Groupings of Amendments for Stage 2

This document provides procedural information which will assist in preparing for and following proceedings on the above Bill. The information provided is as follows:

- the list of groupings (that is, the order in which amendments will be debated). Any procedural points relevant to each group are noted;
- the text of amendments to be debated during stage 2, set out in the order in which they will be debated. **THIS LIST DOES NOT REPLACE THE MARSHALLED LIST, WHICH SETS OUT THE AMENDMENTS IN THE ORDER IN WHICH THEY WILL BE DISPOSED OF.**

Groupings of amendments

**Patient Rights Charter**
19, 21, 24, 26, 34, 35, 36

**Health care: provision of information and support in an accessible form**
20

**Rights of patients to give feedback or comments, or raise concerns and complaints and the handling of them**
22, 47, 59, 60, 61, 62, 63, 2, 64, 65, 66, 67, 68, 69, 70, 76

**Duties on relevant NHS bodies**
23, 25, 27, 52

**Health care principles**
28, 29, 30, 31, 32, 33

**Treatment time guarantee**
1

**Patient guarantee**
37, 38, 39, 40, 41, 42, 43, 44, 45, 46, 48, 49, 50, 51, 53, 54, 55, 56, 57, 58, 77

Notes on amendments in this group

- Amendment 51 pre-empts amendment 52 in group **Duties on relevant NHS bodies**

**Patient advice and support service**
71, 72, 73

**Duties to share information with the providers of the patient advice and support service**
3, 4, 5, 6

**No-fault compensation scheme**
74, 75, 15A

SP Bill 42-G

Session 3 (2010)
Protections and limitations
7, 8, 9

Inquiries and default and emergency powers
10

Orders, regulations and directions
11, 12, 13, 78, 14, 15, 16, 17, 18
Amendments in debating order

Patient Rights Charter

Dr Richard Simpson

19 Before section 1, insert—

\textit{Patient Rights Charter}

\begin{enumerate}
\item The Scottish Ministers must make an order containing a charter of rights and responsibilities to be conferred upon patients, to be known as the Patient Rights Charter, (“the Charter”).
\item The Charter, as contained within an order under subsection (1), must, subject to subsection (3), include all existing statutory rights and responsibilities conferred upon patients and may also confer new rights and responsibilities upon patients.
\item The Charter must not include rights and responsibilities in relation to specific treatments or medicines and subsection (1) does not enable the Scottish Ministers to confer such rights and responsibilities upon patients.
\item The rights and responsibilities contained within the Charter are to apply to all patients of relevant NHS bodies, but may also include rights and responsibilities to apply to specific groups of patients only.
\item The Scottish Ministers must—
\begin{enumerate}
\item from time to time review the Charter, and
\item when they consider it appropriate to do so, make an order containing revisions to the Charter or a revised Charter.
\end{enumerate}
\item Before making an order under subsection (1) or subsection (5)(b), the Scottish Ministers must consult such persons as they consider appropriate.
\end{enumerate}

Dr Richard Simpson

21 In section 1, page 1, line 16, at end insert—

\begin{itemize}
\item have regard to and respect for the rights and responsibilities conferred on patients by the Charter to be made by the Scottish Ministers under section \textit{(Patient rights charter)(1)}.\end{itemize}

Dr Richard Simpson

24 In section 3, page 2, line 5, after <principles> insert <and the charter>

Dr Richard Simpson

26 In section 3, page 2, line 8, after <principles> insert <and the charter>

Dr Richard Simpson

34 In section 5, page 2, line 21, after <principles> insert <and the charter>

Dr Richard Simpson

35 In section 5, page 2, line 22, after <principles> insert <and the charter>
Dr Richard Simpson

36 In section 5, page 2, line 25, after <principles> insert <and the charter>

Health care: provision of information and support in an accessible form

Dr Richard Simpson

20 In section 1, page 1, line 16, at end insert <, taking all reasonable steps to ensure that the patient is supplied with information and support in a form that is appropriate to the patient’s needs.>

Rights of patients to give feedback or comments, or raise concerns and complaints and the handling of them

Dr Richard Simpson

22 In section 1, page 1, line 17, leave out from <make> to <feedback> in line 18 and insert <give feedback or comments, or raises concerns or complaints>

