

XXXXXXXX XXXXX  
XXXXX XXXXXXXX  
XXXXXXX  
XX XXXXXXXX XXXXXXXX  
XXXX  
XXXX XXX

XXXXXXXXXX@XXXXXXXXXXXX.XX.XX

Our Reference: FOI201703

26 April 2017

Dear XXXXXXXXXXXX,

### **Request under Freedom of Information (Scotland) Act 2002**

Thank you for your freedom of information request of 3 April 2017, received by us on 3 April 2017. This gave a statutory deadline for responding of 3 May 2017 under the terms of the Freedom of Information (Scotland) Act 2002.

In your request, you asked for;

- *How many members of staff at HMP Kilmarnock are currently off on sick leave?*
- *How many members of staff at HMP Kilmarnock are currently off on long-term sick leave? (More than 4 weeks)*
- *How many members of staff at HMP Kilmarnock are currently off on sick leave due to stress, depression or any other mental health related problem?*
- *How many members of staff in total at HMP Kilmarnock have been off on sick leave in the last 2 years?*
- *How many members of staff in total at HMP Kilmarnock have been off on long term sick leave (more than 4 weeks) in the last 2 years?*
- *How many members of staff in total at HMP Kilmarnock have been off on sick leave in the last 2 years due to stress, depression or any other mental health related problems?*

After a search of our records, I can confirm that Serco Ltd holds records which show the information you requested.

On 3 April 2017, the date your request was submitted, there were a total of 12 members of staff absent from work due to a declared illness. Of these 12, a total of four had been absent for 4 weeks or more.

Within the period of 1 April 2015 and 31 March 2017, a total of 253 distinct members of staff were absent due to a declared illness. Of these staff, a total of 18 distinct members of staff were absent for 28 days or more.

Although Serco Ltd holds information relating to the absence of staff due to stress and mental health problems, although the numbers of staff that this relates to is very small. We have assessed that information relating to stress and mental health amongst staff is classed as sensitive personal data as defined in section 2 of the Data Protection Act, and in order to prevent the identification of any individual from this data in conjunction with other data we have exempted the information under the provision of section 38(1)(b) of the Act. This exemption is being applied to the third and sixth question in your request. You can read more about this exemption on the Scottish Information Commissioner's website at <http://www.itspublicknowledge.info/Law/FOISA-EIRsGuidance/section38/Section38.aspx>.

If you are dissatisfied with this response, you have the right to request an internal review. Your request should be made within 40 working days of the date of receipt of this letter, and we will reply within 20 working days of receiving your request.

Under section 20(3)(c)(ii) of the Act your request should outline your reason for seeking a review. If you remain dissatisfied following an internal review, you then have the right to make a formal complaint to the Scottish Information Commissioner. You can also lodge an appeal online by going to [www.itspublicknowledge.info/Appeal](http://www.itspublicknowledge.info/Appeal).

If you require an internal review to be carried out, please write to

The Director  
HM Prison Kilmarnock  
Mauchline Road  
Kilmarnock  
KA1 5AA

The review will be undertaken by staff who were not involved in the original decision making process.

Yours sincerely,

**Andrew Hill**  
Head of Performance and Compliance