

# 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 Charter of Patient Rights and Responsibilities mean for you, your employer and independent contractors.

*“Mutually beneficial partnerships between patients, their families and those delivering healthcare services. Partnerships which respect individual needs and values and which demonstrate compassion, continuity, clear communication and shared decision-making.”*

*The Healthcare Quality Strategy for NHSScotland  
Our Quality Ambitions*

## Charter of Patient Rights and Responsibilities

The Act introduces a Charter of Patient Rights and Responsibilities which will bring together a summary of the rights and responsibilities that patients have when using NHS services and outlines the new ones. Health Rights Information Scotland is leading on development of the Charter. The Scottish Government will consult on the content of the Charter and its format before it is published in autumn 2012, and the Act specifies that it will be updated at least once every five years.

### **The Act gives all patients the right that the healthcare they receive should:**

- consider their needs
- consider what would be of optimum benefit to them
- encourage them to take part in decisions about their health and wellbeing and provide them with information and support to enable them to do so

Patients now also have a right to give feedback on their care, make comments, raise concerns or complaints. People who deliver NHS healthcare – whether they are directly employed by the NHS or independent contractors – must take into account a set of Healthcare Principles when providing services. These are set out in the Act and cover patient focus, quality care and treatment, patient participation, communication, feedback and best use of NHS resources.

In addition to patient rights, the Act sets out how staff should be treated. All staff providing NHS services must:

- be treated with dignity and respect
- have their views valued and opinions respected
- be supported by their employers to make improvements to their working practices, processes and systems where this demonstrates real benefits and positive outcomes for both staff and patients

The Act does not undermine the importance of clinical judgement, effective and efficient use of the NHS and its resources, or any other rule of law. The rights set out in the Act are not enforceable by legal action, but rights under existing legislation are not affected. For instance, there would still be a right to claim damages in the case of discrimination.

**You should:**

- contribute to the development of the Charter, if you wish
- be aware of progress towards publication of the Charter
- inform patients and their carers about the Charter, when it is available

**Your employer should:**

- make staff aware of plans for consultation on the Charter
- keep staff informed about progress towards publication of the Charter
- inform staff when finalised content of the Charter is completed
- circulate copies of the Charter widely to staff and patients

## How can I find out more?

Health Rights Information Scotland provides information for patients which could also be helpful for staff. You can find this information at [www.hris.org.uk/](http://www.hris.org.uk/)

- TeachBack methodology to support health professionals check a patient's understanding of the information they have given to the patient [www.nchealthliteracy.org/toolkit/tool5.pdf](http://www.nchealthliteracy.org/toolkit/tool5.pdf)

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](http://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.



This resource can be made available, in full or summary form, in alternative formats and community languages. Please contact us on 0131 313 8000 or email [altformats@nes.scot.nhs.uk](mailto:altformats@nes.scot.nhs.uk) to discuss how we can best meet your requirements.

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