Dr Richard Simpson

47 In section 8, page 4, leave out line 6 and insert—

<(  ) how to give feedback or comments or raise concerns or complaints.>

Dr Richard Simpson

59 In section 11, page 5, line 4, leave out <complaints> and insert <and responding to feedback, comments, concerns or complaints on health care>

Dr Richard Simpson

60 In section 11, page 5, line 7, at end insert—

<(  ) identifying best practice,>

Dr Richard Simpson

61 In section 11, page 5, line 8, after <how> insert <feedback and comments are to be given, or concerns and>

Dr Richard Simpson

62 In section 11, page 5, line 9, leave out <makes a complaint> insert <gives feedback or comments, or raises concerns or complaints>

Dr Richard Simpson

63 In section 11, page 5, line 13, after <the> insert <feedback, comments, concerns or>

Nicola Sturgeon

2 In section 11, page 5, line 20, at end insert—
Directions under subsection (4)(b) may, in particular, include provision for the resolution of complaints by conciliation or mediation.

Dr Richard Simpson
64 Move section 11 to after section 12

Dr Richard Simpson
65 In section 12, page 5, line 29, leave out <raise any concerns or give feedback> and insert <provide feedback, comments, concerns or complaints>

Dr Richard Simpson
66 In section 12, page 5, line 31, leave out from <raise> to end of line 33 and insert <provide such feedback, comments, concerns or complaints to—

(a) the relevant NHS body,
(b) a member of the relevant NHS body as nominated by that body, or
(c) the patient advice and support service.>

Dr Richard Simpson
67 In section 12, page 5, line 34, leave out from first <a> to <feedback> in line 35 and insert <feedback, comments, concerns or complaints are given to a member of staff of the relevant NHS body as nominated by that body or the patient advice and support service, the member of staff or patient advice and support service may pass the information>

Dr Richard Simpson
68 In section 12, page 5, line 37, leave out <all concerns raised and feedback> and insert <feedback, comments, concerns or complaints>

Dr Richard Simpson
69 In section 12, page 5, line 38, at end insert—

<( ) Where feedback, comments, concerns or complaints are given to a member of staff of the relevant NHS body as nominated by that body or the patient advice and support service, the member of staff or patient advice and support service must report back to the relevant NHS body and the patient concerned.>

Dr Richard Simpson
70 In section 12, page 5, line 38, at end insert—

<( ) 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).>

Dr Richard Simpson
76 In section 19, page 8, line 26, at end insert—

<“feedback” means appreciation by the patient of the service provided by the relevant NHS body.>
**Duties on relevant NHS bodies**

Mary Scanlon

23 In section 3, page 2, line 5, leave out <have regard to> and insert <uphold>

Mary Scanlon

25 In section 3, page 2, line 8, leave out <has regard to> and insert <upholds>

Mary Scanlon

27 In section 3, page 2, line 19, leave out <have regard to> and insert <uphold>

Mary Scanlon

52 In section 9, page 4, line 14, leave out <have regard to> and insert <comply with>

**Health care principles**

Dr Richard Simpson

28 In the schedule, page 10, line 15, at end insert—

<Health care is provided in such a way as to avoid unnecessary harm or injury to the patient.>

Patients are cared for in an appropriate, clean and safe environment at all times.

Dr Richard Simpson

29 In the schedule, page 10, line 18, after <wellbeing> insert <, including sharing accurate information and agreeing actions required from joint decisions>

Dr Richard Simpson

30 In the schedule, page 10, line 20, after <participate> insert <and take action>

Dr Richard Simpson

31 In the schedule, page 10, line 22, leave out <encouraged> and insert <expected>

Dr Richard Simpson

32 In the schedule, page 10, line 23, after <respect> insert <and to engage with the health bodies in a responsible manner>

Dr Richard Simpson

33 In the schedule, page 10, line 31, at end insert—

<Systems are in place for patients to provide feedback, make a comment, raise a concern or make a complaint about their experience of health care in order to improve quality.>

Patients are provided with feedback in response to any comment, concern or complaint they make.
Treatment time guarantee

Nicola Sturgeon

In section 6, page 2, line 36, at end insert—

<p>appropriately prioritising the start of the patient’s agreed treatment taking account of the patient’s clinical needs and the clinical needs of other eligible patients awaiting agreed treatments in accordance with the treatment time guarantee,></p>

Patient guarantee

Dr Richard Simpson

Leave out section 6 and insert—

<Patient guarantee

(1) In pursuance of the right conferred by section 1(1), a patient is to—

(a) be offered a first appointment of the kind requested by the patient’s general practitioner in accordance with subsection (2),

(b) be offered such appointments as are necessary for the carrying out of diagnostic tests in accordance with subsection (2), and

(c) start to receive treatment within the maximum waiting time specified for the purposes of this paragraph.

