PATIENTS RIGHTS

GP AND HOSPITAL SERVICES

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SCOTTISH CONSUMER COUNCIL
SCOTTISH ASSOCIATION OF HEALTH COUNCILS
YOU HAVE A LEGAL RIGHT TO

* Access to the National Health Service, regardless of your income.

* Information about GPs in your area and the services that they offer.

* Be registered with a GP/family doctor.

* Be referred by a GP for treatment anywhere in the UK.

* Accept or refuse treatment including examinations, tests and diagnostic procedures.

* Equal treatment regardless of race, gender, age or disability.

* Make a complaint about health services including those provided by NHS Trusts.

YOU ARE ENTITLED TO

* Be treated with courtesy and respect.

* Be treated as a person, not a case.

* Easily accessible high quality services and facilities.

* Be treated within a reasonable length of time. From April 1992 virtually everyone waiting for treatment will be guaranteed admission within 18 months. Health Boards will also be setting their own time limits for different types of treatment.

* Information about what is wrong with you and the treatment options that are available.

* Ask if you can have a relative or friend with you at any time.

* Ask for a second opinion, although there is no guarantee your doctor will agree to this. If your doctor does not agree ask your Local Health Council for advice and information about what to do next.

* Be informed in advance that you can choose not to be examined or treated by a medical student.

* Be informed in advance that you can choose whether to take part in research trials and be free to withdraw at any time.

* Comment on the service you receive and suggest improvements.
CONFIDENTIALITY

Personal information about your health is confidential and should only be disclosed to those who need that information to provide you with effective treatment and care. This information should not be passed to anyone else without your agreement except in certain circumstances. The National Health Service (NHS) in Scotland has issued a Code of Practice on Confidentiality of Personal Health Information which is issued to all staff in the NHS. For more details about when and why your personal health records may be passed on within the NHS contact your Health Board or your Local Health Council.

INFORMATION ABOUT YOU

You can see and get a copy of

* your own medical records stored on a computer;

* all your written health records (NHS and private) made after November 1991;

* medical reports prepared, by your doctor, for your employer or insurer before they are sent on and for 6 months after the date of the report.

To see your records you must write to the person who holds them, usually your GP or the Health Board. You may be charged a fee to see your records. You can ask the record holder to correct inaccurate or incomplete details and if they agree your records will be corrected. If they do not agree with you this should be noted in your records but you cannot appeal against their decision not to change them.

You may be refused access to information when

* the record holder believes it could cause serious harm to your physical or mental health or to the health of someone else;

* it identifies someone who does not want the information to be disclosed.

If you think that the person holding the records has not given you proper access or has not corrected your records you can complain. Ask your Local Health Council for help.
YOUR RESPONSIBILITIES

* You should always arrive on time for an appointment.
* You should always let the doctor or receptionist know if you cannot come to an appointment.
* You should inform your GP and any clinic or hospital where you have received treatment when you change your address.
* Everyone should consider carrying an organ donor card.

GP SERVICES

* Finding a GP

Everyone has a right to be on a GP’s list. Information about the GPs in your area is available in the public library, from the Health Board and your Local Health Council. You can get a practice information leaflet from the GPs near where you live. This tells you about the doctors, the services they offer and other practical details. Ask at the surgery for the doctor you would like to be seen by and, unless they refuse to accept you, you will be added to their list. You will be offered a health check within 28 days of joining the list. You do not have to take up this offer.

If no GP will accept you contact the Health Board who will allocate you to a GP.

* Seeing Your GP

You can see a doctor at the surgery for a consultation, an examination or treatment. You can ask to see a particular doctor but you may have to wait longer for an appointment. GPs can give advice and information on general health and social work services. GPs can also refer you to hospital doctors and specialists for further examination and treatment and can arrange for you to stay in hospital.

If you are over 75 you are entitled to a health check every year. Anyone who has not been seen by a doctor for 3 years will be offered a health check by their GP. You do not have to take up this offer.

For more details about the services offered by the practice ask your doctor or get the practice leaflet.

