

## Environmental Information Request 235-18

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### Request

1. Do any of your hospitals currently contain asbestos?
2. How many reported incidents of asbestos exposure have there been in any of your hospital buildings over the past five years (between January 2013 – December 2017).
3. How many claims have ever been made against your trust for asbestos related exposure/disease including but not exclusively for mesothelioma.
4. How many of these claims have been settled?
5. What is the amount of money that has been paid in settlement of these claims? Please include claims with and without your trust/board accepting responsibility and claims made through any other insurance schemes.

### Response

1. There are 4 hospital buildings which are recorded as containing some asbestos materials. NHS Borders buildings are maintained in accordance with the Control of Asbestos Regulations 2012. A register of all asbestos containing materials is kept and is available within the Estates department for review on request. The asbestos containing materials are labelled and regularly monitored by an independent consultant.
2. There are no recorded incidents of asbestos exposure in the period requested.
3. There have been <5 claims made against NHS Borders for asbestos related exposure/disease, relating to properties which are not owned by NHS Borders.
4. Of these claims <5 were settled.
5. There has been no monies pad in settlement of these claims.

Please note that as NHS Borders is such a small Board the number of claims is very small, and to provide further details of these could allow individuals to be identified and we would be in breach of the Data Protection Act 1998. We are therefore withholding all other data under Section 38(2)(ii) of the Freedom of Information (Scotland) Act 2002. This is also in accordance with the Code of Practice for Official Statistics any number that is less than five, actual numbers and potentially identifiable information is withheld to help maintain patient confidentiality due to potential risk of disclosure. Further information is available in the ISD Statistical Disclosure Control Protocol.

If you are not satisfied with the way your request has been handled or the decision given, you may ask NHS Borders to review its actions and the decision. If you would like to request a review please apply in writing to, Freedom of Information Review, NHS Borders, Room 2EC3, Education Centre, Borders General Hospital, Melrose, TD6 9BS or [foi.enquiries@borders.scot.nhs.uk](mailto:foi.enquiries@borders.scot.nhs.uk).

The request for a review should include your name and address for correspondence, the request for information to which the request relates and the issue which you wish to be reviewed. Please state the reference number **235-18** on this request. Your request should be made within 40 working days from receipt of this letter.

If following this review, you remain dissatisfied with the outcome, you may appeal to the Scottish Information Commissioner and request an investigation of your complaint. Your request to the Scottish Information Commissioner should be in writing (or other permanent form), stating your name and an address for correspondence. You should provide the details of the request and your reasons for dissatisfaction with both

the original response by NHS Borders and your reasons for dissatisfaction with the outcome of the internal review. Your application for an investigation by the Scottish Information Commissioner must be made within six months of your receipt of the response with which you are dissatisfied. The address for the Office of the Scottish Information Commissioner is, Office of the Scottish Information Commissioner, Kinburn Castle, Doubledykes Road, St Andrews, Fife.