(2) An appointment is offered in accordance with this subsection if the date of the appointment falls within the maximum waiting time specified for the purposes of subsection (1)(a) or, as the case may be, (b).

(3) A maximum waiting time specified for the purposes of subsection (1)(c) must be expressed as a maximum waiting time from the time of referral by the patient’s general practitioner.

(4) A guarantee described in subsection (1) is to be known as a patient guarantee.

(5) A Health Board must take all reasonably practicable steps to ensure that it complies with a patient guarantee.

(6) Those steps include in particular, steps for—

(a) monitoring each patient guarantee,

(b) making such arrangements as are necessary to enable a patient guarantee to be met either—

(i) within its own area, or

(ii) if it is unable (or anticipates that it will be unable) to make those arrangements in its own area, through another Health Board or a suitable alternative provider of treatment.

(7) Before making an order under this section, the Scottish Ministers must consult such persons as they consider appropriate.

(8) A Health Board may offer a patient a guarantee—
(a) of a shorter waiting time in relation to the matters mentioned in subsection (1) than the maximum waiting time specified by virtue of subsections (1) and (2),
(b) in relation to a waiting time in connection with matters other than those mentioned in subsection (1).
(9) In this section, “specified” means specified in an order made by the Scottish Ministers.

Dr Richard Simpson
38 In section 7, page 3, line 9, leave out 〈treatment time〉 and insert 〈patient〉

Dr Richard Simpson
39 In section 7, page 3, leave out lines 11 and 12

Dr Richard Simpson
40 In section 7, page 3, line 17, leave out 〈treatment time〉 and insert 〈patient〉

Dr Richard Simpson
41 In section 7, page 3, line 22, leave out 〈treatment time〉 and insert 〈patient〉

Dr Richard Simpson
42 In section 7, page 3, line 24, leave out 〈treatment time〉 and insert 〈patient〉

Dr Richard Simpson
43 In section 7, page 3, leave out subsection (4)

Dr Richard Simpson
44 In section 8, page 3, line 36, leave out 〈treatment time〉 and insert 〈patient〉

Dr Richard Simpson
45 In section 8, page 3, line 39, leave out from 〈agreed〉 to end of line 40 and insert 〈patient guarantee is met as soon as is reasonably practicable.〉

Dr Richard Simpson
46 In section 8, page 4, line 1, leave out from 〈treatment〉 to end of line 2 and insert 〈patient guarantee was not met,〉

Dr Richard Simpson
48 In section 8, page 4, line 8, leave out 〈the start of any treatment〉 and insert 〈a patient guarantee〉

Dr Richard Simpson
49 In section 8, page 4, line 10, leave out 〈for treatment〉

Dr Richard Simpson
50 In section 8, page 4, line 11, leave out from 〈and〉 to end of line 12
Dr Richard Simpson
51 In section 9, page 4, line 14, leave out from <when> to <time> in line 16 and insert <in meeting a patient guarantee, have regard to any guidance issued by the Scottish Ministers which relates to the guarantee.>

Dr Richard Simpson
53 In section 9, page 4, line 18, leave out <treatment time> and insert <patient>

Dr Richard Simpson
54 In section 9, page 4, line 20, leave out <treatment time> and insert <patient>

Dr Richard Simpson
55 In section 10, page 4, leave out lines 24 to 28

Dr Richard Simpson
56 In section 10, page 4, leave out lines 30 and 31

Dr Richard Simpson
57 In section 10, page 4, line 31, at end insert—
<<“patient guarantee” has the meaning given in section (Patient guarantee)(1)>>

Dr Richard Simpson
58 In section 10, page 4, leave out line 35

Dr Richard Simpson
77 In section 19, page 8, line 32, at end insert—
<<“patient” means a patient who is in receipt of treatment provided by the relevant NHS body,>>

Patient advice and support service

Dr Richard Simpson
71 In section 14, page 6, leave out line 17 and insert—
<(( ) The patient advice and support service may be provided by Citizens Advice Bureaux or any other such source of independent advice and information.>>

Dr Richard Simpson
72 In section 15, page 7, line 7, leave out subsection (3)

Dr Richard Simpson
73 Leave out section 16
**Duties to share information with the providers of the patient advice and support service**

Nicola Sturgeon

3  In section 17, page 8, line 1, after <as> insert <providers of>.

Nicola Sturgeon

4  In section 17, page 8, line 3, leave out from beginning to <body> and insert <The Agency must secure that providers of the patient advice and support service give relevant bodies>.

