

Date 20 July 2026
Your Ref FOI-2026-3401
Our Ref FOI-2026-3401

Enquiries to [REDACTED]
Email psd.foi@nhs.scot

Dear [REDACTED],

Freedom of Information Reference: FOI-2026-3401

I refer to your Freedom of Information (Scotland) Act 2002 (FOISA) request that we received on 26 June 2026 requesting the following information:

The total number of staff dismissed under the Capability Policy over the last 1–3 financial years in NSS

The number of those identified dismissed NSS employees who had a declared disability under the Equality Act 2010.

I can confirm that after a search of our records Public Services Delivery (PSD) Scotland holds the following information in relation to your request:

The total number of staff dismissed under the Capability Policy over the last 1–3 financial years in NSS

It is important to note that from 1 April 2026, NHS National Services Scotland (NSS) and NHS Education for Scotland (NES) joined to form PSD Scotland, enabling transformation in health, social care, and the wider public sector. More information regarding PSD Scotland can be found at the following URL:

[Public Services Delivery Scotland \(PSD Scotland\)](#)

The number of staff dismissed under the Capability Policy within NSS is ≤ 5 .

As the exact total figure equates to five or under (≤ 5), PSD Scotland has applied the [FOISA Section 38\(1\)\(b\) exemption “Third party information”](#) to statistically suppress the real number. By disclosing all, or part of this information, it may be possible for persons to be able to identify themselves or others.

When read in conjunction with Article 5(1)(a) of the UK General Data Protection Regulation (UK GDPR) individuals have a reasonable expectation that this personal information will not be disclosed.

The number of those identified dismissed NSS employees who had a declared disability under the Equality Act 2010.

Under the FOISA Section [FOISA Section 17 exemption for "Information not held"](#) PSD Scotland does not hold the information that you have requested. Of those identified dismissed NSS employees, none had a disclosed disability under the Equality Act 2010. Please note, employees are not obliged to provide these details.

I trust you will find the information of assistance and if you require any further information, please do not hesitate to contact me using the email address psd.foi@nhs.scot

If you are unhappy with any aspect of how we have dealt with your request, you can make representations to us asking us to review the handling of your request. Please write to the Associate Director Corporate Governance using the email address psd.foi@nhs.scot within 40 working days of the date of this correspondence.

If after a review you are still unhappy, you also have the right to apply to the Scottish Information Commissioner, who can be contacted at Kinburn Castle, St Andrews, Fife, KY16 9DS, or via their [online Appeal form](#).

Yours sincerely,

