

PATIENT RIGHTS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 15: Arrangements for handling and responding to patient feedback etc.

43. Subsection (1) provides that the Scottish Ministers must ensure that each Health Board, Special Health Board and the Common Services Agency for the Scottish Health Service has: a suitable process in place for: handling and responding to feedback, comments, concerns or complaints on health care; publicising this process; identifying best practice; telling the complainant about the advice and support available to patients; publicising the advice and support available; and monitoring complaints.
44. Subsection (2) provides that those bodies must also ensure that anyone providing a health service on its behalf (such as GPs) must have suitable processes in place to deal with these matters.
45. Subsection (3) sets out the matters which the processes for handling feedback, complaints, concerns, or comments must deal with.
46. Subsection (4) gives the Scottish Ministers power to give directions to NHS bodies and make regulations about the processes which must be in place. This enables Scottish Ministers to direct a Health Board to take appropriate actions. For example, if a particular Health Board had not been publicising its process adequately, the Scottish Ministers could direct the Health Board to publicise the process via a series of posters and leaflets situated in hospitals and health centres.
47. Subsection (5) provides that directions given by the Scottish Ministers to NHS bodies may include provision for the resolution of complaints by conciliation or mediation.
48. Subsection (6) sets out what is meant by a “service provider”. For example, a “service provider” could be a GP practice.
49. Subsection (7) provides that the powers that the Scottish Ministers have under this section of the Act do not interfere with the powers they have under the National Health Service (Scotland) Act 1978.
50. Subsection (8) provides that nothing done in terms of section 15 excludes the Scottish Public Services Ombudsman’s (SPSO) right to carry out investigations, and the right of a person who has made a complaint to go to the Ombudsman. A complainant will normally still have had to exhaust (or at least invoke) the complaints mechanism provided before seeking an SPSO investigation.