Nicola Sturgeon

5  In section 17, page 8, line 5, leave out <it provides> and insert <providers of the patient advice and support service provide>.

Nicola Sturgeon

6  In section 17, page 8, line 6, leave out <the relevant body> and insert <relevant bodies>.

**No-fault compensation scheme**

Dr Richard Simpson

74  After section 17, insert—

<No-fault compensation scheme in relation to patient rights>

No-fault compensation scheme in relation to patient rights

(1) The Scottish Ministers must by regulations establish a scheme for the purpose of enabling compensation to be provided to patients of NHS bodies, where such patients consider that their rights under this Act have not been met or have been breached, without recourse to civil proceedings.

(2) Regulations under subsection (1) must include—

(a) the circumstances in which the scheme would apply,
(b) the grounds on which patients would be eligible for the scheme,
(c) the grounds for membership of the scheme on the part of any body or other person to whose liability the scheme applies,
(d) the form proceedings under the scheme would take,
(e) the forms of compensation to be made available,
(f) where financial compensation is to be given to a patient, the upper limit for that compensation, and
(g) the assistance to be made available to patients seeking compensation under the scheme.

(3) The scheme applies only in relation to patient rights under this Act and does not extend to other matters in which a patient considers that there has been negligence on the part of an NHS body.>
Dr Richard Simpson
75 In section 18, page 8, line 17, after <Act> insert <, with the exception of section (No-fault compensation scheme in relation to patient rights),>

Dr Richard Simpson
15A As an amendment to amendment 15, line 2, leave out <section> and insert <sections (No-fault compensation scheme in relation to patient rights)(1),>

Protections and limitations

Nicola Sturgeon
7 In section 18, page 8, line 15, at end insert—

<(1A) Subject to subsection (2), nothing in this Act prejudices> 

Nicola Sturgeon
8 In section 18, page 8, line 19, at end insert—

<( ) any right of action for specific performance of a statutory duty,>

Nicola Sturgeon
9 In section 18, page 8, line 21, at end insert—

<(3) The rights conferred on a patient by this Act are in addition to, and do not affect, any other rights in relation to health care that a patient has, or may acquire, under any other enactment or rule of law. 

(4) Subsection (3) does not affect the generality of subsection (1A).>

Inquiries and default and emergency powers

Nicola Sturgeon
10 After section 18, insert—

<Inquiries and default and emergency powers

Powers of the Scottish Ministers

(1) In sections 76, 77, 78 and 78A of the 1978 Act (inquiries and default and emergency powers) references to that Act include references to this Act.

(2) Section 77 of the 1978 Act applies to a Special Health Board in relation to the functions conferred or imposed on it by or under this Act.>

Orders, regulations and directions

Nicola Sturgeon
11 In section 21, page 9, line 13, at beginning insert <except an order under section 22(3),>
Nicola Sturgeon
12 In section 21, page 9, line 16, leave out <order is to be made under>

Nicola Sturgeon
13 In section 21, page 9, line 17, at beginning insert <order is to be made under>

Dr Richard Simpson
78* In section 21, page 9, line 17, leave out <or 4(2)> and insert <, (Patient rights charter)(1) and (4)(b), 4(2) or (patient guarantee)(1)>

Nicola Sturgeon
14 In section 21, page 9, line 17, leave out from first <or> to end and insert <, 4(2) or 7(4),>

Nicola Sturgeon
15 In section 21, page 9, line 17, at end insert—
   <( ) regulations are to be made under section 7(1) or (3), or>

Nicola Sturgeon
16 In section 21, page 9, line 18, at beginning insert <order is to be made under>

Nicola Sturgeon
17 In section 21, page 9, line 20, leave out <order> and insert <statutory instrument containing the order or regulations>

Nicola Sturgeon
18 In section 22, page 9, line 36, leave out from <and> to end of line 37