Some big GP practices are planning to become “Fundholders”. This may help them to have more services, like physiotherapy, at their surgeries. Your rights are just the same whether your GP belongs to a fundholding practice or not. If you want to find out more about GP Fundholders ask your GP or your Local Health Council.
**Home Visits**
You may want a GP to visit you at home. You should speak to the doctor and explain what is wrong. The doctor is responsible for deciding whether to visit or not.

**If You Are Away From Home**
You can ask a GP to take you on as a temporary patient if your stay away from home is for less than 3 months.

**Changing Your GP**
To change your GP ask at the surgery of the doctor whose list you want to join and, unless he or she refuses to accept you, you will be added to the list. You do not have to tell your old GP about this. If you cannot find a GP contact the Health Board who will allocate you to one.

**Contraception and Maternity Services**
Women have to register separately for contraception services and maternity care. You can choose to see any GP (often your own one) who provides both services or go to a Family Planning or Well Person Clinic for free contraception services.

**Community Nursing Services**
Nurses in the community provide care to patients in their own homes or at local health centres and clinics. You may need the help of the District Nurse after discharge from hospital or to help deal with chronic illness or disability.

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**HOSPITAL SERVICES**

**Accident and Emergency Departments**
In an emergency you can go straight to an accident and emergency department.

**Sexually Transmitted Diseases**
You can just turn up to special clinics for the treatment of sexually transmitted diseases.

**Outpatient Department and Clinics**
Normally you cannot just walk into a hospital for treatment — you need to be sent by a GP or a clinic. The GP or the clinic staff will write to the hospital.

Your GP may need to refer you to a hospital outpatient department or clinic, where you should be seen by a consultant at your first visit. The doctor will have details of your case.
The doctor may want to examine you, suggest diagnostic tests or offer treatment.

You may be asked to come back for another appointment or to see another doctor.

The doctor may decide that you need to be admitted to hospital and will send your GP information about this.

Ambulance transport will be provided if the doctor thinks it is needed, otherwise you may be able to get help with travel costs. Ask your GP or Local Health Council about this.

When you get to hospital you will be asked for information about yourself. This should include asking you what you would like to be called and about any pills or medicine you are taking.

* Leaving Hospital

Whatever kind of hospital you are in, you should not be discharged until you are considered fit enough and adequate help has been arranged for you at home. This should be discussed with hospital staff who can arrange community services and backup for you after you leave hospital. In your own interest you should always provide the hospital with full details of your home circumstances.

You have the right to leave hospital at any time unless you have a notifiable infectious disease (like food poisoning) or you have been detained under the Mental Health (Scotland) Act 1984. If you decide to leave hospital against a doctor's advice you may be asked to sign a note recording your decision to leave. This does not necessarily relieve the hospital of legal liability.

* Going into Hospital

Before being admitted to hospital you should be given a booklet giving general information about the hospital, how to get there, what to bring with you, visiting times and how to make arrangements for things like a special diet or an interpreter.
* Mental Health

If you need to go into a psychiatric hospital you and your GP can make arrangements about this together. You should be given an information booklet about how to get to hospital, what to expect, what to bring with you, visiting times, and other details. If you are a voluntary patient, you have the same rights as you would in any other hospital. However, if you are being admitted to a psychiatric hospital compulsorily, then a doctor can arrange for you to be kept there against your will, for up to 72 hours. The doctor has to get a Mental Health Officer (from the Social Work Department) or your nearest relative to agree to this. You should be given an information booklet about your rights. After that, the doctor may arrange for you to be kept in for up to a further 28 days.

Your nearest relative or a Mental Health Officer can apply for you to be admitted for a longer period than that. If you have been detained compulsorily you are not free to leave hospital when you want, but you have the right to have your case reviewed. The Mental Welfare Commission can help you with this.

* Long Term Care

You or your doctor may feel that it is best for you to go into long term care. It should be possible to visit the hospital or nursing home to have a look round. You should be sent an information booklet on the facilities available, what to bring with you, visiting times and other details.

