

The Patient Rights (Scotland) Act 2011



The Patient Rights (Scotland) Act 2011 supports the Scottish Government's vision for a high quality, person-centred NHS. The Act applies to every member of staff working for NHSScotland, and for all independent contractors and their staff who provide NHS services. This factsheet outlines what the Healthcare Principles mean for you, your employer and independent contractors.

"It is about building on the values of the people working in and with NHSScotland and their commitment to providing the best possible care and advice compassionately and reliably by making the right thing easier to do for every person, every time."

*The Healthcare Quality Strategy for NHSScotland
Executive summary*

Healthcare Principles

The Act states that everyone involved in the delivery of NHS services in Scotland, and their employers, must uphold a set of Healthcare Principles that underpin quality care and treatment. Providers of NHS services throughout the country practise these principles every day, and now the Act sets them out in law.

The principles cover:

Patient Focus – each patient's needs, circumstances, opinions and abilities must be taken into account when they receive healthcare. Privacy and confidentiality should be respected and patients should receive any support they need to enable them to access healthcare

Quality Care and Treatment – healthcare should be based on current clinical guidelines and standards and should be provided in such a way as to avoid any unnecessary harm or injury to the patient. Healthcare providers should consider the range of treatment options available to the patient

Patient Participation – patients should be encouraged to take part in decisions about their health and wellbeing, and given any information or support that they need. They should be encouraged to treat healthcare staff with dignity and respect

Communication – patients should be communicated with in a way that they can understand and healthcare staff should make sure that the patient has understood the information given

Patient Feedback – all staff should be able to listen and respond to feedback, comments and concerns appropriately, effectively and efficiently. They should also ensure that complaints are dealt with according to the NHS complaints procedure

Best Use of Resources – healthcare staff and patients should make sure that resources are used as efficiently as possible

You must:

- take into account each patient's individual requirements and preferences for their care and treatment and ensure that each patient's dignity and privacy is respected at all times. In return, you should be treated with dignity and respect in your workplace
- listen to patients and respect their views and decisions about their health. This should also include the views of carers and families. Check if a patient has additional support needs and help to arrange these, if necessary
- keep all patients' personal health information confidential in line with appropriate NHS policies and procedures. Never discuss information about a patient in a public place. Only share patient information with other staff involved in that patient's care. Never pass information about a patient to external organisations without first getting the patient's permission
- make a patient's health records available to them if they ask to see them in line with appropriate NHS policies and procedures and explain anything that patients don't understand. You should explain that there may be a charge for this
- make sure that, where possible, patients are fully involved in decisions about their health and care. Offer patients clear, accurate and relevant information to allow them to take part fully in their own healthcare decisions. Provide patients with information about their treatment in a format they understand in advance, wherever possible. Check that patients understand the information they have been given
- be open with patients about any mistakes which may have been made
- listen to the views of patients about the service you provide for them, and respond to their views. Consult your patients about any proposed changes to the way services are provided for them
- give patients, their families and carers information about any follow-on care and support that is available to them, if you are discharging them from hospital. You should also give them advice about anything they can do to help them manage their health and wellbeing
- make sure that clear, accurate and up-to-date information is available to patients to help them give feedback, comments, concerns, compliments or complaints. Give patients a copy of the most recent leaflet to support them giving feedback or making a complaint and also information about the independent Patient Advice and Support Service (PASS), if they need it
- report any concerns you may have about unsafe practices in your workplace to the appropriate senior member of staff
- make sure you maintain your professional skills, knowledge and competence and keep up-to-date with all relevant developments. Provide care that is most suitable for your patients, based on current clinical guidance and their needs
- take all reasonable steps to ensure that you eliminate any waste of resources within your service. Work as efficiently as possible and provide feedback to senior managers to make improvements that will eliminate waste and save resources. Help patients to understand the implications for NHS resources if they misuse NHS services

Your employer/independent contractors must:

