

# The Charter of Patient Rights and Responsibilities -

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# The Charter of Patient Rights and Responsibilities

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## Introduction

### Why the charter has been developed

The Patient Rights (Scotland) Act 2011 was passed by the Scottish Parliament on 24 February 2011 and received royal assent on 31 March 2011. Under the act, Scottish Ministers must publish a Charter of Patient Rights and Responsibilities which summarises the existing rights and responsibilities of people who use NHS services and receive NHS care in Scotland.

The act gives everyone the right to receive healthcare that:

- considers their needs;
- considers what would most benefit their health and wellbeing; and
- encourages them to take part in decisions about their health and wellbeing, and gives them the information and support to do so.

It also gives patients a right to give feedback and make comments, and raise concerns or complaints about the care they have received.

Find out more about the Patient Rights (Scotland) Act 2011 on the Scottish Government website ([www.gov.scot](http://www.gov.scot)) and the UK legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)).

### What the charter does

The Charter of Patient Rights and Responsibilities (the 'charter') summarises what you are entitled to when you use NHS services and receive NHS care in Scotland, and what you can do if you feel that your rights have not been respected.

The charter also explains what is expected of you when using the NHS in Scotland. Some of your responsibilities are set out in law. Others are what everyone is expected to do to help the NHS work effectively in Scotland and to help make sure it uses its resources responsibly.

The charter supports the principle of mutual respect – that is, everyone who uses and provides NHS services has a right to be treated as an individual and with consideration, dignity and respect.

The information in the charter is divided into the following areas

- Accessing and using NHS services in Scotland: your rights when using NHS health services.
- Communication and involving you: your rights to be informed about your healthcare and services and to be involved in decisions about them.
- Privacy and confidentiality: your rights to privacy and to have your personal health information protected.
- Feedback, complaints and my rights: your rights to have a say about your treatment or care and to have any concerns and complaints dealt with.

## **Who can use the charter**

The charter is for everyone who accesses and uses NHS services and support in any part of Scotland. That includes patients, their carers, family members and NHS staff.

## **What we mean by NHS services**

Throughout the charter, the terms 'NHS services' and 'NHS staff' refer to the services provided by your local health board and the staff they employ, special health boards, the Common Services Agency (known as National Services Scotland), and Healthcare Improvement Scotland where appropriate. This will normally include those who provide NHS primary care services (for example GPs, dentists, opticians and pharmacists) and their staff.

Find out more about the NHS in Scotland and your local health board on the NHS Scotland website ([www.scot.nhs.uk](http://www.scot.nhs.uk)).

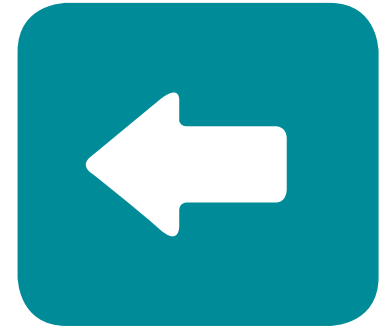
While the health board is responsible for delivering health services, integration authorities are responsible for planning and commissioning delegated services in their areas. To integrate health and social care, staff from the health board, local authority and third-sector (voluntary and charity) organisations need to work together to provide joined-up, person-centred services (care which responds to an individual's personal circumstances, values, needs and preferences).

Find out more about these services and your rights to them on the Scottish Government website ([www.gov.scot](http://www.gov.scot)) and the Health and Social Care Scotland website ([www.hscotland.scot](http://www.hscotland.scot)).

# My health, my rights, my NHS

## Accessing and using NHS services in Scotland

I have the right to safe and effective care and treatment that is provided at the right time, in the right place, by the most appropriate person.



### Discrimination and respect

- I will be treated fairly and equally and will not be discriminated against. My access to NHS services will never be affected or refused because of unlawful discrimination based on my age, disability, sex or sexuality, gender reassignment, marriage or civil partnership, pregnancy or maternity, race (including colour, nationality, ethnic or national background), or religion or belief.
- I have the right to be treated with consideration, dignity and respect when accessing and using NHS services. My carers, family members and NHS staff also have this right.
- I understand I should treat NHS staff with consideration, dignity and respect when accessing and using NHS services.

### Health needs and preferences

- My needs, preferences, culture, beliefs, values and level of understanding will be taken into account and respected when using NHS services. I have the right to ask those providing my care whether the care they suggest is right for me, and if they can suggest any alternatives.
- I understand that, when considering my preferences, my health board must also consider the rights of other patients, medical opinion, and the most efficient way to use NHS resources.

### Cost of NHS services

- I am entitled to most NHS services free of charge. This includes NHS services provided by GP practices, local pharmacies, hospitals or clinics, emergency services, and NHS eye and dental examinations.
- There are some exceptions to this. For example, I may have to pay for some services and items, such as dental treatment (in most cases) and glasses.
- In some cases I can get help with these costs. I can find more on what support is available and who is entitled to the help in the leaflets **HCS 1 and HCS 2** on the Scottish Government website ([www.gov.scot](http://www.gov.scot)).



