

[REDACTED]
[REDACTED]
Date 7 October 2026
Your Ref FOI-2026-3504
Our Ref FOI-2026-3504

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

Dear [REDACTED]

Freedom of Information Reference FOI-2026-3504

I refer to your Freedom of Information (Scotland) Act 2002 (FOISA) request that we received on 29 September 2026 requesting the following information:

I am writing under the Freedom of Information (Scotland) Act 2002 to request information held by NHS National Services Scotland, including the Central Legal Office and the Clinical Negligence and Other Risks Indemnity Scheme (CNORIS), concerning surrogacy.

For each financial year from 2015/16 to the latest date available, please provide:

- 1. The number of clinical negligence claims or other legal claims handled by the Central Legal Office in which the underlying circumstances were recorded as involving:**
 - a surrogate pregnancy;
 - a surrogate birth;
 - intended parents;
 - or a parental order arising from a surrogacy arrangement.
- 2. The number of CNORIS reimbursement claims relating to such cases. Where held in structured or readily retrievable fields, please provide for these cases:**
- 3. The NHS board involved.**
- 4. The clinical specialty or service involved.**
- 5. The year in which the underlying incident occurred.**
- 6. The broad allegation or claim category.**
- 7. Whether the case was settled, discontinued, successfully defended or remains open.**
- 8. For settled/reimbursed claims, the aggregate amount paid by financial year or, if necessary to protect confidentiality, payment bands.**

Chair Mr Keith Redpath
Chief Executive Professor Karen Reid

Separately, please provide:

- 9. The number of non-litigation requests for legal advice received by the Central Legal Office from Scottish NHS boards since 1 January 2015 which were recorded as relating to surrogacy, surrogate pregnancy, intended parents or parental orders.**
- 10. Where recorded without examining the substance of legally privileged advice, the broad administrative category or subject of those requests—for example consent, confidentiality, discharge of a newborn, legal parenthood, birth registration or safeguarding.**
- 11. Copies of any general guidance, briefing note, template or legal-information document concerning surrogacy produced by NSS/Central Legal Office for use by more than one NHS board, excluding case-specific legally privileged advice.**

I recognise that individual legal advice may attract legal professional privilege. I am therefore primarily seeking aggregate counts, administrative metadata and generally applicable guidance, rather than the substance of advice provided in individual cases.

If surrogacy is not held as a structured field within the relevant claims or legal case-management systems, please state this and identify what searchable fields or categories are available.

It is important to note that from 1 April 2026, NHS National Services Scotland (NSS) and NHS Education for Scotland (NES) joined to form Public Services Delivery Scotland (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 \(PSD Scotland\)](#)

After a search of our electronic and paper records from 2015/2016 to present PSD Scotland has applied [Section 17\(1\)\(b\) of FOISA for “Information not held”](#) as no information that falls into the scope of your request has been found.

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,

