



# Patient Rights (Scotland) Act 2011

## 2011 asp 5

### *Charter of Patient Rights and Responsibilities*

#### **1 Charter of Patient Rights and Responsibilities**

- (1) The Scottish Ministers must, within 6 months of the coming into force of this section, publish a document to be known as the Charter of Patient Rights and Responsibilities (“the Charter”).
- (2) The Charter must set out a summary of the rights and responsibilities (as existing at the date of publication) of patients and relevant persons.
- (3) The Charter may also include—
  - (a) a summary of the duties of relevant NHS bodies,
  - (b) a summary of the behaviour expected from patients and relevant persons,
  - (c) such other information as the Scottish Ministers consider relevant in relation to health care or the health service (for example, information relating to targets for the periods of time within which patients are to be treated).
- (4) Nothing in the Charter is to—
  - (a) give rise to any new rights,
  - (b) impose any new responsibilities, or
  - (c) alter (in any way) an existing right or responsibility.
- (5) For the purposes of this section and section 2, a “relevant person” is—
  - (a) a person who has a personal interest in the health care of a patient (for example a member of the patient’s family or a carer),
  - (b) such other categories of person as the Scottish Ministers consider appropriate.
- (6) The Charter is to be published in such form and manner as the Scottish Ministers consider appropriate.
- (7) Before publishing the Charter under subsection (1), the Scottish Ministers must—
  - (a) consult such persons as they consider appropriate,
  - (b) lay a copy of the Charter before Parliament.

- (8) The Scottish Ministers must, as soon as reasonably practicable after publication of the Charter under subsection (1), notify each relevant NHS body of the publication of the Charter.
- (9) Each relevant NHS body must make available without charge copies of the Charter to patients, staff and members of the public.
- (10) In carrying out the duty under subsection (9), a relevant NHS body must take account of the particular needs of the persons to whom the Charter is to be made available as to the form of the Charter (for example by making it available in different languages or in Braille or by having regard to the particular needs of adults with incapacity within the meaning of section 1(6) of the Adults with Incapacity (Scotland) Act 2000 (asp 4)).

## **2 Review and revision of Charter**

- (1) The Scottish Ministers must carry out a review of the Charter at least once in any period of 5 years.
- (2) The purposes of a review under subsection (1) are—
  - (a) to ensure that the Charter continues to accurately summarise the rights and responsibilities of patients and relevant persons (as existing at the date of review), and
  - (b) to assess how effective the Charter is in raising awareness of the rights and responsibilities of patients and relevant persons.
- (3) When reviewing the Charter under subsection (1), the Scottish Ministers must also review how effective the arrangements for the publication and distribution of the Charter have been in promoting awareness of the Charter and, if they consider it appropriate, take such steps as they consider necessary to improve those arrangements.
- (4) In carrying out a review under subsections (1) and (3) the Scottish Ministers must consult such persons as they consider appropriate.
- (5) The first review under subsection (1) must be completed not later than 5 years from the date on which the Charter is published under section 1(1).
- (6) The Scottish Ministers must revise the Charter where, following a review under subsection (1), the Scottish Ministers consider that the Charter—
  - (a) does not accurately summarise the rights and responsibilities of patients and relevant persons, or
  - (b) is not sufficiently effective in raising awareness of the rights and responsibilities of patients and relevant persons.
- (7) The Scottish Ministers may revise the Charter at any other time if they consider it appropriate to do so (whether following a review under subsection (1) or otherwise).
- (8) Where the Scottish Ministers revise the Charter under subsection (6) or (7), they must—
  - (a) publish it as so revised (in such form and manner as they consider appropriate),
  - (b) notify each relevant NHS body of the publication of the Charter as so revised.
- (9) Before publishing the Charter under subsection (8)(a), the Scottish Ministers must—
  - (a) consult such persons as they consider appropriate, and

(b) lay a copy of the Charter before Parliament.

(10) In this Act, a reference to the Charter is a reference to the Charter as it may be revised from time to time.