

Your health, your rights

The Charter of Patient Rights and Responsibilities

Everyone who uses the NHS in Scotland has rights and responsibilities



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and Responsibilities**

Everyone who uses the NHS in Scotland has rights
and responsibilities

Laid before the Scottish Parliament [by the Scottish Ministers]
under Section 1(7)(b) of the Patient Rights (Scotland) Act 2011

September 2012

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The NHS in Scotland

Throughout the Charter the terms 'NHS services' and 'NHS staff' refer to those services provided and staff employed by your local Health Board, Special Health Boards, the Common Services Agency (known as National Services Scotland), and Healthcare Improvement Scotland where appropriate. This will normally include independent contractors and their staff (for example GPs, dentists, opticians and pharmacists) who are contracted to deliver NHS Services.

Introduction

The **Patient Rights (Scotland) Act 2011** was passed by the Scottish Parliament on 24 February 2011, and received Royal Assent on 31 March 2011.

The Act gives all patients the right that the health care they receive will:

- consider their needs
- consider what would most benefit their health and wellbeing
- encourage them to take part in decisions about their health and wellbeing, and provide them with the information and support to do so.

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

The Act requires Scottish Ministers to publish a Charter of Patient Rights and Responsibilities which summarises the existing rights and responsibilities of patients using the NHS in Scotland and of people with a personal interest in such patients' health care.

What the Charter does

This **Charter of Patient Rights and Responsibilities** (the 'Charter') summarises your rights and responsibilities as well as what you can expect when you use NHS services and receive NHS care in Scotland.

Some of your responsibilities when using the NHS in Scotland 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 its resources are used responsibly.

The Charter also tells you what you can do if you feel that your rights have not been respected.

The series of seven **Your health, your rights** factsheets listed on [page 24](#), available at the Scottish Government website (www.scotland.gov.uk) and the Health Rights Information Scotland website (www.hris.org.uk), will tell you more about what the rights and responsibilities in this Charter mean for you.

Part 1: Patient rights and responsibilities

This part provides an explanation of your rights and responsibilities when using the NHS. It also explains what the NHS expects from you.

The information in this part is presented under the following headings:



Access: your rights when using NHS health services in Scotland



Communication and participation: the right to be informed, and involved in decisions, about health care and services



Confidentiality: the right for your personal health information to be kept secure and confidential



Respect: the right to be treated with dignity and respect



Safety: the right to safe and effective care



Feedback and complaints: the right to have a say about your care and have any concerns and complaints dealt with

Access:

your rights when using NHS services in Scotland



What does this mean for me?

- **NHS services are provided free of charge.** This includes NHS services provided by GP practices, local pharmacies, hospitals or clinics and emergency services. There is also a right to free NHS eye examinations and free NHS dental examinations.
 - There are some exceptions to this. For example, you may have to pay for some services and appliances, like dental treatments (in most cases) and glasses.
 - Some people can get help with these costs. To find out more about what you have to pay, and whether you are entitled to help with travel costs for attending a hospital for treatment see the leaflet **A quick guide to help with health costs** (HCS2). You can get this from your GP practice, local pharmacy, optician, dental practice, the Patient Advice and Support Service (see [page 25 for contact details](#)) or on the internet (go to www.scotland.gov.uk). The Highlands and Islands Travel Scheme (HITS) provides non-means-tested reimbursement of travel expenses for people living in the Highlands and Islands NHS Board areas.
 - If you are visiting Scotland from overseas and need treatment during your stay you may have to pay for certain NHS services. You can find more about this at www.nhsinform.co.uk or by phoning the NHS inform Helpline on **0800 22 44 88**.
- **You have the right to have your needs taken into account when receiving NHS services.**
 - Your Health Board must take account of your needs when providing health services.
 - However, your Health Board must also consider the rights of other patients, clinical judgement and the most efficient way to use NHS resources.
 - You must never be refused access to NHS services on the basis of unlawful discrimination against you because of your age, disability, sex, or sexual orientation, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief.
- **You have the right that your local Health Board will assess the local community's health needs and provide the services it considers necessary to meet them.**
 - Your Health Board must make informed decisions about how best to use the resources it has to meet its area's needs.

