

SCHEDULE

Regulation 9(4)

CONSEQUENTIAL PROVISIONS

**Amendment of the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004.**

1.—(1) Schedule 5 (other contractual terms) to the National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004<sup>(1)</sup> is amended as follows.

(2) For paragraph 82 (complaints procedure) substitute—

**“Complaints, concerns, comments, feedback**

**82.** The contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.”

(3) Omit paragraphs 83, 84 (making of complaints), 85 (period for making complaints), 86 (further requirements for complaints procedures) and 88 (provision of information about complaints).

(4) In paragraph 87 (co-operation with investigations)—

(a) in sub-paragraph (2), after “any Health Board”, insert “or Special Health Board or the Common Services Agency”;

(b) in sub-paragraph (3), for “Health Board” in each place it occurs, substitute “NHS body, local authority or Scottish Public Services Ombudsman”.

(5) In paragraph 94(2)(a) (variation of a contract: general), after “Act” in each place it occurs insert “or the Patient Rights (Scotland) Act 2011”.

**Amendment of the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004.**

2.—(1) Schedule 1 (content of agreements) to the National Health Service (Primary Medical Services Section 17C Agreements) (Scotland) Regulations 2004<sup>(2)</sup> is amended as follows.

(2) For paragraph 47 (complaints procedure) substitute—

**“Complaints, concerns, comments, feedback**

**47.** The provider must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.”

(3) Omit paragraphs 48, 49 (making a complaint), 50 (period for making complaints), 51 (further requirements for complaints procedures) and paragraph 53 (provision of information about complaints).

(4) In paragraph 52 (co-operation with investigations)—

(a) in sub-paragraph (2), after “a Health Board”, insert “or Special Health Board or the Common Services Agency”;

(b) in sub-paragraph (3), for “Health Board” in each place it occurs, substitute “NHS body, local authority or Scottish Public Services Ombudsman”.

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(1) [S.S.I. 2004/115](#).

(2) [S.S.I. 2004/116](#).

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(5) In paragraph 59(2)(a) (variation of an agreement: general), after “Act” in each place it occurs insert “or the Patient Rights (Scotland) Act 2011”.

### **Amendment of the National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006.**

**3.—**(1) The National Health Service (General Ophthalmic Services) (Scotland) Regulations 2006<sup>(3)</sup> are amended as follows.

(2) In regulation 2 (interpretation), omit the definition of “record of complaints”.

(3) In paragraph 2 (incorporation of provisions) of Schedule 1 (terms of service)—

(a) in sub-paragraph (f), omit “and”;

(b) after sub-paragraph (g), insert—

“; and

(h) the Patient Rights (Scotland) Act 2011 and any regulations or directions made under that Act, so far as relevant to contractors and ophthalmic medical practitioners and opticians as providers of services under the health service.”.

(4) For paragraph 11 (complaints) of Schedule 1 substitute—

#### **“Complaints, concerns, comments, feedback**

**11.** A contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.”.

(5) For paragraph 12 (co-operation with investigations) for “directions given under section 2(5) of the Act” substitute “section 15 of the Patient Rights (Scotland) Act 2011”.

### **Amendment of the National Health Service (Discipline Committees) (Scotland) Regulations 2006.**

**4.—**(1) The National Health Service (Discipline Committees) (Scotland) Regulations 2006<sup>(4)</sup> are amended as follows.

(2) In regulation 2 (interpretation)—

(a) in paragraph (1), omit the definition of “complaint”;

(b) omit paragraph (2).

(3) In regulation 4 (provisions relating to the start of disciplinary proceedings) omit paragraphs (4) and (5).

(4) In regulation 6 (time limits)—

(a) omit paragraph (1);

(b) in paragraph (5), for “(1), (2), (3) or (4)”, substitute “(2), (3) or (4)”.

(5) In paragraph 6(5) (procedure at the hearing) of Schedule 2 (procedure for investigation by discipline committees), for “the investigation of the complaint” in each place it occurs, substitute “consideration as part of the hearing”.

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<sup>(3)</sup> S.S.I. 2006/135.

<sup>(4)</sup> S.S.I. 2006/330.

## **Amendment of the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009**

5.—(1) Schedule 1 (terms of service for pharmacists and pharmacy contractors) to the National Health Service (Pharmaceutical Services) (Scotland) Regulations 2009<sup>(5)</sup> is amended as follows.

- (2) In paragraph 3 (incorporation of provisions of regulations, etc)—
- (a) in sub-paragraph (d), omit “and” where it last occurs;
  - (b) after sub-paragraph (e), insert—  
“; and
  - (f) the Patient Rights (Scotland) Act 2011 and any regulations or directions made under that Act, so far as relevant to pharmacists and pharmacy contractors as providers of services under the health service.”.
- (3) For paragraph 12 (complaints) substitute—

### **“Complaints, concerns, comments, feedback;**

**12.** A pharmacy contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.”.

(4) In paragraph 13 (complaints) for “directions given under section 2(5) of the Act”, substitute “section 15 of the Patient Rights (Scotland) Act 2011”.

## **Amendment of the National Health Service (General Dental Services) (Scotland) Regulations 2010**

6.—(1) Schedule 1 (terms of service for dentists) to the National Health Service (General Dental Services) (Scotland) Regulations 2010<sup>(6)</sup> is amended as follows.

- (2) In paragraph 2 (incorporation of provisions of regulations)—
- (a) in sub-paragraph (c), omit “and” where it last occurs;
  - (b) after sub-paragraph (d), insert—  
“; and
  - (e) the Patient Rights (Scotland) Act 2011 and any regulations or directions made under that Act, so far as relevant to contractors and dentists as providers of services under the health service.”.
- (3) For paragraph 36 (complaints) substitute—

### **“Complaints, concerns, comments, feedback**

**36.** A contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011, and any regulations or directions made under that Act.”.

(4) In paragraph 37 (co-operation and investigation) for “directions given under section 2(5) of the Act” substitute “section 15 of the Patient Rights (Scotland) Act 2011”.

(5) Omit paragraph 38 (returns re complaints).

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<sup>(5)</sup> S.S.I. 2009/183.

<sup>(6)</sup> S.S.I. 2010/208.

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