

## Freedom of Information request 61-22

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### Request

In the NHS AFC handbook there is a section regarding extensions to sick pay.

Policy Entitled : Attendance Policy

Pay during sickness absence: Increased sick pay entitlement due to exceptional circumstances.

#### Question 1

Have you had any cases in the past 5 years where extensions to sick pay beyond 12 months were awarded i.e. beyond 6 months full + 6 Months Half ?

#### Question 2

Are any of these exceptional circumstances other than for Terminal Illness or COVID19 ?

#### Question 3

If it is possible for you to list the nature of the exceptions i.e. which types of circumstances have been granted extension to sick pay?

### Response

1. Please see the table below for the number of cases where extensions to sick pay beyond 12 months were awarded in the past five years:

2017	0
2018	0
2019	0
2020	0
2021	<5

Please note that as NHS Borders is such a small Board and the number of extensions very small, to provide further details could allow individuals to be identified and we would be in breach of the Data Protection Act 2018. We are therefore withholding all other data under Section 38(2)(ii) of the Freedom of Information (Scotland) Act 2002. This is in accordance with the Code of Practice for Official Statistics that 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.

2. Yes, there were exceptional circumstances other than terminal illness or Covid-19.
3. Being a small Health Board and with a small number of extensions identified above the identification of individuals would be possible if we were to supply the information requested, we are therefore unable to provide you with this information as it is protected under the Data Protection Act 2018 and is considered personal information under Section 38 1(b) of the Freedom of Information Act (Scotland) Act 2002. The identification of individuals is prohibited in that it would breach the individual's privacy, and that includes information which would make identification possible.

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 **61-22** 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.