- **Under European Union (EU) arrangements you have the right to go to other European Economic Area (EEA) countries for treatment in a state hospital or, in certain circumstances, an independent hospital, although a number of conditions apply. Therefore, if you are thinking of travelling to an EEA country for treatment you should first of all discuss your options with your local NHS Board to find out, amongst other things:**
 - if the treatment is covered by EU arrangements
 - the best option for your particular circumstances
 - if your local NHS Board will arrange funding or reimburse the cost of the treatment (including the level of reimbursement where applicable)
 - the treatment that the NHS can provide at home.
- **You have the right to request support to access NHS services.**
 - You can have someone else present at an appointment. If you want this please let staff know. This could be a carer, family member, partner, friend, advocate or another health care worker.
 - If you need an interpreter or a sign-language interpreter, or other communication support, ask a member of staff to arrange this for you in advance.
 - If you have a mental health disorder you have a right to support from an independent advocate. NHS staff will arrange this for you.
 - If you want to speak to a hospital chaplain you can ask a member of staff to arrange this for you.
 - If you have a clinical need for transport to get to a hospital or clinic appointment, ask a member of NHS staff or your Health Board about the Patient Transport Service.
 - The independent Patient Advice and Support Service (PASS) can provide advice and tell you about support services available to you. [See page 25 for information on how to contact them.](#)
- **You have the right to be registered with a GP practice.**
 - Your GP is usually your first and main point of contact for access to general medical services and referrals for hospital treatment. If you cannot register with your chosen GP practice, your Health Board can help you find another.
 - You can indicate a preference for a particular doctor within your GP practice. The GP practice will try to meet any reasonable preference.
 - A GP may be able to take steps to have you removed from the practice register in some situations, for example if you move out of the practice area or you are physically or verbally abusive to people at the practice.

- **You have the right to start to receive agreed inpatient or day case treatment within 12 weeks of agreeing to it. This is called the Treatment Time Guarantee.**
 - Patients who are due to receive planned treatment provided on an inpatient or day case basis have a right to start to receive the treatment within 12 weeks from the date they agree to the treatment. Some examples of treatments include hip or knee replacements or hernia surgery.
 - If your agreed treatment has not started within 12 weeks, your Health Board **must** explain the reasons for this, and give you information about how to make a complaint if you wish to do so. Your Health Board **must** also take steps to ensure you start your treatment at the next available opportunity, taking account of other patients' clinical needs.
 - There are a small number of treatments excluded from the Treatment Time Guarantee. Further information is given in the **Your health, your rights: Hospital Waiting Times** factsheet. See [page 24](#) on how to get your copy.

What does the NHS expect from me?

- **You should register with a GP practice.**
 - Your GP is usually your first and main point of contact for access to general medical services and referrals for hospital treatment. If you are unable to register with your preferred GP practice, your Health Board can help you find another.
- **You should register with a dental practice.**
 - If you are unable to register with your preferred NHS dental practice, your Health Board can provide details of other dental practices that accept NHS patients. If you are unable to register with your preferred NHS dental practice, NHS inform can help you find another. See [page 24](#) for information on contacting NHS inform.
- **You should attend any GP, dental, optical, hospital or clinic appointments that have been arranged.**
 - If you cannot keep an appointment, let the GP practice, dental practice, optician, hospital or clinic know as soon as possible. This will allow them to offer it to someone else.
 - Be on time for appointments. If you are going to be late, let a member of staff know.
 - If a member of NHS staff (for example a Health Visitor or Community Psychiatric nurse) is coming to visit you at home, make sure you are in at the agreed time or let them know in advance if you are unable to keep the appointment.
 - Make sure your GP practice, dental practice, optician and any hospital or clinic you are attending has up-to-date information about how to contact you.

- **You should use health services responsibly.**
 - Always try to order repeat prescriptions in plenty of time. This will ensure your prescription is processed in time for you.
 - Use your GP practice or local pharmacy for routine treatment and medical advice.
 - **Only go to your local Accident and Emergency department (A&E) in an emergency.**
 - If you are ill when your doctor's surgery is closed and you feel you can't wait until it reopens, phone NHS 24 on **08454 24 24 24** for advice.
 - **If you or someone else is ill and you think your/their life is in danger, always phone 999 and ask for an ambulance.**

Communication and participation: the right to be informed, and involved, in decisions about health care and services



What does this mean for me?