For more information about, for example, costs, mobility allowance or access to services such as chiropody, contact your GP or Local Health Council.

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**CHILDREN AND YOUNG PEOPLE**

* Children and Young People

Everyone can expect to be able to consult a doctor in confidence. The older you are and the more you can understand the more ‘reasonable’ this expectation is. If you are 16 or over, you can give your own consent to examination and treatment. If you are under 16 this will depend on whether the doctor believes you can understand enough about your treatment and its effects to decide for yourself.

If you are a boy or girl under 16 doctors can also give you contraceptive advice or treatment without involving your parents, if they think you understand the issues involved.
Parents

Parents should register children under 16 with a GP. Health Visitors are responsible for looking after children under 5 years of age but you can also ask the GP to arrange regular check-ups for under fives at the surgery or at a child health clinic.

It is important for children to receive preparation for admission to hospital. Books and toys for this purpose are widely available. You can ask if it is possible to arrange a pre-admission visit for you and your child to the ward and to meet some of the staff. You can ask to stay overnight with your child if she or he has to stay in hospital. You can also visit at any time.

MAKING A COMPLAINT

* GP Services

If you have a complaint about a GP you should first try to talk it over with the doctor concerned. If this approach is unsuccessful you should write to your local Health Board giving all the details about the complaint. Your Local Health Council can give help with this. You should do this as quickly as possible as there is a time limit of 13 weeks. The Health Board will decide on what action to take. You may be asked to attend a hearing. If you are not satisfied with their decision you have the right to appeal against it. You must appeal within 4 weeks. Your Local Health Council can give help and advice about this too.

* Hospitals

If you have a complaint about your stay in hospital or a clinic visit you can ask to see a copy of the local complaints procedure or talk or write to the senior doctor or nurse on the ward or in the department. You should do this as quickly as possible. You should get a prompt reply. If you are still not satisfied, or your complaint is serious, you should write to the Health Board or to the Chief Executive of the Hospital if it is an NHS Trust giving details of the complaint. The name of the person to whom you should complain will be displayed in the hospital or clinic. If this information is not readily available ask at the reception desk or write to the Unit General Manager at the hospital. For
help or advice about making a complaint contact your Local Health Council.

* Unethical or Unprofessional Behaviour

If you think a doctor has behaved in an unethical or unprofessional way you can complain to the Health Board or to the General Medical Council at 44 Hallam Street, London WIN 6AE (Tel: 071-580 7642). Such behaviour includes charging for free treatment, misuse of alcohol or drugs, discriminatory behaviour, failure to attend a patient, breach of confidentiality or being emotionally or sexually involved with a patient. The General Medical Council has the power to discipline a doctor who fails to meet the standards set by them. There is no time limit for making a complaint to the General Medical Council.

If you have a complaint about a nurse, midwife or health visitor you should contact the UK Central Council for Nursing, Midwifery and Health Visiting at 23 Portland Place, London WIN 3AF.

Complaints about other types of health professionals should be made to the Council for Professions Supplementary to Medicine at Park House, 184 Kennington Park Road, London SE11 4BU.

If you are unsure about who you should make a complaint to, contact your Local Health Council for help.

* Further Action

If you are not satisfied with the way the Health Board or NHS Trust deals with a complaint you can contact the Health Service Commissioner (also called the Ombudsman) at 11 Melville Crescent, Edinburgh EH3 7LU (Tel: 031-225 7465).

The Commissioner deals with a wide range of complaints about hospital, community health and ambulance services. He cannot, however, look into complaints about a doctor's diagnosis and treatment, nor can he deal with complaints against GPs. A booklet about how he might be able to help you is available, free of charge, from his office. Normally you should complain to the Commissioner within one year of the event which gave rise to your complaint.
HELP WITH COSTS

GP and hospital services are free to everyone as they are paid for out of general taxation. You may be able to get some other services free as well or at least some help towards the cost.

Medicines on prescriptions, eye tests, vouchers for glasses, wigs and fabric supports are free to

- everyone under 16
- full-time students up to the age of 19
- people who are on Income Support or get Family Credit
- pregnant women and those who have had a baby in the last 12 months.

