

# **PATIENT RIGHTS (SCOTLAND) ACT 2011**

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## **EXPLANATORY NOTES**

### **COMMENTARY ON SECTIONS**

#### ***Section 5: Duty to uphold the health care principles***

22. Subsection (1)(a) places a duty on the bodies specified in subsection (2), (which are Health Boards, Special Health Boards and the Common Services Agency for the Scottish Health Service) to uphold the health care principles set out in the schedule when providing health care, where relevant to the service being provided. For example, it might be relevant for a hospital consultant to have regard to all of the principles in the schedule when discussing with a patient their diagnosis and treatment. Or, it might be relevant for a healthcare practitioner to check back with a patient that the patient has understood the information they have been given about their medication.
23. Subsection (1)(b) means that bodies specified in subsection (2) must also ensure that any person they enter into a contract, agreement or arrangement with also upholds the health care principles, in so far as they are relevant to the service being provided. For example, this may apply to cleaning and catering services in hospitals, where they have patient contact, and to services provided at a primary care level, such as GP practices that are contracted by Health Boards. For example, it might be relevant for a member of catering staff to treat patients with dignity and respect when serving them food. However, ensuring that health care is based on current clinical guidance would not be relevant to a member of catering staff as they would not provide clinical care.