

Patient Rights (Scotland) Bill

Stage 1 debate

November 2010



Summary:

Citizens Advice Scotland welcomes the ethos and healthcare principles that underpin the Patient Rights (Scotland) Bill. CAS however is concerned about the lack of information on the level of transparency and feedback that is required in the complaints process for the benefit of patients and the organisations that assist them. In addition CAS is concerned about the lack of clarity on the role and structure of the Patient Advice and Support service (PASS), and whether the new service will be expected to provide the holistic support and advice work currently being carried out by the Independent Advice and Support Service.

IASS:

The Independent Advice and Support Service (IASS) provided through the CAB service in Scotland offers advice and support to all NHS users and their families in relation to any concerns and complaints they may have regarding care received from the NHS. In the first quarter of 2010/11 the IASS service helped 501 clients with 1,269 enquiries. As part of the patient support service IASS also provides a holistic service to clients, offering advice and help on a range of issues that can have an impact on health such as housing, employment, benefits or money worries.

Patient Rights (Scotland) Bill and CAS concerns:

Section 11: Complaints

CAS is concerned that the Bill places no explicit requirement on the NHS to provide feedback to patients on the complaints and comments submitted.

Section 12: Patient Feedback

The Bill is unclear about the role and structure of PASS and does not provide information on how Patient Rights Officers will be managed within the new service.

PASS must have:

- Reliable, quality assured, current and comprehensive information sources
- Effective training and support for staff
- Independent quality control systems
- Clear systems for collecting performance information and statistics for reporting
- Delivery structures that ensure consistent service provision across the whole of Scotland
- Systems for collecting the detail of the complaints in order to exercise a responsible influence on policy for the benefit of patients and NHS users in Scotland

Section 14: PASS establishment and Funding

In addition to CAS's concerns mentioned above, it is essential that PASS continues to provide a holistic service similar to what is currently provided by IASS.

It is also important that the budget for PASS includes costs relating to marketing the service to NHS users, training Patient Rights Officers and service providers, reporting on the performance of the service, and providing & distributing information.

Section 15 and 16: PASS

Patient Rights Officers and generalist advice:

CAS is concerned that Patient Rights Officers are expected to provide general advice when this advice under IASS is already provided by in house CAB advisers. The current provisions in the Bill are unlikely to make the new scheme as cost effective as IASS, as Patient Rights Officers are unlikely to have either the time or the expertise to offer general and specialist advice on non health service issues.

Patient Education:

PASS should also play a role in assisting and educating patients by providing health information; assisting with access to services and complaints procedures; interpreting information and supporting patients to effectively use health information and referring patients to appropriate support services.

Evaluation:

There should be an annual independent evaluation of PASS.

Section 17:

A legal obligation should be placed on the NHS to ensure that NHS users are aware of the service. The NHS should also have to provide feedback to patients who have made complaints or comments and the service that assisted them through the process.

IASS funding concerns:

NHS Boards are currently contracted to provide the IASS Services until 31st March 2011. CAS is concerned that if the IASS service is discontinued there would be a loss in the skills and expertise which IASS caseworkers in every health board area in Scotland have built up over the last 3-4 years. The loss of the service would particularly affect clients with ongoing cases.

Conclusion:

CAS strongly favours policies that increase the rights of bureau clients. Consequently we welcome the principles contained within the Patient Rights (Scotland) Bill. We are however concerned with the lack of obligation on the NHS to provide feedback to patients. The Bill also needs to provide further information on the role and structure of PASS and the Patient Rights Officers. IASS currently provides a unique service similar to what is being proposed in the Patient Rights (Scotland) Bill and CAS hopes that the expertise and service provided through IASS is retained in PASS.

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Appendix:

Citizens Advice Scotland

- Citizens Advice Scotland and its CAB offices form Scotland's largest independent advice network. Citizens Advice Scotland (CAS) is the umbrella organisation for Scotland's network of 81 Citizens Advice Bureau (CAB) offices. These bureaux deliver frontline advice services throughout nearly 200 service points across the country, from the city centres of Glasgow and Edinburgh to the Highlands, Islands and rural Borders communities.
- There are 2,200 volunteers in the service who provide almost 13,000 hours of their time each and every week. Paid staff provide a further 15,200 hours of work each week in management, support, administration and specialist advice work.
- There are citizens advice bureaux in 30 of the 32 local authorities in Scotland, making the network the only independent advice body in the country with truly national on the ground coverage.
- Citizens Advice Bureaux traditionally help vulnerable people in their communities, although clients come from every section of society. An Ipsos Mori poll in 2009 found that one in five members of the public in Scotland had visited a bureau for advice in the last three years. In 2008/09, more than 250,000 clients brought over 500,000 new issues to bureaux in Scotland.

IASS workers:

IASS caseworkers provide information and advice, act in a mediatory capacity, and provide one-to-one independent support using their knowledge of the NHS Complaints Process and experience in supporting clients, often with complex cases.

IASS caseworkers sometimes have to attend several meetings lasting from 1-3 hours with each client before they can even begin to write a complaint letter. These meetings involve providing emotional support to clients who have been through difficult experiences within the NHS or have been bereaved.

A number of IASS clients not only seek an explanation for their negative experience with the NHS, but they are also looking to ensure that certain practices are changed so that nobody else has to go through the same experience.