## Registering with a GP practice

- I have a right and the responsibility to register with a GP. I should contact my local GP practice to find out more.
- My local GP practice will usually be the first and main point of contact for general medical services, including services delivered in my local community, and where appropriate, referrals for hospital treatment. My GP will help me to see the right person, at the right place and the right time, to support me to look after my health and wellbeing.
- I understand that sometimes I may not be able to register with the GP practice I prefer, for example when the practice isn't accepting new patients or if I live outside the area the practice covers. If this happens, my health board or NHS National Services Scotland will find me another practice.
- I can tell my GP practice if I would prefer to see a particular doctor. The practice will do their best to try to meet any reasonable request.
- A GP practice can remove me from their register in some situations, for example if I move out of the practice area or if I am physically or verbally abusive to people at the practice.
- I can find out more about this on NHS National Services Scotland website ([www.nhsnss.org](http://www.nhsnss.org)).

## Registering with an NHS dentist

- My NHS dentist helps to look after my teeth, gums and other parts of my mouth and provides me with routine treatment and dental advice.
- If it is not possible to register with my preferred NHS dentist, I can get information on other NHS dentists from my health board or NHS inform (Scotland's national health-information service).

## Appointments (GP, dental, optical, hospital or clinic, home visits)

- It is important that I make every effort to go to my appointments, as missed appointments can have a negative effect on other patients' care.
- If I know I can't make my appointment, I should contact NHS staff beforehand to let them know I will be late, or to cancel or rearrange the appointment to a time that suits me better. This means that they can offer the appointment to someone else who needs it.
- For home visits, I will make sure I am in at the agreed time.
- I can have someone else with me at the appointment to give me extra support. This could be a carer, family member, partner, friend, another healthcare worker, or an advocate (a representative who helps me to express my views and make informed decisions).



- I may be able to get transport to a hospital or clinic appointment depending on my health condition. I can ask a member of NHS staff or my health board if I am eligible for transport and for more information about the Patient Transport Service. I can also find more information about this on the Scottish Ambulance website ([www.scottishambulance.com](http://www.scottishambulance.com)) or by phoning 0300 123 1236.
- It is important to keep my contact information up to date and to correct any of my personal information that is inaccurate. I will tell the relevant NHS staff about any changes to information such as my address or phone number, or any other relevant changes about me, my health or my circumstances. This means that those involved in my care can easily contact me about my treatment, check-ups or appointments and provide the most appropriate services for my needs.

### Using health services responsibly

- Using the right NHS service will help make sure I get the help I need, and that all NHS services run efficiently.
- I can find the names, addresses, opening times and service details for thousands of NHS services in Scotland through my local health board or the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)).
- The following services are available for me to use when appropriate
  - Through my GP practice I will normally be able to access a range of health professionals, including doctors and nurses, who can provide routine treatment and medical advice for physical and mental health issues.
  - NHS 24 can help me when my local GP practice is closed and I am too ill to wait until it opens. NHS 24 can also help me if I have a dental emergency when my dentist is closed. I can phone NHS 24 Freephone on 111 for advice. If I am deaf or deafblind and use British Sign Language, contactSCOTLAND-BSL (available 24 hours) can help me contact NHS 24, through their website ([www.contactscotland-bsl.org](http://www.contactscotland-bsl.org)).
  - My local pharmacy can help me with a wide range of common conditions, including coughs and colds, sore throats, diarrhoea and constipation, indigestion, aches and pains. They can also help me to stop smoking and can provide emergency contraception.
  - My NHS dentist can help with tooth pain, swelling or injury to the mouth and painful or bleeding gums, and give me general advice on oral hygiene.
  - My optometrist can help with red or sticky eye, pain in or around the eye, sudden loss of vision, blurred or reduced vision, and 'flashes' and 'floaters'.
  - I can get support for my mental wellbeing by contacting Breathing Space on 0800 83 85 87 or at [www.breathingspace.scot](http://www.breathingspace.scot), or from Choose Life on [www.chooselife.net](http://www.chooselife.net).
  - My local minor-injuries unit can help with cuts and minor burns, sprains and strains, suspected broken bones or fractures.
  - The NHS inform website includes information on common symptoms and self-help.
- I can find information about NHS services in Scotland, including a directory of local services, from the NHS inform website.



## Urgent and emergency care

- I should only use accident and emergency (A&E) departments in cases of severe injury and in emergencies.
- If I have a medical emergency or someone else is seriously ill or injured, I should call 999 and ask for the ambulance service. The ambulance service will ask some questions to find out what has happened and arrange the most appropriate help for me.
- I can call 111 for any urgent health advice out of hours, when my GP practice or dentist is closed.

## Medicines

- My doctor or other qualified healthcare professional will prescribe medicines that are appropriate for me and will review them regularly.
- I have the right to be given all the information I need about my medicines, their possible side effects, and other options which may be available, in a way I can understand.

The **Medicines in Scotland, What's the right treatment for me?** booklet explains how I can work with NHS staff to decide whether I need a particular medicine and, if so, which one is right for me. It also tells me about the likely benefits and possible risks of medicines. I can find the booklet at the Healthcare Improvement Scotland (HIS) website ([www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org)) or I can contact HIS direct on 0131 623 4300.

