

POLICY NOTE

THE PATIENT RIGHTS (TREATMENT TIME GUARANTEE) (SCOTLAND) AMENDMENT REGULATIONS 2014

SSI 2014/93

The above instrument was made in exercise of the powers conferred by sections 9(1) and (3) and 25(1) of the Patient Rights (Scotland) Act 2011 (“the Act”). The instrument is subject to affirmative procedure.

Policy Objectives

The Act established a maximum waiting time for eligible patients, known as the treatment time guarantee (TTG). The detail of the calculation of the TTG is set out in the Patient Rights (Treatment Time Guarantee)(Scotland) Regulations 2012 (SSI 2012/110 “the 2012 Regulations”). This instrument amends the 2012 Regulations.

The instrument makes some minor amendments, including providing clarity in the definition of ophthalmic medical practitioner which meets a commitment made to the Subordinate Legislation Committee (now the Delegated Powers and Law Reform Committee) during the passage of the 2012 Regulations.

In addition, the instrument amends the 2012 Regulations to include provision for periods of time that will not count towards the waiting time calculation where treatment is to be carried out by a specific practitioner or in a specific location. The vast majority of patients in Scotland will receive treatment in their local hospitals. Boards are required, if they are unable to deliver the guarantee in their local area, to make arrangements using other alternative providers (section 8(4)(c) of the Act). Policy in Scotland is to have patients booked to a clinical team rather than referred to an individual consultant.

Before agreeing to requests for specific practitioner or specific location, the Board must take account of the patient’s health and wellbeing and whether it is reasonable and clinically appropriate to offer an alternative appointment. This is to ensure that Boards’ policy and planning for the delivery of services are not negatively impacted.

There are certain exceptions to the TTG that are set out in the 2012 Regulations. This instrument removes two of those exceptions: treatment for spinal scoliosis and treatment for injuries, deformities or disease of the spine.

In relation to treatment for spinal scoliosis (exception to be removed from 1 October 2014), which is a national designated service, the Common Service Agency National Services Division and NHS Lothian have been working since 2012 with a view to this patient group being brought within the TTG and have advised that this can be delivered from 1 October 2014.

In relation to treatment for injuries, deformities or disease of the spine (exception to be removed from 1 April 2014), Boards have been working since 2012 to ensure treatment in this category will be able to meet the TTG.

Impact Assessments

An equality impact assessment was completed for the Treatment Time Guarantee. This was incorporated into the equality impact assessment which was completed on the policy of the content of the Patient Rights Bill and is available on the Scottish Government website at: <http://www.scotland.gov.uk/Topics/Health/PatientRightsBill/EqIA>.

Financial Effects

A Regulatory Impact Assessment (RIA) was completed for the Patient Rights Bill and is available at: <http://www.scotland.gov.uk/Topics/Health/PatientRightsBill/RIA>. This showed that overall, the net impact of the Bill was uncertain. However, it concluded that significant positive benefits were likely to be delivered, particularly when the non-monetized social and health benefits, such as the improved patient experience, are considered. There is no financial impact in relation to this

Scottish Government

Health Workforce and Performance Management Directorate

February 2014