If you are a man over 65 or a woman over 60 you can also get free prescriptions. If you are on Income Support you can get free milk tokens for children under 5 and free vitamins if you are pregnant.

If you are unemployed, on Income Support or get Family Credit you may be entitled to help with travelling costs to go to hospital or when visiting a close relative or accompanying a child. There is a special scheme available for all those who live in the Highlands and Islands. Ask your GP, Health Board, Local Health Council or Social Security Office for further details.

Where to Go for Help and Information

For information about NHS services or help when things go wrong or communication breaks down, contact the following organisations:

Health Boards

Your local Health Board (in the phone book under Health Services, or the name of the Board eg. Grampian or Forth Valley) publishes a Directory of GP services and has information about hospital and other health services in your area. Health Boards also deal with complaints.
Local Health Councils

Your Local Health Council (listed in the phone book under Health Councils, Health Services, or the name of the Council eg. Argyll & Clyde or Lothian) is your official consumer representative in the NHS. LHCs can give you information about local services and advice and information about how to go about making a suggestion or complaint. The Scottish Association of Health Councils can be contacted at 5 Leamington Terrace, Edinburgh EH10 4JW (Tel: 031-229 2344).

Action for Victims of Medical Accidents

You may believe that a mistake has been made or an accident happened while you were being treated. You may be able to claim compensation for this. You can contact Action for Victims of Medical Accidents at Bank Chambers, 1 London Road, Foresthill, London SE23 2TP (Tel: 081-291 2793 — 24 hour answering machine). They can offer advice, information and, if necessary, details of lawyers who can help and advise you.

Mental Welfare Commission

If you think you or someone else who has mental health problems or a mental handicap is being ill-treated, exploited or is not receiving proper care or benefits contact the Mental Welfare Commission at 25 Drumsheugh Gardens, Edinburgh EH3 7RB (Tel: 031-225 7034). The Commission is separate from the Government and from the medical, legal and social work professions and has been appointed to safeguard the rights of mentally ill and mentally handicapped people living in hospital or in the community.

Mental Health

There may be a Local Association for Mental Health or Patients’ Council in your area, which can give advice and information. The Scottish Association for Mental Health at Atlantic House, 38 Gardner’s Crescent, Edinburgh EH3 8DQ (Tel: 031-229 9687) has details.

Special Needs

Information and help about special needs can be got from specialist organisations such as Disability Scotland and the Scottish Society for the Mentally Handicapped.
Self Help Groups and Voluntary Organisations

If you want information about self help groups or voluntary organisations in Scotland contact Health Search Scotland at Health Education Board Scotland, Woodburn House, Canaan Lane, Edinburgh EH10 4SG (Tel: 031-452 8666). You can leave a message on their 24 hour answering machine if they are not there to take your call or you can call in to see them Monday to Friday 2pm - 5pm. They have comprehensive up-to-date information about national and local groups.

Children in Hospital

The National Association for the Welfare of Children in Hospital (Scotland) provides advice, information and literature on admission to hospital for children and their parents. They can be contacted at 15 Smith's Place, Edinburgh EH6 8HT (Tel: 031-553 6553).

Counselling Services

For information about counselling services in Scotland contact Counselling Information Scotland at Health Education Board Scotland, Woodburn House, Canaan Lane, Edinburgh EH10 4SG (Tel: 031-452 8989). They do not offer a counselling service themselves but can tell you if there are any counselling services in your area. This information service is free, up-to-date and confidential. You can leave a message on their 24 hour answering machine if they are not there to take a call. Please phone if you would like to arrange a visit.

All the organisations mentioned above, including Health Boards and Hospitals, have to produce annual reports which you can ask to see.

General Information

For general information contact your local Citizens Advice Bureau — listed in the phone book under Citizens Advice Bureau — or contact Citizens Advice Scotland at 26 George Square, Edinburgh EH8 9LD (Tel: 031-667 0156).

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