- I can ask for more information and speak to NHS staff if I am not sure how to take any medicines I have been given.
- I should order repeat prescriptions in plenty of time, and only order the items I continue to need. This will make sure my prescription is processed in time.
- It is important I take responsibility for my own treatment and care by doing the following
  - Always following the treatment plan agreed with healthcare professionals.
  - Telling NHS staff about any medicines I am taking, if I am receiving any care and treatment.
  - Telling NHS staff if I have an allergy to any medicine or if I have ever experienced any side effects from that medicine.
  - Always finishing a course of treatment (I can speak to a healthcare professional involved in my care if I want to change or stop the treatment they have prescribed for me).
  - Not taking prescription medicine that has not been prescribed for me.
  - Not taking any medicine that is out of date (I can give any old or unused medicine to my pharmacist, who can dispose of it safely).
  - Storing medicines safely as directed and out of children's reach.





## Safe and effective care and treatment

- I can expect that the treatment and care I receive is suitable for me and my needs, is carried out in line with the law, is based on recognised clinical guidance and standards where these exist, and aims to follow 'trauma-informed principles' (in other words, helps to reduce distress and build trust).
- I have a right to expect that everyone working in the NHS has the appropriate skills and training for their job. The care and treatment I receive will be provided with reasonable care by properly qualified NHS staff.

## Health and cleanliness standards

- I have the right to expect that the treatment and care I receive is provided as safely as possible, in an appropriate and clean environment.
- I expect healthcare premises to meet the standards of hygiene agreed by the NHS and Healthcare Improvement Scotland (HIS). Health boards (including HIS) or the Healthcare Environment Inspectorate (HEI) carry out safety and cleanliness inspections across NHS Scotland.
- I can raise any concerns about the safety, effectiveness or cleanliness of services that may affect my care with a member of NHS staff first, or with my local health board.
- I can find out about the Healthcare Environment Inspectorate, and how to contact them, through the Healthcare Improvement Scotland (HIS) website ([www.healthcareimprovementscotland.org](http://www.healthcareimprovementscotland.org)) or I can contact HIS direct on 0131 623 4300.

## Hygiene and cleanliness

- NHS staff should always wash their hands before they examine me. I can remind a member of staff to wash their hands before examining me if they have forgotten.
- I can help prevent the spread of infection in NHS premises by doing the following
  - Always washing and drying my hands and using the hand gel provided before entering a hospital ward.
  - Always washing and drying my hands after using the toilet.
  - Not visiting a patient in hospital or a resident in a care home if I am unwell, or if I am suffering from vomiting or diarrhoea (or anyone else in my household is). I should wait 48 hours after the vomiting or diarrhoea has stopped before visiting. I may be able to phone the ward or care home and speak to the person instead.
- When visiting relatives and friends I will follow the guidance and hygiene standards set by the hospital. I can also speak to NHS staff about how to support a patient in a hospital when visiting.



## Organ and tissue donation

- I have the right to have my decision about organ and tissue donation respected after my death.
- I can register my decision to donate (or not to donate) on the NHS Organ Donor Register. This will make it easier for healthcare professionals to establish my wishes if I die in circumstances where I could be a potential donor. This means that I would not become a donor if I have made a decision to opt out of donation. Whatever I decide, I understand that it's important to share my decision with my loved ones. For more information or to join the NHS Organ Donor Register, I can phone 0300 123 23 23 or visit [www.organdonationscotland.org](http://www.organdonationscotland.org).

## Treatment Time Guarantee

- I have the right to start receiving planned inpatient or day-case treatment within 12 weeks of agreeing to it. This is called the Treatment Time Guarantee. Some examples of treatments include hip or knee replacements or hernia surgery.
- If my treatment has not started within 12 weeks, my health board must explain the reasons for this and give me an estimated timescale for when my treatment will take place. I may also be offered a cancellation appointment at short notice. My health board should take all reasonable steps to arrange for my treatment to be provided elsewhere.
- In some situations the waiting times may be adjusted if I cannot attend an appointment (or refuse to). I should contact NHS staff beforehand to let them know I will be late, or to cancel or rearrange the appointment for a time that suits me better.
- A small number of treatments are not included in the Treatment Time Guarantee. I can contact NHS staff to discuss whether my treatment is included in the Treatment Time Guarantee.

## Cancer waiting times

- My health board should provide me with treatment within the following timescales if I am an adult with a newly diagnosed primary cancer which is one of the 10 major cancer types (such as breast, lung, head and neck).
  - Within 31 days from when the decision is made to treat my cancer until my first treatment, regardless of how I have been referred.
  - Within 62 days from being referred urgently with suspected cancer, including referrals from national cancer screening programmes, until my first treatment.
- I can ask NHS staff if my cancer diagnosis is covered by the waiting time standard.
- In some situations, for example if I am not available to attend an appointment or there is a medical reason (such as an infection or I am waiting for a wound to heal), my waiting time may need to be adjusted.



## **Mental health waiting times**

- If I have a mental health problem which requires support through specialist services, my health board should provide me with treatment within the following timescales
  - 90% of those referred to Child and Adolescent Mental Health Services (CAMHS) should begin treatment within 18 weeks of being referred.
  - 90% of people referred for psychological therapies should begin treatment within 18 weeks of being referred.
- In some circumstances my waiting time may need to be adjusted, for example if I am not available to attend an appointment or choose to delay treatment.
- I can find more information about treatment times on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) and from Treatment Time Guarantee Guidance and NHS Scotland Waiting Time Guidance on the Scottish Government Health and Social Care Directorate's website ([www.sehd.scot.nhs.uk](http://www.sehd.scot.nhs.uk)).