- **You have the right to be involved in decisions about your care and treatment.**
 - NHS staff must not make decisions about your care and treatment without involving you in that decision as appropriate.
 - You can ask for a second opinion before you make a decision about your care and treatment, if you think you need it. Where possible, your request will be met.
 - You can ask any question if you do not understand something.
 - You should be given enough reasonable time to make up your mind about any proposed examination or treatment, without pressure from staff.
 - If you are unable to make a decision for yourself, you must still be supported and encouraged to be involved in decisions about your care and treatment.
 - If you are unable to make a decision for yourself, staff who have to make decisions about your care and treatment may also consider:
 - what is the best clinical option for you
 - what you have said in the past about how you want to be treated
 - the views of others who are close to you
 - the views of a parent, guardian or other person who has responsibility for you if you are a child
 - the views of anyone who has legal authority to make a decision on your behalf
- **You have the right to be given the information you need to make informed choices about your health care and treatment options.**
 - You have the right to be told about the care and treatment options available to you.
 - You have the right to be told what the care or treatment will involve, including the risks and benefits, and what may happen if you do not have the treatment.
 - You can ask for more information if you want to know more.
 - You have the right to be given information in a way you can understand.

- **You have the right to request support when making decisions about your health care.**
 - If you need an interpreter or a sign-language interpreter, or other communication support, you can ask in advance for a member of staff to arrange this for you.
 - Please let staff know if you want someone else present at an appointment. This could be a carer, family member, partner, friend, or another health care worker.
 - You may ask (and if you have a mental health disorder you have a right) to have an independent advocate to help you give your views. NHS staff can arrange this for you.
- **You have the right to clear communication about your care and treatment from NHS staff.**
 - Staff must communicate clearly and openly with you about your care and treatment.
 - Staff must check whether you have understood the information you have been given and whether you would like more information before making a decision.
 - You have the right to be given all the information you need about your medicines, and their possible side effects, in a way you can understand.
 - If you have a long-term condition, staff must make sure you have clear information about your condition in a way you can understand.
 - You have the right to get support to manage your condition. For example, you can expect staff to tell you how and when to take your medication, how to control pain and how to access other services that could help you.
 - You have the right to be given information about support that is available from the NHS and other relevant agencies for example local authorities, the Patient Advice and Support Service and the voluntary sector, and any follow-on care that is available to you.
 - You have the right to be given information about your care and treatment in a format or language that meets your needs (for example in audio format, British Sign Language or in a language other than English).
 - If you have to go to hospital for treatment you should be told how long you are likely to have to wait.
 - You should be told the names of the staff responsible for your care and how to contact them.
 - You are entitled to get a copy of any letters, faxes or emails written by NHS staff about your care and treatment if you ask for them (in line with the Data Protection Act 1998), although you may have to pay for them. [See page 25 on how to find out more about your rights under the Data Protection Act.](#)

- You can access information and advice on how to give feedback, make comments and raise concerns or complaints about the care you have received and the services you have used. The independent Patient Advice and Support Service can help you with this. See [page 25](#) for contact details.
- **You have the right to accept or refuse any treatment, examination, test or screening procedure that is offered to you.**
 - If you can understand the information you are given and are capable of making a decision for yourself about the care or treatment you are offered and appropriate available alternatives, then you have the right to accept or refuse any treatment, examination, test or screening procedure, or to take part in research.
 - If you are the carer of an adult who is unable to make decisions about their health care and treatment without help, you can expect to be involved in the decision making process under the terms of the Adults with Incapacity (Scotland) Act 2000.
- **If a person is under 16, and the health professional looking after them believes they can make decisions for themselves, then the person under 16 can make a decision about their own health care and treatment.**
 - But if you are the parent of a person under 16 who is unable to make decisions for themselves, you can decide about their health care and treatment. The same applies if you have legal responsibility for a person under 16.
- **You have the right to have your wishes about organ and tissue donation respected after your death.**
 - If you join the NHS Organ Donor Register, you can expect staff to take account of your wishes. See [page 26](#) on how to learn more about Organ Donation.
- **You have the right to be involved, directly or through representatives, in the planning, design and provision of services in your area.**
 - You can expect Health Boards to make decisions about changes to NHS services in an open and honest way.
 - Health Boards must involve the people who live in their board area in the planning and development of services, and in decisions that significantly affect the operation of those services.

