
Scotland National Office

29 June 2012

Re: Consultation on Charter of Patient Rights and Responsibilities.

BMA Scotland welcomes the opportunity to provide written evidence to the Scottish Government consultation on the Charter of Patient Rights and Responsibilities.

The BMA has been supportive of the Scottish Government's intention to encourage a stronger sense of public ownership of the NHS and welcomed its commitment to a service which is publicly funded and owned, and free at the point of delivery. As such we welcomed the commitment to articulate the rights and now the responsibilities of all those using and providing NHS services as outlined in the health care principles. Many of these reinforce long-standing values and principles embodied by the NHS. They also reflect doctors' established professional standards as set out in the General Medical Council's Good Medical Practice¹.

We are pleased that the Charter refers to patient responsibilities as well as rights. A mutual NHS should be one in which all those involved have both rights and responsibilities – patients who use services, those who work in the NHS and provide services, and all of those who pay for the NHS through taxation. As such, we believe it is important that any measures which strengthen rights should also reinforce appropriate responsibilities.

However, the Charter document which forms the basis of this consultation is very long and cumbersome and could limit access by patients. We are therefore pleased that there is an intention to produce a leaflet available summarising the information in the Charter as well as factsheets offering examples of the rights and responsibilities outlined in the Charter. This will be much more accessible for patients and those using the NHS.

We have a number of technical comments on the actual document and these are listed below:

Page 5, 2nd paragraph – this should make reference to individuals being 'ordinary residents' in the UK and not 'a UK resident'.

¹ General Medical Council (2009) Good medical practice
Scottish Secretary: Martin Woodrow
Chief Executive/Secretary: Tony Bourne

British Medical Association
bma.org.uk/scotland

Page 5, 8th paragraph – we would prefer the document to read ‘You must never be refused access to NHS services in Scotland on the basis of unlawful discrimination...’ instead of ‘You should never be refused’.

Page 9 - we would suggest that the sentences, after the second main bullet point, that start with ‘You should’ be changed to ‘You must’.

Page 10, 6th paragraph – we believe that the use of the word ‘expect’ in this context is excessively weak. To expect is to see something as probably or likely, in this context of staff communication about care and treatment, we believe the Charter should include a stronger obligation.

Page 13, 2nd paragraph – we would like to see ‘and must comply with professional standards’ added to the list of reasons why NHS staff must keep personal information confidential. It may also be helpful to provide a link to the NHS Code of Practice on confidentiality.

Page 13, 5th paragraph – ‘unless you have asked that we limit how we share your information’ should be added to this bullet point.

Page 13, 6th paragraph – we would recommend that the first sentence should read as follows: ‘Your personal health information may be given to other people who need to know relevant information about your health *in order to contribute to your care*’.

Page 14, paragraph 1 –the public interest is seldom used as justification for disclosing information to the media.

Page 14, paragraphs 3, 4 and 5 – we would prefer to see these paragraphs moved to the start of the section on confidentiality.

Page 14, paragraph 7 – not all patients will be able to write to their GP practice manager or hospital manager to request to see their medical notes.

Page 14, paragraph 6 – we believe that some reference should be made in this section to the requirement to withhold information about 3rd parties or where the disclosure of information may cause serious harm.

Page 18, paragraph 1 – the statement appears weak, that a patient can expect properly qualified staff, we would recommend that this be strengthened.

We hope you find this information helpful, and look forward to hearing the outcome of your consultation.