## **Treatment abroad**

- I should discuss all my options with my local health board to find out if it is possible to have treatment overseas, as a number of conditions apply.
- I can find more about my right to go to other countries outside the UK for treatment on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)).

## **Overseas visitors (and UK nationals living abroad)**

- If I am visiting Scotland from overseas and need treatment during my stay, NHS staff may ask me to provide health insurance documents.
- I understand that I may have to pay for certain NHS services.
- If I need hospital treatment I will have to pay for it unless I am exempt from charges as agreed with the hospital providing the treatment.
- I can find more about my rights when visiting Scotland from overseas on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or by phoning the NHS inform helpline on 0800 22 44 88.

## Communication and involving you

I have the right to be informed about and involved in decisions about healthcare and services.



### Communication and information

- I have the right to ask questions about my care and treatment.
- I have the right to clear and open communication about my care and treatment from NHS staff.
- I should be told the names of the NHS staff responsible for my care and how to contact them.
- I can let my healthcare team know what matters to me and they should take this into account when discussing my treatment options.
- I have the right to receive adequate information about the care and treatment available to me, including what it will involve, whether it is really needed, what are the risks, benefits, side effects and alternative options, and what might happen if I choose not to have treatment.
- I should be given information about my treatment and care in a way I can understand and in a format or language that meets my needs (for example in audio format, British Sign Language, or in a language other than English). NHS staff must check whether I have understood the information they have given me and whether I would like more information.
- I can ask NHS staff to explain anything I do not understand about my treatment or care or my condition, including any words I do not understand, or to provide more information.

### Communication support

- I have the right to be provided with communication equipment, and the support I need to help me use that equipment, in health services, hospital, the community or at home.
- I can find more information about:
  - Provision of Communication equipment and Support from Part 4 of the Health (Tobacco, Nicotine etc. and Care) (Scotland) Act 2016 on the UK legislation website ([www.legislation.gov.uk](http://www.legislation.gov.uk)).
  - Guidance on the Definitions of communication equipment and support (Easy Read Version) on the Scottish Government website ([www.gov.scot](http://www.gov.scot)).
- NHS staff can arrange support, such as an interpreter or a sign-language interpreter, if I let them know beforehand.
- I can ask NHS staff to arrange a longer appointment for me if I plan to use an interpreter or a sign-language interpreter, or other communication support such as augmentative and alternative communication (AAC). I must let them know my needs before any appointments.



- NHS 24 provide a video relay interpreting (VRI) service, which I can use if face-to-face interpreting is not possible.
- A video relay service (VRS) is also available 24 hours a day through contactSCOTLAND-BSL website ([www.contactsotland-bsl.org](http://www.contactsotland-bsl.org)). This is a video-call interpreting service for people who use British Sign Language who want to make appointments or receive information.
- If English isn't my first or preferred language, I can use an interpreting service available through the NHS inform helpline on 0800 22 44 88.

## Making decisions

- I have the right to be involved in decisions about my care and treatment.
- I will be able to take an active part in discussions and decisions about my health and treatment. I can ask NHS staff for more information to help me make decisions about the care and treatment that is available to me. The leaflet **It's okay to ask** has handy tips and advice on asking questions. I can find it on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or I can contact the NHS inform helpline on 0800 22 44 88.
- I can expect to be given enough time to make up my mind about any examination or treatment, including any extra time I might need for any communication needs, with the support of NHS staff.
- I understand that in emergencies, decisions may need to be made quickly.
- I can ask for a second opinion before making a decision about my care and treatment, and where possible, my request will be met.
- I have the right to accept or refuse any advice, care or treatment, examination, test or screening procedure that is offered to me, or to take part in research. To accept or refuse any of these, I must understand the information I have been given and I must be capable of making a decision for myself. If I refuse any care and treatment, this will not change the way I access or receive care and treatment from NHS staff in future.
- I can find out more about how I should be involved in decisions about my health and treatment in the **Consent - it's your decision** leaflet, available on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or I can contact the NHS inform helpline on 0800 22 44 88.

## Support when making decisions

- I have the right to ask for support when making decisions about my healthcare.
- I have the right to be given information about support and any follow-up care that is available to me from the NHS and other relevant agencies, for example local authorities, the Patient Advice and Support Service and the voluntary sector.
- I can ask to have an independent advocate (representative) to help me give my views.