What does the NHS expect from me?

- **That you take some personal responsibility for your own health.**
 - Ask your GP or any member of staff involved in your care for support to help you manage your condition and to lead a healthy lifestyle.

- **That you take an active part in discussions and decisions about your health care and treatment.**
 - If you want or need more information to help you make decisions about the care and treatment that is available to you, ask a member of staff.
 - Discuss your care and treatment with staff in an open and honest way.
- **That if there is anything you do not understand, you ask questions.**
 - If there is anything you do not understand about your condition or treatment, ask NHS staff to explain it. And please make sure you understand how to take any medicines you have been given. The leaflet **It's okay to ask** offers handy tips and advice on asking questions and is available from Health Rights Information Scotland (HRIS). See [page 24](#) on how to contact HRIS.
 - Ask staff to explain any words you do not understand.
 - Tell a member of staff if you need information in a particular way to meet your needs (for example, in audio format, British Sign Language or a language other than English).
- **That you let staff know about any changes in your health condition.**
 - Share information about anything that may be relevant to your care and treatment.
- **That you tell your GP practice, dental surgery, optician and any hospital or clinic you go to if you change your address, phone number or email.**
 - This is to make sure staff involved in your care can easily contact you about your treatment, check-ups or appointments.
- **If you want to become an organ or tissue donor after you die, put your name on the NHS Organ Donor Register.**
 - You should also carry a donor card and discuss your wishes with the people close to you. See [page 26](#) for how to contact the NHS Organ Donor Register.

Confidentiality: the right for your personal health information to be kept secure and confidential



What does this mean for me?

- **You have the right for your personal health information to be kept secure and confidential.**
 - NHS staff must keep your personal health information confidential in accordance with confidentiality laws, the Data Protection Act 1998 and professional standards. See [page 25](#) on how to find out more about your rights under the Data Protection Act.
 - Staff must not discuss confidential information about you in public without your consent. There may be some circumstances however where your consent is not required (e.g. where there is a legal requirement for staff to share information, it is necessary in order to protect you, or it is in the public interest).
- **You have the right to know how your personal health information is stored, shared and used by the NHS.**
 - Staff use your information to give you the care and treatment you need. They will share relevant information about you with other staff involved in your care where this is necessary.
 - Some of your personal health information may be given to other people who need information about your health in order to contribute to your care - for example, a carer, a home help or a social worker. Subject to certain exceptions (for example a medical emergency or legal requirement), your personal health information will only be given to them and to other NHS staff if you have agreed to this.
 - Sometimes the NHS also uses relevant information about your health to help improve NHS services and public health in Scotland - for example to find out how many people have a particular illness or disease. If so, information that identifies you is removed if possible. If the NHS uses information that does identify you (for example to include it in a disease register), they must explain how and why your information will be used.
 - You may give consent to your information being used or shared in different ways, for example, depending on the circumstances:
 - by saying that you agree or signing a form, or
 - by not objecting when it is clear that the information will be shared.

