

PATIENT RIGHTS (SCOTLAND) ACT 2011

EXPLANATORY NOTES

COMMENTARY ON SECTIONS

Section 8: Treatment time guarantee

27. **Section 8(1) and (2)** establishes a maximum waiting time for eligible patients, known as the treatment time guarantee. The maximum waiting time is set out in section 10. Eligible patients should start to receive that treatment within 12 weeks of the treatment being agreed between the patient and the Health Board.
28. Subsection (3) provides that Health Boards must take all reasonably practicable steps in order to comply with the treatment time guarantee and subsection (4) gives examples of actions a Health Board must take to deliver the treatment time guarantee for its eligible patients. Health Boards must monitor the guarantee, take account of the patient's clinical needs and the clinical needs of other eligible patients awaiting agreed treatments when arranging the patient's treatment start date, make arrangements for the agreed treatment to start within its area or if it is unable to treat the patient in its own area, make arrangements either with another Health Board, with the National Waiting Times Centre Board or with another suitable provider such as the NHS in England or a private healthcare provider.
29. Subsection (5) clarifies that the provisions regarding the treatment time guarantee are in addition to and do not affect the duty of Health Boards to comply with other waiting time targets, where these are set out in regulations, orders or directions, and to have regard to other guidance issued by the Scottish Ministers in relation to waiting time targets.