- I can ask to speak to a member of a spiritual care team. A member of NHS staff can arrange this for me.
- If I cannot make a decision for myself I must still be supported and encouraged to be involved in decisions about my care and treatment. NHS staff who have to make decisions about my care and treatment may also consider
  - what is the best medical option for me;
  - what I have said in the past about how I want to be treated;
  - the views of others who are close to me;
  - the views of my parent, guardian or other person responsible for me if I am a child; and
  - the views of anyone who has legal authority to make a decision on my behalf.
- As a carer of an adult who cannot make decisions about their healthcare and treatment without help, I can expect to be involved in making decisions under the terms of the Adults with Incapacity (Scotland) Act 2000. The **Caring and consent** leaflet explains the rights of people who cannot consent to (give their permission for) medical treatment and the rights of their carers. I can find the leaflet on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or I can contact the NHS inform helpline on 0800 22 44 88.
- If I am under the age of 16, I can make decisions about my own healthcare and treatment if the health professional looking after me believes I can make decisions for myself.
- If I am a parent or legal guardian of a person under 16 who cannot make decisions for themselves, I can decide about their healthcare and treatment.
- The **Consent - your rights** leaflet explains how a young person under 16 should be involved in decisions about their healthcare and treatment. I can find the leaflet on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or I can contact the NHS inform helpline on 0800 22 44 88.

### **Further support if I have a mental disorder**

- In this charter, mental disorder means any mental illness, personality disorder or learning disability, as defined by the Mental Health (Care and Treatment) (Scotland) Act 2003.
- I have a right to support from an independent advocate (a representative who helps me to express my views and make informed decisions). My mental health officer can arrange this for me.
- If I have difficulty making and keeping my appointments because of my mental disorder, I can ask NHS staff about help to support me.
- If I need medical treatment under the Mental Health (Care and Treatment) (Scotland) Act 2003 I can choose someone (a 'named person') to help protect my interests. I can find out more about named persons in the 'Mental health law in Scotland: guide to named persons' guide on the Scottish Government website ([www.gov.scot](http://www.gov.scot)).



- When I am well enough to do so, I can make a written statement setting out the care and treatment I would prefer (or dislike) if I become mentally unwell in the future. I can find out more about making an advance statement on the Mental Welfare Commission for Scotland website ([www.mwscot.org.uk](http://www.mwscot.org.uk)) or I can contact them direct on 0800 389 6809.
- If my mental disorder means I am a danger to myself or others, I might be detained or treated against my will. If this happens I have rights, including having these rights explained to me. I can find out more about my rights from the **Rights in Mind** booklet on the Mental Welfare Commission for Scotland website ([www.mwscot.org.uk](http://www.mwscot.org.uk)).
- For more information about the rights of people with a mental illness, learning disability, dementia, or other mental disorder, I can contact the Mental Welfare Commission for Scotland at  
Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE  
Phone: 0800 389 6809 (Freephone number for service users and carers)  
Email: [enquiries@mwscot.org.uk](mailto:enquiries@mwscot.org.uk)  
Website: [www.mwscot.org.uk](http://www.mwscot.org.uk)

### **Managing my condition**

- I have the right to get support to manage my condition. For example, I can expect to be given information on how and when to take my medication, how to control pain, how to use any equipment I am provided with and how to access other services that could help me.
- I will take responsibility for my own health and ask NHS staff involved in my care for support to help me manage my condition and lead a healthy lifestyle.
- I will discuss my care and treatment as openly and honestly as possible, and tell NHS staff about anything that may be relevant to my care and treatment. This includes information about any changes in my health condition, or any over-the-counter, herbal or alternative medication that I may be taking.
- NHS staff must make sure I have been given clear information about my condition in a way I can understand.

### **Taking part in designing and providing local services**

- I have a right to be meaningfully involved in designing and developing health services in my area and in how they are delivered, and in decisions that significantly affect how services are run in the health board area I live in.
- My local health board is responsible for assessing the local community's health needs and deciding how best to use their resources to meet those needs. They must provide opportunities for communities, the public, service users and NHS staff to influence decision-making.
- I can contact my local health board to find out how to become involved in the development of my local healthcare services.

## Privacy and confidentiality

**I have the right to privacy and for my personal health information to be protected when using NHS services.**



### Privacy

- I have the right to respect for my family and private life and for my correspondence.
- Respect for my family life covers my right not to be separated from them for long periods and to stay in contact with them, even if my treatment can't be provided close to my home.
- I have the right to privacy regarding my sexual health, sexuality, body, personal identity, and relationships with other people.
- The NHS may need to balance my right to privacy and a family life with the need to protect others' rights.
- I can expect my right to privacy to be respected when using NHS services. This means, for example, that whenever possible:
  - I can expect to be examined by NHS staff in an appropriate private room or cubicle or to be in a single-sex room or ward for overnight stays in hospital. I understand this may not always be possible, for example in intensive care or in an emergency.
  - I have the right to say if I do not want students to be present at my examination or treatment.

### Confidentiality

- I have the right to tell NHS staff if I do not want my personal health information to be shared in a particular way or with specific people.
- This right is an important legal and ethical duty for the NHS but it is not an absolute right. In some circumstances, NHS Scotland can use my information without my permission, for example:
  - if it has to by law in response to a court order or when it is justified in the wider public interest (for example, to prevent the outbreak of a disease or crime);
  - if I lack the capacity to (am unable to) give my permission; or
  - if getting my permission would put me or others at risk of serious harm.
- Decisions about whether it is appropriate for any of my confidential information to be shared are considered thoroughly by the NHS and may include specialist or legal advice. By law, this kind of decision must be recorded.
- I am responsible for protecting the privacy of the personal health information I hold, for example letters I have been sent by the NHS in Scotland.