- **NHS staff must not give information about you to organisations such as employers or the media without getting your permission.**
 - Sometimes the law allows the NHS to share your information without your permission where disclosure can be justified in the public interest to protect individuals and communities from serious harm (for example to prevent the spread of a communicable disease or to investigate a serious crime).
- **You have a right to say if you do not want your personal health information to be shared in particular ways, and to expect that the NHS will not normally pass on your personal health information without your permission.**
 - If you do not want your personal health information to be used or shared, tell a member of staff providing your care. If you do this, the NHS has to limit how it uses your information where possible. The NHS may, however, be required to share information in an emergency or if the law says it must, even if you do not consent.
 - You should tell staff if you want your information to be shared with family members or a carer.
- **You have the right to access your own health records.**
 - If you want to see or get a copy of your health records, you should contact the practice manager at your GP practice or the records manager at the hospital or other NHS service provider that holds your health records. Some information on your records may be kept from you. For example, you won't be able to see information that could cause serious harm to your physical or mental health, or might identify another person (except staff who have treated you), unless that person gives permission or it is reasonable in all the circumstances to disclose the information without such consent.
 - You may have to pay (in line with the Data Protection Act 1998), to see your records and/or get a copy but you do not need to give a reason for wanting to see them.
 - After you give staff enough information to identify you and your health records and pay any fee, you will normally receive the information within 40 days.
 - Staff should explain any words you do not understand. Let staff know if you need your records to be given to you in another format. This will be done wherever possible.
- **If you care for an adult who cannot make decisions for themselves, or who cannot tell others their decisions, the law allows you to see their records, only if:**
 - they have granted you a welfare power of attorney, or
 - a court has appointed you Guardian with welfare powers or given you power to do so under an Intervention Order.

What does the NHS expect from me?

- **That you help to keep your health records accurate and up-to-date.**
 - Tell your GP practice, dental practice, optician, and any hospital or clinic you go to if you change your name, address, phone number or email address.
 - Let staff know if any information in your health records is wrong.
 - Tell your GP practice, dental practice, optician, and any hospital or clinic you go to if you do not want your personal health information shared in a particular way.
 - That you protect the privacy of the personal health information which you hold, for example letters you have been sent by the NHS in Scotland.

Respect: the right to be treated with dignity and respect



What does this mean for me?

- **You have the right to be treated as an individual and with dignity and respect.**
 - When using NHS services and receiving NHS care, you can expect to be treated with dignity and respect and in a way which takes your needs, understanding and culture into account.
 - You have the right to ask for your needs and preferences to be taken into account. Health Boards must take such matters into account and are committed to doing so. However, your Health Board must also consider the rights of other patients, clinical judgement and the most efficient way to use NHS resources.
 - In emergencies, decisions need to be made quickly. However, in other cases, you can expect to be given enough time to make up your mind about any examination or treatment, without pressure from staff.
 - You have the right to expect staff to respect your right to confidentiality, except where the law requires or authorises them to disclose information. [See the Confidentiality section on page 13 for more information.](#)
- **You have the right not to be unlawfully discriminated against because of your age, disability, sex, or sexual orientation, gender reassignment, marriage or civil partnership, pregnancy or maternity, race, religion or belief.**
- **You can expect your right to privacy to be respected when receiving health care.**
 - When staff examine you, you can expect this to be done in a private place that is appropriate to the circumstances. This may not always be possible (for example, in an emergency).
 - You can say if you do not want students to be present while you are examined or treated.
 - If you have to stay overnight in a hospital, you can usually expect to be in a single-sex room or ward. However, this may not be possible if you need intensive care or in an emergency.

What does the NHS expect from me?

- **That you treat staff, other patients, their carers and family members with consideration, dignity and respect.**
 - You must not be abusive, violent or aggressive towards staff or other patients, their carers and family members. Violence includes verbal or written abuse and threats, as well as physical assaults.
 - You must not be involved in any racial, sexual or any other kind of harassment or abuse towards staff or other patients, their carers and family members.

Safety:

the right to safe and effective care



What does this mean for me?

- **You have the right to expect that any care and treatment you receive is provided with reasonable care and ordinary skill by properly qualified and experienced staff.**
 - You can expect that everyone working in the NHS has the appropriate skills and training for their job.
 - Any person treating you must act with reasonable care.
 - Any health care professional treating you must act with the ordinary skill of a person in that profession.
 - The care and treatment you receive must be suitable for you, carried out lawfully and based on recognised clinical guidance and standards where these exist.
 - You can expect that any medicines your doctor or other qualified health care professional prescribes are appropriate for you.
- **You have the right to expect that the treatment you receive is provided in an appropriate, safe and clean environment.**
 - You can expect that the care you receive will be provided as safely as possible.
 - You can expect health care premises to meet standards of hygiene agreed by the NHS and monitored by the Healthcare Environment Inspectorate (HEI). [See page 26](#) for further information on the HEI.
 - Staff should always wash their hands before they examine you.
- **You have the right to expect that your personal health information is kept accurate and up-to-date.**
 - The NHS will keep accurate and up-to-date records of the care you receive.
 - If you need to move from one care provider to another (for example, from hospital to care at home), information about the care you need will be shared with any relevant care providers if you have given your permission for this. This means there should be no interruption to the care you need. [See the Confidentiality section on page 13](#) for more information.

