not subject to the 'public interest test', so we are not required to consider if the public interest in disclosing the information outweighs the public interest in applying the exemption.

In answer to your third question, the Cabinet Secretary for Health and Sport, Jeane Freeman, wrote to the Secretary of State for Health, Matt Hancock, on 14 April seeking clear assurance that neither Public Health England (PHE) nor the Department for Health and Social Care had required existing supplies of PPE to the care home sector in Scotland to divert orders to the NHS in England or the care sector in England and Wales. As has been widely reported in the media, Mr Hancock provided explicit reassurance that neither PHE nor the Department for Health and Social Care had required existing supplies of PPE in Scotland to be diverted.

Your right to request a review

If you are unhappy with this response to your FOI request, you may ask us to carry out an internal review of the response, by writing to Paul Cackette, Director of PPE within the Scottish Government (at paul.cackette@gov.scot). Your review request should explain why you are dissatisfied with this response, and should be made Paul Cackette, Director of PPE within the Scottish Government (at paul.cackette@gov.scot). within 40 working days from the date when you received this letter. We will complete the review and tell you the result, within 20 working days from the date when we receive your review request. If you are not satisfied with the result of the review, you then have the right to appeal to the Scottish Information Commissioner. More detailed information on your appeal rights is available on the Commissioner's website at:

<http://www.itspublicknowledge.info/YourRights/Unhappywiththeresponse/AppealingtoCommissioner.aspx>

Yours sincerely

Philip Raines
CNO : QEUH Support Team

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