
EXPLANATORY NOTE

(This note is not part of the Regulations)

These Regulations make further provision about the treatment time guarantee established by virtue of section 8 of the Patient Rights (Scotland) Act 2011 (“the Act”) and set out how that guarantee is to operate in practice.

Regulation 2 provides that patients who are eligible for the treatment time guarantee are those patients due to receive planned treatment on an inpatient or day case basis.

Regulations 3, 4, 5 and 6 set out how waiting time is to be calculated for the purposes of the treatment time guarantee. Regulation 3 provides that the calculation of waiting time is to start from the date on which the patient agrees to proceed with the agreed treatment. Regulations 4, 5 and 6 set out periods of time which may be disregarded for the purposes of calculating the waiting time, as well as the circumstances when the calculation of waiting time may be reset to zero, or where a patient may be referred back to the referring clinician (in which case the particular treatment time guarantee will cease to apply), where that is reasonable and clinically appropriate in all the circumstances.

Regulation 7 sets out the treatments and services in respect of which the treatment time guarantee does not apply.

Regulation 8 provides for the steps which a Health Board must take where it is unable to meet the treatment time guarantee within its own area.

Regulation 9 provides for the circumstances in which the responsibility for a treatment time guarantee transfers to a different Health Board area.

Regulation 10 places an obligation on Health Boards to provide patients with clear and accurate information about how waiting time is calculated.