

Freedom of Information request 440-23

Request

Please supply a full copy of the most recent pro-disability policy of the service for disabled patients as well as its own most recent policy against ableism plus disablism that maybe shown towards such patients by staff. Along with this, please supply the most recent policy of the service in regards inclusion of elderly patients' (persons 65+) as well as its most recent policy against age discrimination towards such persons by staff.

Clarification A

A clear definition of the following terms as in the context of your request:

- “pro-disability”
- “the service for disabled patients”
- “its own most recent policy against ableism plus disablism”
- “the service in regards inclusion of elderly patients”

The clarification is as follows:

- “Pro Disability” is to mean an active policy of inclusion of disabled patients and a policy to make reasonable adjustments under the Equality Act 2010 & Human Rights Act 1998 to assist in their inclusion despite their disability also any policy to eradicate hateful anti-disability prejudice and conduct towards such patients.
- “Of the service for disabled persons” is to mean of the public service of NHS Borders itself in its publicly paid capacity to work for disabled users of the service principally those admitted patients to its medical facilities.
- “Its most recent policy against ableism & disablism” Is to mean the most up-to-date published policy of NHS Borders to eradicate attitudes and actions that cause ableism or are part of ableism which is civil discrimination or hate crime against people with physical, intellectual, or psychological disabilities in favour of people without such disabilities. Or in the case of disablism which is civil discrimination and hate crime committed against people with physical, intellectual or psychological disabilities for having such.
- “The service in regards inclusion of elderly patients” Is to mean NHS Borders in regards inclusion of elderly patients those 65+ to equal humane treatment, an environment free from criminal conduct committed against them for being elderly, free from ageist discrimination or prejudice, as well as reasonable adjustments made in their regard along with the upholding of all their rights under the Equality Act of 2010 and The Human Rights Act 1998 particularly, but not limited to, the upholding of their right to life under the Act of 1998.

Clarification B

NHS Borders to provide full copies of all policy documents (if held) relating to:

1. Patients with a disability being treated equally to patients without a disability; making reasonable adjustments as required.
2. Ableism and / or discrimination against a patient with a disability by staff.
3. Medical treatment for elderly patients (65+ years) to be equal to patients under 65.
4. Age discrimination against a patient by staff.

With attention drawn to The Equality Act 2010 and The Human Rights Act 1998 and referring to patients under the care of NHS Borders.

If this is not an accurate representation, please can you provide further clarifications where appropriate.

- I have given my clarification; it is clear enough, please proceed to provide the information as clarified or I will deem it a none responses and appeal to the SICO.

Response

NHS Borders do not hold any specific local policies regarding ableism or age discrimination towards patients, therefore, this information is not held, as defined in Section 17, Freedom of Information (Scotland) Act 2002.

NHS Borders delivers healthcare services that are equitable for everyone regardless of age, disability, race, ethnicity or national origin, gender, religious belief, sexual orientation, domestic circumstances, social or employment status. NHS Borders values the contribution of all staff in the delivery of health services to the local communities and is committed to ensuring that they are treated with the dignity, respect and consideration they deserve.

Under Section 15 of the FOI(S)A 2002 Duty to Provide Advice and Assistance further information can be found on our public website at the following link:

nhsborders.scot.nhs.uk/patients-and-visitors/our-services/general-services/equality-diversity/

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.

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 **440-23** 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.