What does the NHS expect from me?

- **You should follow any advice you are given on medication and treatment.**
 - Ask staff to explain anything you do not understand. You can use the leaflet **It's okay to ask** to note your questions. The leaflet **It's okay to ask** offers handy tips and advice on asking questions and is available from Health Rights Information Scotland (HRIS). [See page 24 on how to contact HRIS.](#)
 - Tell staff if you are allergic to any medicines or if you have experienced any side effects after taking a particular medicine.
 - Finish any course of agreed treatment. If you want to change or stop your treatment, you should discuss this with your doctor, dentist or pharmacist first.
 - Do not take any medicine that is out of date or prescribed for someone else. Give any out-of-date or unused medicines to your pharmacist to get rid of safely.
 - Store medicines safely and out of children's reach.
 - If you go into hospital or attend a dentist, tell staff about any medicines you are taking.
- **You should help to prevent the spread of infection in places where you or someone you are visiting receive NHS care.**
 - Always wash and dry your hands before entering a hospital ward, particularly after using the toilet. Use the hand gel provided at the ward door or at the bedside.
 - You should avoid visiting a patient in hospital or a resident in a care home if you are feeling unwell, or if you or anyone in your household is suffering from vomiting or diarrhoea. You should wait 48 hours after the vomiting or diarrhoea has stopped before visiting. If you are unwell you may be able to phone the ward or care home and speak to the person instead.
 - If you visit someone in hospital, do not sit on their bed. Keep the number of visitors as low as possible at any time. Never touch dressings, drips or other equipment around the bed.
 - Ask ward staff for advice before you bring food, drink or flowers for someone you are visiting in hospital.

- **You should raise any concerns you have about the safety, effectiveness or cleanliness of services that may affect your care.**
 - If you think a member of staff has forgotten to wash their hands before examining you, ask them to do this.
 - If you think NHS premises are not as clean as they should be, let a member of staff know. If you are in hospital, you can ask to speak to the ward sister or charge nurse about this.
 - You can report your concerns to the Healthcare Environment Inspectorate. [See page 26](#) for how to contact them.
- **That you consider your health care needs when travelling abroad.**
 - If you are planning to visit a country in the European Economic Area or Switzerland, on holiday or on a business trip, you should get a European Health Insurance Card (EHIC). This card lets you get state health care at a reduced cost or sometimes for free. It will cover you for medical treatment you may need during your visit if you're ill or have an accident, or for the treatment of pre-existing medical conditions. The EHIC is free of charge. [See page 26](#) on where to find out more.
 - Different countries have different health care systems. Many countries expect patients to pay towards the cost of their treatment. Before you go, find out about the country you're visiting. You should also take out travel insurance to ensure that you're fully covered. You should do this even if you have an EHIC, as the card won't cover you for costs such as rescue services in ski resorts, or being flown back to the UK.

Feedback and complaints: the right to have a say about your care and have any concerns and complaints dealt with



What does this mean for me?

- **You have the right to give feedback, make comments, or raise concerns or complaints about the health care you receive.** This includes NHS services provided by GP practices, local pharmacies, dentist or opticians or NHS services commissioned and provided through a private health care provider. Further information about giving feedback and about the NHS Complaints Procedure can be found in the leaflet **Your health, your rights: Feedback and Complaints**. See [page 24](#) for information on how to get a copy.
 - Your relatives or carers may also give feedback or comments, or raise concerns or complaints.
 - You 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 you have received and the services you have used. And you have the right to be given information about how any feedback, comments, concerns and complaints you make will be handled.
 - You may ask (and if you have a mental health disorder you have a right) to have an independent advocate to help you give your views. Staff can arrange this for you.
 - In some cases it may be appropriate for your complaint to be resolved through the provision of alternative dispute resolution services (mediation). This is a service where independent mediators help the relevant parties to reach an agreement. You can request, or Health Boards may offer, to provide this service although both parties must agree to take part in the mediation. The Feedback and Complaints Officer at your local Health Board can provide further information about mediation.
- **You have the right to be told the outcome of any investigation into your concerns or complaints.**
 - You can expect any concern or complaint you raise about NHS services to be dealt with efficiently and to have it properly and appropriately investigated.
 - You can expect to receive a full explanation and to be told what action has been or will be taken as a result of any complaint you make. Where a mistake has occurred you should receive an apology.
 - You have the right to expect the NHS to take your feedback into account in order to improve services.