### **The right to be informed**

- I have the right to be told about how my personal information is handled by organisations involved in my care, and how I can use my data-protection rights. I can speak to any person involved in my care or contact my local health board for details.

### **The right to access my information**

- I have the right to see my personal information that is held by NHS Scotland. I can do this by making a 'subject access request' (verbally or in writing) to my local health board or GP practice, and I should receive a response within a month. It does not usually cost anything to make a subject access request.
- I have the right to see the personal information of an adult I care for who cannot make decisions for themselves, or who cannot tell others their decisions, only if:
  - it is allowed by law, such as mental health law;
  - the person involved has granted me a welfare power of attorney; or
  - a court has appointed me as 'welfare guardian' or given me the power to see information under an intervention order.

### **The right to correct, delete, object to, and restrict the use of information**

- I have the right for any inaccurate personal information about me to be corrected or any missing information to be added. I must let NHS staff know if I change my name, address, phone number or email address, or if any other information in my health records is incorrect.
- I have the right to ask for my personal information to be deleted when it is no longer needed. I have a right to restrict how my personal information is used if I have a valid reason, for instance if my information was collected in a way that is not allowed by law or is not accurate. This means that I can ask an organisation providing healthcare services to limit the way they use my personal information for a period of time until any issues with my information are dealt with.
- I have the right to ask for my information to be corrected or deleted. I can do this verbally or in writing, and must receive a response within one month. There are circumstances where this can be refused.
- I have the right to stop my information being used for direct marketing, including offers of healthcare services that are not of interest to me. Exceptions may apply when it is in my best interest (for example, invitations to vaccination campaigns).

### **The right to move or transfer information**

- I have a right to ask for and reuse my personal information for my own purposes across different services, whether they are healthcare services or not. This right allows me to move, copy or transfer my personal information easily from one IT system to another, safely and securely. It only applies to information that I have given to my health board or a primary care service provider such as a GP or dentist.



## Automated decisions and profiling

- I have the right to be told if NHS Scotland is making decisions about me by automated methods, in a way that doesn't involve people (for example, by using a computer program with no human intervention), or if my information is used to offer services to me, for example treatment, based on certain things or characteristics about me (this is known as profiling).
- I have the right to ask for decisions about me to be made by people, not just computers, and to challenge decisions made only by computer.
- I have the right to complain to the NHS or the Information Commissioner's Office if I suspect automated decision-making or profiling is happening without my knowledge, or automated systems are not working as intended.
- In most circumstances I will have the right to object to automated decisions or profiling, but there are some exceptions under current law.

## Telecare

- If I decide to start using telehealth and telecare technologies to monitor and improve my healthcare (such as using an NHS-prescribed app to monitor my blood glucose or my blood pressure from home, or to have a video consultation with a health professional), I have the right to be told how my information and privacy is protected and if there is any risk of unintended electronic surveillance.

## Feedback and complaints about data protection

- If I want to give feedback, make comments, or raise concerns or complaints about data-protection matters, I can find more information and the contact details for my health board's or GP's data-protection officer from NHS inform (in the 'How the NHS handles your personal data' section), my health board website, or my GP. I can also complain to the Information Commissioner's Office.
- I can find more information about data protection and my rights from the following.
  - The NHS inform website, [www.nhsinform.scot](http://www.nhsinform.scot), or the NHS inform helpline on 0800 22 44 88.
  - The Information Commission Officer's website ([www.ico.org.uk](http://www.ico.org.uk)), or I can contact their office by:  
Post: 45 Melville Street, Edinburgh EH3 7HL  
Phone: 0131 244 9001  
Email: [scotland@ico.gsi.gov.uk](mailto:scotland@ico.gsi.gov.uk)
  - The Citizens Advice website ([www.citizensadvice.org.uk](http://www.citizensadvice.org.uk)).

## Feedback, complaints and my rights

**I have the right to give any feedback about my treatment and care and to have my concerns and complaints dealt with promptly and effectively as it helps to improve services for everyone.**



### Improving services through feedback

- I can provide all forms of feedback – positive and negative. Positive feedback helps to identify areas of best practice. Negative comments help to identify areas of concern and to make sure action is taken so that the same problems do not happen again.
- I can give feedback, make comments or raise concerns about my healthcare by speaking to a member of NHS staff or taking part in NHS surveys. Or I can give my feedback online, through an independent website such as ‘Care Opinion’ ([www.careopinion.org.uk](http://www.careopinion.org.uk)).
- My relatives or carers can give feedback or comments, or raise concerns about the healthcare I receive. They can also make a complaint with my permission.
- I have the right to be given information and advice on how to give feedback, provide comments, raise concerns, or make a complaint about the care I have received and the services I have used, and on how that feedback will be handled.

### Support

- I have the right to independent advice and support to provide feedback, make comments, raise concerns or make a complaint.
- The Patient Advice and Support Service (PASS) provides free, accessible, independent and confidential information to patients and their carers and families, to raise awareness of their rights and responsibilities when using the NHS in Scotland. It can also provide support in giving feedback, comments, concerns or complaints about the NHS to help improve services. I can access the service through [www.patientadvicescotland.org.uk](http://www.patientadvicescotland.org.uk), by phone on 0800 917 2127, or through my local citizens advice bureau.
- I can ask (and, if I have a mental health disorder, I have the right) to have an independent advocate to help me give my views. NHS staff can arrange this for me.