- support staff to be treated with dignity and respect at all times
- provide staff with the right training, skills and experience to minimise any risks to patients
- monitor the effectiveness of treatment provided and act to make improvements if necessary
- ensure that care and services are in line with guidance and standards provided by all regulatory agencies
- provide equality and diversity training
- provide accommodation suitable for confidential examination and treatment
- provide information on support services available for staff and patients
- provide information to support patients to provide feedback, comments, concerns and complaints
- equip staff with information about Patient Advice and Support Service
- provide staff with training to enable them to respond efficiently and effectively to feedback, comments, concerns and complaints
- monitor hygiene and cleanliness in all premises where care is provided and follow best practice guidance
- put in place measures to inform patients and carers about making best use of NHS resources and their responsibilities in that regard

How can I find out more?

- *Equality Act 2010* Government Equalities Office guidance www.equalities.gov.uk
- *Are you entitled to help with health costs?* (HCS1) Scottish Government, April 2011 www.scotland.gov.uk/Publications/2011/03/30092604/0
- *A quick guide to help with health costs* (HCS2) Scottish Government, April 2011 www.scotland.gov.uk/Publications/2011/03/30113407/1
- *NHS code of practice on protecting patient confidentiality* (2012) www.knowledge.scot.nhs.uk
- *Confidentiality: guidance for doctors* General Medical Council, 2009 www.gmc-uk.org/guidance/ethical_guidance/confidentiality.asp
- *Good Medical Practice* General Medical Council, 2006 (updated March 2009) www.gmc-uk.org/guidance
- *The Scottish Patient Safety Programme* www.scottishpatientsafetyprogramme.scot.nhs.uk/programme
- *The NHSScotland code of practice for the local management of hygiene and healthcare associated infection* Scottish Executive Health Department, May 2004 www.scotland.gov.uk/Publications/2004/05/19315/36624
- Health Protection Network. *Guidance on Prevention and Control of Clostridium difficile Infection (CDI) in Healthcare Settings in Scotland*. Health Protection Network Scottish Guidance 6. Health Protection Scotland, Glasgow, 2009 www.documents.hps.scot.nhs.uk/about-hps/hpn/clostridium-difficile-infection-guidelines.pdf
- *Healthcare Environment Inspectorate* www.healthcareimprovementscotland.org/programmes/inspecting_and_regulating_care/nhs_inspection_hei.aspx

- *National hand hygiene campaign* www.washyourhandsofthem.com/home.aspx
- *Staff Governance Standard* www.staffgovernance.scot.nhs.uk
- *The Data Protection Act, 1998 (c.29), 1998* www.legislation.gov.uk/ukpga/1998/29/contents
- *A good practice guide on consent for health professionals in NHSScotland* Scottish Executive Health Department, June 2006 www.sehd.scot.nhs.uk/mels/HDL2006_34.pdf
- *Consent: patients and doctors making decisions together* General Medical Council, June 2008 www.gmc-uk.org/guidance/ethical_guidance/consent_guidance_index.asp
- *Participation Standard* www.scottishhealthcouncil.org
Guidance on involving patients, carers and the public in service change
www.sehd.scot.nhs.uk/mels/CEL2010_04.pdf
www.scottishhealthcouncil.org/publications/guidance.aspx
- *Strategy and Action Plan for translation, interpreting and communication support for NHSScotland* NHS Health Scotland, October 2009 www.healthscotland.com/documents/3874.aspx
- Information on the new Patient Advice and Support Service is available from Citizens Advice Scotland www.cas.org.uk
- The Knowledge Network – Knowledge Into Action for Health and Care www.knowledge.scot.nhs.uk
- Leading Better Care www.evidenceintopractice.scot.nhs.uk/leading-better-care.aspx

You may find other sources of help and support including the other factsheets in this series on the Little Things Make a Big Difference website at www.knowledge.scot.nhs.uk/making-a-difference.aspx. NHS staff should find information on local arrangements on your staff intranet or from your line manager.