- **You have the right to independent advice and support to provide feedback, make comments, raise concerns or make a complaint.**
 - The independent Patient Advice and Support Service (PASS) can help you with this. See [page 25](#) for how to contact them.
- **You have the right to take your complaint to the Scottish Public Services Ombudsman (SPSO).**
 - If the NHS has fully investigated your complaint and you are still not satisfied, you can ask the SPSO to consider your complaint further. See [page 26](#) for how to contact them.

Claims for compensation for injury or harm caused by clinical negligence are not dealt with under the NHS Complaints procedure. See Part 2: What if my rights have not been respected on [page 23](#).

What does the NHS expect from me?

- **That you give feedback positive or negative about the care and treatment you have received or about the NHS generally. This helps to improve services for everyone.**
 - If you have feedback, comments or concerns about your health care, you can:
 - speak to a member of staff
 - take part in NHS surveys
 - put your comments in a suggestion box (if available)
 - use the feedback forms on Health Board websites
 - use the Better Together website to share your experiences with the NHS and people across Scotland (go to www.bettertogetherscotland.com). Some Health Boards do not use the Better Together website but have their own ways of making it possible for people to share experiences.
 - If you have a complaint about the service provided, you can contact the Feedback and Complaints Officer at your local Health Board or primary care service provider.

Part 2: What if my rights have not been respected?

If you think any of your rights have not been respected or that the NHS is not meeting its commitments, **you can raise a concern or make a complaint.**

- In the first instance, you should talk to a member of staff involved in your care to see if your concern or complaint can be sorted out immediately.
- If you do not want to do this, you can speak to the Feedback and Complaints Officer, the person in charge at the NHS organisation involved, or follow the NHS complaints procedure. The leaflet **Your health, your rights: Feedback and Complaints** tells you how to do this. See [page 24](#) for information on how to get a copy.

If the NHS in Scotland has not respected your rights and you have been harmed by negligent treatment you have the right to take legal action and make a claim for compensation.

- Negligent treatment is when care provided falls below the reasonable standard to be expected in the circumstances and causes physical or mental injury or death.
- Depending on the individual circumstances, you may be entitled to compensation if you can prove through legal action that you have been harmed by a negligent act of the NHS in Scotland.
- If you think you may be entitled to compensation you are strongly advised to seek legal advice. To make a claim you or your solicitor should write directly to NHS National Services Scotland's Central Legal Office (CLO) who will then investigate the claim. See [page 26](#) for contact details. Details of solicitors who specialise in handling negligence claims can be found on the Law Society of Scotland website (www.lawscot.org.uk) or by phoning 0131 226 7411.

You have the right to seek judicial review if you think you have been directly affected by an unlawful act or decision of an NHS body.

- Judicial review is a court process that allows you to challenge a decision made by or action of an NHS body because you think it is unlawful. It looks primarily at how the decision was made rather than what was decided.
- As a general rule, you have the right to seek judicial review if your personal interests are affected by the action or decision you wish to challenge.

If you want a decision to be judicially reviewed, you should seek independent legal advice.

You may be subject to legal action if:

- you are abusive, violent or aggressive towards staff or other patients, their carers and family members.

Part 3: How can I find out more?

You can get the following leaflets and factsheets about health rights from:

- GP surgeries, hospitals and other places where you receive NHS services
- www.hris.org.uk (alternative formats are also available here) or at www.nhsinform.co.uk
- the NHS inform Helpline on **0800 22 44 88** (lines are open every day from 8am to 10pm).

