

POLICY NOTE

THE PATIENT SAFETY COMMISSIONER FOR SCOTLAND ACT 2023 (COMMENCEMENT) REGULATIONS 2024

SSI 2024/110 (C. 9)

The above instrument was made in exercise of the powers conferred by sections 23(1) and 24(2) of the Patient Safety Commissioner for Scotland Act 2023. The instrument is laid without procedure.

Summary Box

<p>These Regulations commence provisions of the Patient Safety Commissioner for Scotland Act 2023, with the exception of sections 21-25 which came into force the day after Royal Assent.</p>

Policy Objectives

The Patient Safety Commissioner (“the Commissioner”) will amplify the voice of patients in health care and advocate for improvements in patient safety. They will have powers to require information from health care providers and others in Scotland, to initiate investigations into health care safety issues, and to make reports and recommendations.

This instrument will commence sections 1-20 and schedules 1 and 2 of the Patient Safety Commissioner for Scotland Act 2023.

With the exception of paragraphs 2 and 4 of schedule 2, all sections will come into force on 1 May 2024.

Paragraphs 2 and 4 of schedule 2 will come into force on 1 September 2025, 12 months after the Scottish Government expects the appointment of the first Commissioner. Paragraph 2 of schedule 2 adds the Commissioner to schedule 1 of the Freedom of Information (Scotland) Act 2002 and makes the Commissioner subject to duties under that Act, such as the duty to have a publication scheme. Paragraph 4 adds the Commissioner to the schedule of the Public Records (Scotland) Act 2011 and makes the Commissioner subject to duties under that Act, such as the duty to have a records management plan. As this is a new office, this extra time will allow time for the Patient Safety Commissioner, once in post, to make preparations for compliance with the Freedom of Information (Scotland) Act 2002 and the Public Records (Scotland) Act 2011.

EU Alignment Consideration

This instrument is not relevant to the Scottish Government’s policy to maintain alignment with the EU.

Consultation

As this instrument only brings into force provisions of the Act, no consultation has been carried out in relation to this instrument.

Impact Assessments

As this instrument only brings into force provisions of the Act, no impact assessments have been carried out in relation to it.

Financial Effects

The Minister for Public Health and Women's Health confirms that no BRIA is necessary as the instrument has no financial effects on the Scottish Government, local government or on business. A full financial memorandum was produced prior to introduction of the Patient Safety Commissioner for Scotland Bill and there are no further financial implications arising from this instrument.

Scottish Government
Directorate of the Chief Operating Officer of the NHS in Scotland

April 2024