### Mediation

- In some situations I can ask, or my health board may offer, to involve independent mediators to help sort out my complaint. Mediation can be arranged only if both parties agree to take part. The feedback and complaints officer at my local health board can give me more information about mediation.



## NHS complaints procedure

- I can safely raise a concern or make a complaint if I think that any of my rights have not been respected, if I am not satisfied with NHS services, or if the NHS is not meeting its commitments.
- If I make a complaint, it will not change the way I access or receive care and treatment from NHS staff in future.
- I can talk first to a member of NHS staff involved in my care to see if my concern or complaint can be sorted out immediately. I can also speak to the feedback and complaints officer at my local health board or primary care service provider, or the person in charge at the NHS organisation involved. The NHS aims to deal with complaints quickly and close to where the service was provided. This is known as a local resolution and it's the first stage of the NHS complaints procedure.
- Stage two of the NHS complaints procedure deals with complaints that have not been settled through local resolution and those that are complicated and need detailed investigation.
- I can find more information about the NHS complaints procedure and how to make a complaint on my local health board's website, or on the NHS inform website ([www.nhsinform.scot](http://www.nhsinform.scot)) or I can contact the NHS inform helpline on 0800 22 44 88.
- The NHS complaints procedure does not deal with claims for compensation for injury or harm caused by clinical negligence.
- For people under 16, the **Have your say! Your right to be heard** leaflet, available on the NHS Inform website ([www.nhsinform.scot](http://www.nhsinform.scot)), has useful information about how to give feedback or make a complaint about the NHS.

## Investigation

- I can expect my concerns or complaints to be investigated properly and in the appropriate way.
- I have the right to be told the outcome of any investigation into my complaint and can expect to receive a full explanation. I will also be told what action has been, or will be taken as a result of any complaint I make. If a mistake has happened, I should receive an apology.
- If the investigation is taking longer than expected, I have the right to be told the reason for the delay and how long the investigation should take to complete.
- I expect the NHS to take my feedback into account in order to improve services for everyone.
- I have the right to take my complaint to the Scottish Public Services Ombudsman (SPSO) if I am unhappy with the outcome of the health board's investigation or am not satisfied with the way my complaint was dealt with. I can contact the SPSO in the following ways.

Post: Freepost SPSO

Freephone: 0800 377 7330 or call 0131 225 5300

Email: [ask@spsso.org.uk](mailto:ask@spsso.org.uk)

Website: [www.spsso.org.uk](http://www.spsso.org.uk)

Online form: [www.spsso.org.uk/contact-us](http://www.spsso.org.uk/contact-us)



## Duty of candour

- I (or those acting on my behalf) have a right to be told openly and honestly when something goes wrong with my treatment or care and this has resulted, or could result, in harm or death. This is called a 'duty of candour'. Under this duty, organisations must carry out a review of what happened and apologise for the incident.
- The organisation providing my care must ask for my comments (or those of anyone acting on my behalf) when they are reviewing what happened.
- When the review is complete, the organisation must tell me (or those acting on my behalf) what they have agreed to do to improve the quality of care, including putting in place anything they have learned from the review, and when this will happen. I can find more information in the **What Happens When Things Go Wrong** leaflet on the Scottish Government website ([www.gov.scot](http://www.gov.scot)).

## Respecting my rights and the rights of others

- I may face legal action if I am abusive, violent or aggressive towards NHS staff, other patients, their carers or visitors when using NHS services.

## Clinical negligence

- I have the right to take legal action and to make a claim for compensation if the NHS in Scotland has not respected my rights and I have been harmed by negligent treatment. Negligent treatment is when care provided falls below acceptable practice and causes physical or mental injury or death.
- Depending on the circumstances of my case, I may be entitled to compensation if I can prove through legal action that I have been harmed by negligent treatment by the NHS in Scotland.
- It is best to get legal advice if I think I may be entitled to compensation.
- I (or my solicitor) can make a claim against the providers of NHS primary care services for clinical negligence.
- I (or my solicitor) can make a claim against health boards by writing to NHS National Services Scotland's Central Legal Office (CLO) who will then investigate the claim. I can find details of solicitors who specialise in handling negligence claims on the Law Society of Scotland website ([www.lawscot.org.uk](http://www.lawscot.org.uk)) or by phoning 0131 226 7411.
- For further information and to make a claim for compensation, I can contact Central Legal Office in the following ways.  
Post: Anderson House, Breadalbane Street, Bonnington Road Edinburgh EH6 5JR  
Phone: 0131 275 7800  
Website: [www.clo.scot.nhs.uk](http://www.clo.scot.nhs.uk)



## **Privacy and data-protection rights**

- I have the right to complain to the Information Commissioner's Office (Scotland), or to take legal action and make a claim for compensation, if the NHS in Scotland has not respected the data-protection principles or my data-protection rights. I can get more information from my health board's data-protection officer.

