

S Sabato
request-979889-4d87f227@whatdotheyknow.com

Date: 30 June 2023
Your Ref:
Our Ref: FOI 16950
Please quote reference number on all correspondence

Enquiries to: FOI Team
Email: nhsh.foirequestshighland@nhs.scot

Dear Mr Sabato

**Freedom of Information Act (Scotland) Ref 16950 - Internal Review
Raigmore Hospital Staff Accommodation**

Thank you for your email received on 4 June requesting an internal review of our response to your Freedom of Information request which was issued to you on 2 June. I am sorry that you were unhappy with our response.

An internal review of our response to the Freedom of Information request which you submitted on 13 May has now been undertaken and I have responded to each of the questions you raised in turn.

- **Question 1:**

I cannot find the "3 Monthly Legionnaire Inspections" in the documents released by your organization.

If the "3 Monthly Legionnaire Inspections" is still a legal requirement in your country, could you please provide a copy of it?

A copy of the Legionnaire inspection report is attached. I apologise that this was omitted from our original response.

- **Question 3:**

I cannot find the "Copies of the Rent Increase Notices issued to residents (as required by the Private Housing (Tenancies) (Scotland) Act 2016 and by the Cost of Living (Tenant Protection) (Scotland) Act 2022 enacted by your Scottish Parliament)" in the documents released by your organization.

Could you please provide copies of those documents?

I have reviewed the information provided to you in response to your original request and confirm that the rent increase letters issued to Raigmore Hospital Accommodation residents on 2 February 2023 and 6 April 2023 were disclosed to you with our response. I can confirm that these letters are the only notices issued to residents advising of the rent increase. No further information is held.

- **Question 5:**

Besides your "NHS Highland Board members' Register of Interests 1 April 2023 – 31 March 2024" (access to "NHS Register of Interest Board Members 2022-23" searched on your website is denied), I cannot find the "Full name, job position and pay band (including bonuses, awards, benefits, donations, gifts, expenses, allowances and any other contributions that they have received on top of their salaries) of the individuals within and outwith your organization involved in the decisions, processes and identification of criteria regarding the charges and rental charges that must be imposed and taken out of residents' pockets and how to use that money."

From 05 May 2022 to 12 May 2023, your organization has reinvested in the Glen premises just over 2% of the potential annual income of £142,887.04. Money taken out of residents' pockets in order to maximise the income of the NHS Highland Board.

Please release the information requested in Question 5 regarding the individuals in your Estates Facilities, Capital Planning Directorate, Asset Management Group and Board members.

As previously indicated, this decision is taken by the Estates Facilities and Capital Planning Directorate based on inflationary increases and Social Housing Rate Increases and is approved through Asset Management Group.

Further information on Board Members and Senior Employees remuneration is also published in NHS Highland's Audited Accounts. The latest available information for this is for the financial year 2021/22. This information can be accessed on NHS Highland's website at <https://www.nhshighland.scot.nhs.uk/media/uhrfm3si/highland-health-board-annual-accounts-2021-2022.pdf>. Information on remuneration can be found on pages 44-47 of the report.

The Register of Interest is accessible on the NHS Highland website and publicly accessible to all. If you are unable to access these documents, I can provide you with a printed or electronic copy. A charge may be applicable for printing and postage costs.

- **Question 8:**

It appears that page 3 of your "Conduct Policy: guide to expected standards of behaviour" was developed nationally by your NHS Scotland employers, your trade unions and your Scottish Government and is supposed to be followed by all your Boards, including your organization.

This means that:

Knowing the outcome of the National Minimum Wage investigations carried out by HM Revenue & Customs down in England, the outcome of the claims lodged in your EMPLOYMENT TRIBUNALS (SCOTLAND) and of the Formal Complaints raised (and ignored) to your organization regarding assaults, persistent vandalization and smearing with faeces of personal belongings (within your premises under CCTV surveillance and in areas only accessible to your staff) and the persistent destruction of the evidence (for example, CCTV recordings) required for the eventual investigations, please provide "Full name and job position of the individuals that monitored and assessed your HR performance and systems manager, accommodation manager, head of people services, payroll manager and facilities/security manager in the years 2018, 2019, 2020, 2021 and 2022 and the outcome of the monitoring and assessments."

(According to the response given to Question 7, your security manager has to report to your facilities manager. This means that your mate Crawford has to report to himself. Unbelievable!)

As previously advised, NHS Highland are unable to disclose the name of appraisers, or the content and outcomes of annual personal appraisals as these relate to individual employees. The contents of any annual development review recorded on the Turas Appraisal system are personal records and are not accessible to be reported on by NHS Highland under Freedom of Information.

This information you have requested constitutes personal data as defined in the UK General Data Protection Regulations (GDPR), the Data Protection Act 2018 in respect

of which disclosure would contravene the Data Protection Principles and this constitutes a ground of exemption in terms of Section 38(1) (b) of the Freedom of Information (Scotland) Act 2002

I, therefore, uphold the exemption applied in respect of this questions.

I am unable to comment on the remaining content of your question.

I hope this response is helpful. If you are unhappy with my response or if you would like to discuss this further, please contact me quoting the above reference number.

Appealing to the Commissioner

If you remain dissatisfied following the investigation of your review, then you have the right to appeal to the Scottish Information Commissioner within 6 months of the date of receiving the review response. You can request an appeal by accessing the [Online Appeal Service](#) on the Commissioner's website.

Alternatively, you can visit their website at www.itspublicknowledge.info/Appeal

If you don't wish to appeal online, you can also contact the Commissioner by email or post as follows:

Send your appeal by email

If you want to send your appeal by email, you should send your email to enquiries@itspublicknowledge.info

Send your appeal by post

If you want to send your appeal by post, you should send your letter to:

The Scottish Information Commissioner
Kinburn Castle
Doubledykes Road
St Andrews
Fife
KY16 9DS

If you need help to make an appeal, you can contact the Commissioner's Office:

Email: enquiries@itspublicknowledge.info

Telephone: 01334 464610

Further information on making an appeal to the Scottish Information Commissioner can be found on their website [here](#).

Should you then wish to appeal against the Commissioner's decision, there is a right of appeal to the Court of Session on a point of law only.

Yours sincerely

Mirian Morrison
Clinical Governance Development Manager

Attached:
Legionella Checks – Glen Court.pdf