For information about health rights

See the following leaflets and factsheets:

- The series of **Your health, your rights** factsheets tell you more about what the rights and responsibilities in this Charter mean for you. There are seven factsheets in the series: Access, Communication and participation, Confidentiality, Respect, Safety, Hospital Waiting Times, and Feedback and complaints.
- **Consent – it's your decision** explains how you should be involved in decisions about your health care and treatment.
- **How to see your health records** explains your right to see or have a copy of your health record.
- **Health care for overseas visitors** is a set of factsheets explaining what NHS services overseas visitors can expect to receive when they are in Scotland.

Information for young people

- **Consent – your rights** explains how you should be involved in decisions about your health care and treatment.
- **Confidentiality – your rights** tells you how the health service keeps information about you private.
- **Have your say! Your right to be heard** tells you how to give feedback or make a complaint about the NHS.

Information for carers

Caring and consent explains the rights of people who **cannot** consent to medical treatment and the rights of their carers.

For information about NHS services in Scotland:

- for details of all pharmacies, GP practices and dental practices in Scotland, visit www.nhs24.com
- for information about illnesses and conditions, treatments, NHS services and other support services, visit www.nhsinform.co.uk
- phone the NHS inform Helpline on **0800 22 44 88** (textphone 18001 0800 22 44 88; the helpline also provides an interpreting service). Lines are open every day from 8am to 10pm.
- see the leaflet **eHealth – using computers to improve your** health care for more about how eHealth will affect the service you receive from the NHS, how your information will be stored and shared safely and legally and what may happen in the future. It is available on the internet (go to www.hris.org.uk).

For information, help and advice

- **For independent help and advice** you can speak to someone at the independent Patient Advice and Support Service (PASS). The service provides free, accessible and confidential information to patients, their carers and families to raise awareness of their rights and responsibilities when using NHS services. It can also support you to provide feedback, comments, concerns or complaints about the NHS to help improve health care provision. The service is provided through the network of Citizen's Advice Bureau (CAB). You can visit www.cas.org.uk or use the phone book to find your local CAB.
- For more about the rights of people with mental illness, learning disability, dementia or other mental disorder, contact:
 - Mental Welfare Commission for Scotland**
Thistle House, 91 Haymarket Terrace, Edinburgh EH12 5HE
Phone **0800 389 6809** (freephone number for service users and carers)
Email enquiries@mwscot.org.uk
Website www.mwscot.org.uk
- For more about how your rights under the Data Protection Act, contact:
 - Information Commissioner's Office (Scotland)**
45 Melville Street, Edinburgh EH3 7HL
Phone **0131 244 9001**
Email scotland@ico.gsi.gov.uk
Website www.ico.gov.uk

- If the NHS in Scotland has fully investigated a complaint and you are still not happy, you can contact:

Scottish Public Services Ombudsman (SPSO)

Freepost EH641, Edinburgh EH3 0BR or

4 Melville Street

Edinburgh EH3 7NS

Adviceline freephone **0800 377 7330**

Text **0790 049 4372**

Email ask@spsso.org.uk

Website www.spsso.org.uk

Online contact form www.spsso.org.uk/contact-us

- If you think you may be entitled to compensation and you wish to make a claim, you should write directly to:

Central Legal Office

Anderson House

Breadalbane Street

Bonnington Road

Edinburgh EH6 5JR

Phone **0131 275 7800**

Website www.clo.scot.nhs.uk

- **To join the NHS Organ Donor Register:**

Phone - **0300 123 23 23**

Text - SAVE to 61611

Visit www.organdonationscotland.org and complete the online form

- **To apply for an EHIC card:**

For further information on the European Health Insurance Card, and also how to apply for yours free of charge, visit www.nhsinform.co.uk/travel-health or telephone **0800 22 44 88**.

For information about standards

- To find out about the **Healthcare Environment Inspectorate** and how to contact them, visit the Healthcare Improvement Scotland website: www.healthcareimprovementscotland.org.
- To find out about how decisions are made before medicines can be routinely prescribed by NHS doctors in Scotland, see the leaflet: **New medicines in Scotland – who decides what the NHS can provide?** It is available from the Scottish Government website (go to www.scotland.gov.uk).

(The Scottish Government is not responsible for the content of the external links. They are provided for information only, and are not part of the Charter.)



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www.scotland.gov.uk

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