



# Patient Rights (Scotland) Act 2011

## 2011 asp 5

### *Treatment time guarantee*

#### **8 Treatment time guarantee**

- (1) In pursuance of the right conferred by section 3(1), an eligible patient is to start to receive an agreed treatment within the maximum waiting time.
- (2) The guarantee described in subsection (1) is to be known as the treatment time guarantee.
- (3) A Health Board must take all reasonably practicable steps to ensure that it complies with the treatment time guarantee.
- (4) Those steps include, in particular, steps for—
  - (a) monitoring each treatment time guarantee,
  - (b) appropriately prioritising the start of the patient's agreed treatment taking account of the patient's clinical needs and the clinical needs of other eligible patients awaiting agreed treatments in accordance with the treatment time guarantee,
  - (c) making the necessary arrangements for the agreed treatment of the patient to start in accordance with the treatment time guarantee either—
    - (i) within its area, or
    - (ii) if it is unable (or anticipates it will be unable) to treat a patient in its own area, through another Health Board or a suitable alternative provider of the treatment.
- (5) The treatment time guarantee is in addition to, and does not affect, any duty of a Health Board to—
  - (a) comply with any orders, regulations or directions made by the Scottish Ministers (whether under the 1978 Act or otherwise) which relate to targets for periods of time within which treatments or services are to be provided, or
  - (b) have regard to any guidance issued by the Scottish Ministers which relates to such targets.