

## **EXECUTIVE NOTE**

### **THE PATIENT RIGHTS (COMPLAINTS PROCEDURE AND CONSEQUENTIAL PROVISIONS) (SCOTLAND) REGULATIONS 2012**

#### **SSI 2012/36**

The above instrument was made by the Scottish Ministers in exercise of the powers conferred by sections 15(4)(a) and 25(1) of the Patient Rights (Scotland) Act 2011 and all other powers enabling them to do so. The instrument is subject to negative procedure.

#### **Policy Objectives**

The Patient Rights (Scotland) Act 2011 (“the Act”), which received Royal Assent on 31 March 2011, aims to improve patients' experiences of using health services and to support people to become more involved in their health and health care. Sections 14 and 15 of the Act provide for the encouragement of feedback, comments, concerns and complaints (“feedback etc.”) about health care and the arrangements for handling and responding to these. The Act also legislates for the monitoring of feedback etc. with a view to identifying areas of concern and improving services, and for using feedback etc. to identify best practice. The Regulations provide more detail about the arrangements required by virtue of section 15(1) and (2) of the Act, and the matters described in section 15(3) of the Act.

Regulation 2 provides that each relevant NHS Body and service provider must have arrangements in place for the matters described in section 15(3) of the Act. The definition of service providers who must put in place such arrangements includes GPs, dentists, opticians and pharmacists, but does not include, for example, cleaning or catering providers.

Regulation 3 requires that each relevant NHS Body and service provider must appoint a feedback and complaints officer to manage the arrangements for dealing with feedback etc. It also sets out the requirement that a relevant NHS Body must appoint a feedback and complaints manager to ensure compliance with the arrangements and in particular to ensure feedback etc is monitored with a view to improving performance.

Regulations 6 and 7 set out how complaints are to be dealt with. Where regulation 6 applies, subject to paragraph (2), the responsible body must make a written record of the complaint, acknowledge the complaint and send the complainant a report of the investigation into the complaint. These written records will allow responsible bodies to identify trends, demonstrate action is being taken, lessons are learned and service improvements are made where appropriate.

The Schedule makes consequential amendments which are required to other legislation as a result of these Regulations and the Act.

## **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 has been completed on the policy as part of the content of the Patient Rights (Scotland) 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 (Scotland) Bill and is available at:

<http://www.scotland.gov.uk/Topics/Health/PatientRightsBill/RIA>. This showed that overall, the net financial 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  
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