

## PATIENT RIGHTS BILL – STAGE 3 DEBATE

### Introduction

This briefing sets out the Royal College of Nursing (RCN) Scotland's position on the Patient Rights Bill. RCN Scotland welcomes, and shares, the commitment behind this Bill. We believe that more should be done to promote the rights of patients and to develop a person-centred culture across the NHS in Scotland.

The values of respect, dignity and equality are fundamental to nursing care but it is our belief that they cannot be legislated for. We are aware that there are times when care does not match these values and the reasons for this are complex. That is why we have argued throughout the passage of this Bill that primary legislation is not the means to make a difference to patient rights.

While there have been some positive amendments to the Bill, RCN Scotland still believes that legislation is not the best course of action to improve the rights of patients.

### Patient rights charter

A charter that can be reviewed and revised is preferable to a set of rights directly enshrined in primary legislation which would require further legislation to change in the future.

### Feedback, comments, concerns and complaints

The RCN welcomes the amendment on use of conciliation and mediation. This is consistent with the person centred ambition of the Quality Strategy and increased use of mediation is more likely to result in improvement in care.

### Treatment time guarantee

We remain opposed to the introduction of a treatment time guarantee. RCN Scotland is concerned that the 12 week guarantee being enshrined in legislation will create perverse incentives for 'game-playing', or other unintended consequences, as has occurred elsewhere when such systems have been introduced<sup>1</sup>. It could also introduce a significant level of bureaucracy to a system which is already under immense pressure.

### Cost

The cost and time associated with training and updating staff around the health care principles and their responsibilities could be much higher than anticipated. At a time of extreme financial pressure for the NHS, RCN Scotland does not consider that this is an effective use of scarce resources. The NHS Scotland Quality Strategy aims to improve direct patient care, and any new health care principles could divert energy away from the implementation of this strategy.

### Conclusion

RCN Scotland fully supports the Scottish Government's commitment to place patients at the centre of the NHS by developing a genuine culture of mutuality between patients and health care professionals. However, we believe that enshrining patient rights in primary legislation could unbalance the relationship between healthcare professionals and patients, could be extremely costly and could have unforeseen consequences. These risks outweigh the potential advantages of the Bill. We believe action should be taken to improve patient rights and the NHS Scotland Quality Strategy should be the means to achieve this ambition.

<sup>1</sup> For example, Chang, L. (2006). *Managerial responses to externally imposed performance measurement in the NHS: an institutional theory perspective*. *Financial Accountability and Management*, 22: 63-85.