



Patient Rights (Scotland) Act 2011

2011 asp 5

Patient feedback, comments, concerns or complaints

14 Encouragement of patient feedback etc.

- (1) A relevant NHS body is to encourage patients to give feedback or comments, or raise concerns or complaints, on health care.
- (2) Patients may give such feedback or comments to, or raise such concerns or complaints with—
 - (a) the relevant NHS body, or
 - (b) a provider of the patient advice and support service.
- (3) Where feedback or a comment is given to, or a concern or a complaint is raised with, a provider of the patient advice and support service, the provider may pass the feedback, comment, concern or complaint to the relevant NHS body (but only with the consent of the patient).
- (4) The relevant NHS body must consider feedback, comments, concerns or complaints received with a view to improving the performance of its functions.
- (5) The Scottish Ministers may require a relevant NHS body to provide them with information regarding the performance of the duties under subsections (1) and (4).
- (6) The Scottish Ministers may give a relevant NHS body directions about the performance of the duties under subsections (1) and (4).

15 Arrangements for handling and responding to patient feedback etc.

- (1) The Scottish Ministers must ensure that each relevant NHS body has adequate arrangements in place for the matters described in subsection (3).
- (2) A relevant NHS body must ensure that each of its service providers has adequate arrangements in place for the matters described in subsection (3).
- (3) The matters are—
 - (a) handling and responding to feedback or comments given, or concerns or complaints raised, in relation to health care—
 - (i) by or on behalf of patients,

Status: This is the original version (as it was originally enacted).

- (ii) by or on behalf of such other persons as the Scottish Ministers may specify by regulations made under subsection (4)(a),
 - (b) using feedback, comments, concerns or complaints to identify best practice,
 - (c) publicising—
 - (i) how feedback and comments are to be given, or concerns and complaints are to be raised, and
 - (ii) how feedback, comments, concerns or complaints will be handled,
 - (d) giving a person who gives feedback or comments, or raises concerns or complaints details of the advice and support available to patients,
 - (e) publicising the details of the advice and support available to patients (and, in particular, the patient advice and support service serving the relevant NHS body),
 - (f) monitoring the feedback, comments, concerns or complaints received with a view to—
 - (i) identifying any areas of concern, and
 - (ii) improving the performance of its functions.
- (4) The Scottish Ministers may—
- (a) by regulations make provision about the—
 - (i) arrangements mentioned in subsections (1) and (2),
 - (ii) matters described in subsection (3),
 - (b) give a relevant NHS body directions about such arrangements or matters.
- (5) Directions under subsection (4)(b) may, in particular, include provision for the resolution of complaints by conciliation or mediation.
- (6) In this section, a “service provider” is any person who provides health services for the purpose of the health service under a contract, agreement or arrangements made under or by virtue of the 1978 Act.
- (7) The powers conferred on the Scottish Ministers by virtue of this section are without prejudice to their powers under the 1978 Act.
- (8) Nothing done under or by virtue of this section is to preclude an investigation under the Scottish Public Services Ombudsman Act 2002 ([asp 11](#)) in respect of any matter.

16 **Repeal of the Hospital Complaints Procedure Act 1985**

The Hospital Complaints Procedure Act 1985 ([c. 42](#)) is repealed.