## **Judicial review**

- I have the right to ask for a judicial review if I think I have been directly affected by an unlawful act or decision of an NHS organisation. Judicial review is a court process that allows me to challenge a decision or action of a public organisation, including an NHS organisation, because I think it is unlawful. The review looks mainly at how the decision was made rather than what was decided. It is best to get independent legal advice if I want a decision to be judicially reviewed.

## Further information

### For information about NHS services in Scotland you can contact NHS inform

NHS inform is Scotland's national health-information service. It helps the people in Scotland to make informed decisions about their own health and the health of the people they care for.

The NHS inform website at [www.nhsinform.scot](http://www.nhsinform.scot) provides information about:

- illnesses and conditions;
- common symptoms and self-help guidance;
- tests or treatments, such as blood tests, biopsies, scans or surgery;
- healthy living and how to look after your mental and physical wellbeing, including advice on stopping smoking, eating well and keeping active;
- accessing health and care services in Scotland, and your rights and responsibilities when using them; and
- NHS services in Scotland, including the names, addresses, opening times and service details for pharmacies, GP practices and dental practices (Scotland's Service Directory).

The NHS inform helpline on **0800 22 44 88** can help if you are well and have a question about your health or local NHS services.

- Lines are open 8am to 10pm, Monday to Friday, and 9am to 5pm on Saturday and Sunday.
- LanguageLine can help callers who can't (or prefer not to) speak English. It's a free service that you can ask for by calling the NHS inform helpline and asking for an interpreter.
- People who use British Sign Language can phone using contactSCOTLAND-BSL ([www.contactsotland-bsl.org](http://www.contactsotland-bsl.org)), who are open 24 hours.

**NHS inform webchat** connects you with the NHS inform health-information team and works through your web browser on-screen.

## **For information, help and independent advice you can contact Patient Advice and Support Service (PASS)**

PASS is free, confidential and independent and is run by Citizens Advice. Fully trained professional advisers can help and support you to:

- give feedback or comments, raise concerns or make complaints about healthcare provided by the NHS in Scotland;
- understand your rights and responsibilities as a patient;
- write letters, go to meetings and make phone calls; and
- get information and advice on health and community services that offer extra support with healthcare needs.

### Contact PASS

- Website: [www.patientadvicescotland.org.uk](http://www.patientadvicescotland.org.uk)
- Phone: 0800 917 2127
- Visit: your local citizens advice bureau

## **Information about integrated health and social care**

The way in which health and social care services are planned and delivered across Scotland changed when the Public Bodies (Joint Working) (Scotland) Act 2014 came into effect on 1 April 2016. Under the 2014 act, health boards and local authorities must set up an integration authority to plan, provide and monitor all adult social care, primary and community healthcare, and some specific hospital services, such as accident and emergency, and general medicine.

The 2014 act also allows health boards and local authorities to delegate certain other services, such as children's health and social care services and criminal justice social work, to integration authorities. The act sets out principles for improving patients' wellbeing and sets the national health and wellbeing outcomes which apply across all integrated health and social care services. Health and social care integration is about improving people's experiences of care, as well as the quality of care.

You can find out more about health and social care integration on the Scottish Government Health and Social Care Integration page ([www.gov.scot](http://www.gov.scot)) and the Health and Social Care Scotland website ([www.hscscotland.scot](http://www.hscscotland.scot)).



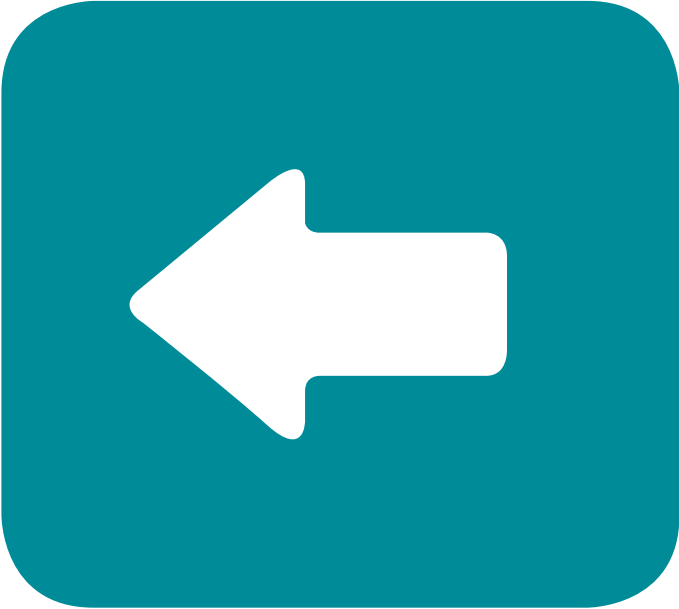
**The Health and Social Care Standards** came into effect in April 2018, and are supported by five principles:

- dignity and respect;
- compassion;
- be included;
- responsive care and support; and
- wellbeing.

The standards are not rights, but set out what those who receive care (and their families and carers) expect. At their heart is the recognition that everyone should have access to high-quality care and support tailored to their particular needs and choices.

Not every statement will be relevant for every service. However, in understanding your rights as part of the Patient Charter, you may also want to think about your experience of care and how your own needs and choices can be met.

Find out more about the Health and Social Care Standards on the Scottish Government Health and Social Care Integration page ([www.gov.scot](http://www.gov.scot)).





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