

EXECUTIVE NOTE

THE PATIENT RIGHTS (TREATMENT TIME GUARANTEE) (SCOTLAND) REGULATIONS 2012

2012 No. [DRAFT]

The above instrument was made in exercise of the powers conferred by sections 9(1) and (3) and 25(1) of the Patient Rights (Scotland) Act 2011 (“the Act”) and all other powers enabling them to do so. The instrument is subject to affirmative procedures.

Policy Objectives

The Act, which received Royal Assent on 31 March 2011, aims to improve patients’ experience of using health services and to support people to become more involved in their health and health care. Section 8 of the Act establishes a maximum waiting time for eligible patients, known as the treatment time guarantee (TTG), and the steps Health Board must take to ensure the TTG is delivered. Regulation 2 of the Patient Rights (Treatment Time Guarantee) (Scotland) Regulations 2012 (“the Regulations”) sets out which patients are eligible for the TTG. The TTG will ensure that eligible patients due to receive planned treatment provided on an inpatient or day-case basis will not wait longer than 12 weeks from the date that the treatment is agreed to the start of that treatment.

Regulations 3 to 6 of the Regulations set out how waiting time is to be calculated and, in particular, when the calculation of waiting time starts, and the circumstances where the calculation of waiting time may be stopped, paused, reset to zero or where a patient may be referred back to his or her referring clinician. Such circumstances include periods of time where a patient is unavailable for the agreed treatment, where a visiting practitioner service has been cancelled as a result of inclement weather and the patient chooses to wait longer for the next available appointment at a local clinic, where a patient has declined to accept reasonable offers of an appointment, or where a patient has missed or cancelled appointments.

Treatments excepted from the TTG are set out in regulation 7 of the Regulations. These include:

- assisted reproduction – the Scottish Government are committed to establishing a 12 month maximum waiting time by the end of this Parliamentary session in 2015;
- obstetric services and organ, tissue and cell transplantation for obvious reasons;
- national designated service for scoliosis – we are aware that the national service would be unable to deliver the 12 week guarantee at present, however the service will be reviewed in 2-3 years time with the aim of bringing it within the TTG;
- spine surgery treatment - a review of spine surgery services in Scotland has indicated that it will not be possible to deliver spine surgery treatment within 12 weeks. Boards are now actively redesigning services to ensure delivery by 1 October 2013.

Regulations 8 outlines the actions Boards must take to meet the guarantee in circumstances where the Board is unable to meet the TTG within its own area. Regulation 10 makes provision for the information which Health Boards must make available to patients about the

calculation of the waiting time and, the consequences of periods of unavailability, and missed or cancelled appointments.

NHS Boards will continue to be expected to deliver other waiting time targets and standards, such as the cancer and mental health targets.

Consultation

A public consultation took place from 21 July to 14 October 2011 to seek views on the draft secondary legislation.

A full list of those consulted and who agreed to the release of this information is available on the Scottish Government website at:

<http://www.scotland.gov.uk/Publications/2011/11/16163047/0>.

The Scottish Government's response to the consultation is also available on the Scottish Government website at: <http://www.scotland.gov.uk/Publications/2011/12/09110025/1>

Impact Assessments

An equality impact assessment was completed for the Treatment Time Guarantee. This was incorporated into the equality impact assessment which was completed on the policy of the content of the Patient Rights Bill and is available on the Scottish Government website at: <http://www.scotland.gov.uk/Topics/Health/PatientRightsBill/EqIA>.

Financial Effects

A Regulatory Impact Assessment (RIA) was completed for the Patient Rights Bill and is available at: <http://www.scotland.gov.uk/Topics/Health/PatientRightsBill/RIA> This showed that overall, the net impact of the Bill was uncertain. However, it concluded that significant positive benefits were likely to be delivered, particularly when the non-monetized social and health benefits, such as the improved patient experience, are considered.

Scottish Government
Health Workforce and Performance Management Directorate

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