

Patients' Charter

Part 3

Keeping information private
Feedback and complaints



Keeping things private



Privacy means keeping things private so that other people cannot see them.

I have the right to privacy and for my personal health information to be protected when using NHS services.

- I have the right to respect for my family, private life and for my **correspondence** – letters, emails and other messages



- I should not be separated from my family for a long time.

I should stay in contact with them even if my treatment cannot be given near my home



- I have the right to privacy regarding my sexual health, sexual orientation, body, personal identity, and relationships with other people



- The NHS may need to balance my right to privacy and a family life with the need to protect the rights of other people



- I can expect my right to privacy to be respected when using NHS services.

For example, where possible I can expect to be examined by NHS staff in an appropriate private room or cubicle or to be in a single-sex room or ward for overnight stays in hospital.

I understand this may not always be possible, for example in intensive care or in an emergency



- I have the right to say if I do not want students to be present at my examination or treatment



Confidentiality

- I have the right to tell NHS staff if I do not want my personal health information to be shared in a certain way or with certain people

Sometimes NHS Scotland can use my information without my permission for example:



- if the law says it can
- when it would keep the public safe - for example, to stop disease or to stop a crime
- if I am not able to give my permission



- if getting my permission would put me or others at risk of serious harm

The law says that decisions about sharing confidential information must be recorded



- I am responsible for keeping personal health information private, for example letters I have been sent by NHS Scotland

The right to be informed

I have the right to be told:



- how my personal information is looked after by organisations involved in my care
- how I can use my data protection rights

I can speak to any person involved in my care or contact my local health board for information.

The right to get my information



- I have the right to see my personal information that is held by NHS Scotland



I can do this by making a 'Subject Access Request' (by phone or in writing) to my local health board or GP practice.



I should get a reply before a month has passed.

It does not usually cost anything to make a Subject Access Request.



- I have the right to see the personal information of an adult I care for who cannot make decisions for themselves, or who cannot tell others their decisions, only if:

- it is allowed by law
- the adult involved has given me a welfare power of attorney
- a court has appointed me as Welfare Guardian or given me the power to see information

The right to change information or limit how it is used



- I have the right for any wrong personal information about me to be corrected or any missing information to be added
- I must let NHS staff know if I change my name, address, phone number or email address, or if any other information in my health records is not correct



- I have a right to limit how my personal information is used if I have a good reason, for example:
 - if my information was collected in a way that is not allowed by law
 - if my information is wrong



- I have the right to ask for my information to be changed or removed when it is not needed

I can do this by phone or in writing.

I must get a reply before one month has passed.

There are times when this can be refused.



- I have the right to stop my information being used to advertise things – unless it is in my best interest - for example, invitations to vaccination campaigns

The right to move information



- I have a right to ask for and reuse my personal information for my own reasons

This right allows me to move or copy my personal information from one computer system to another, safely and securely.



It only applies to information that I have given to my health board or a service provider like a GP or dentist.

Automated decisions and profiling



- I have the right to be told if NHS Scotland is making decisions about me by using a computer program

This is called an **automated decision**.



- I have the right to be told if my information is used to offer services to me based on information about me

This is called **profiling**.



- I have the right to ask for decisions about me to be made by people, not just computers, and to challenge decisions made only by computer
- I have the right to complain about automated decisions or profiling but the law says there are some exceptions
- I have the right to complain to the NHS or the Information Commissioner's Office if I think:
 - automated decision-making or profiling is happening that I do not know about
 - automated systems are not working as they should

Telecare



Telecare is alarms and equipment that help people to stay safe in their own homes for example:

- using an NHS app to check my blood pressure from home
- a community alarm I can press if I fall

If I am using telecare equipment I have the right to be told how my information and privacy is protected.

Feedback and complaints about keeping my information safe



If I want to make comments, or raise a complaint about data protection, I can find out how to contact my health board's or GP's data-protection officer from [NHS Inform](#), my health board website, or my GP.

I can also complain to the [Information Commissioner's Office](#).



I can get more information about data protection and my rights from:

- [NHS Inform](#) or the NHS inform helpline on 0800 22 44 88
- the [Information Commissioner's website](#) or I can contact their office by:



Post: 45 Melville Street, Edinburgh
EH3 7HL

Phone: 0131 244 9001

Email: scotland@ico.gsi.gov.uk

- The [Citizens Advice website](#)

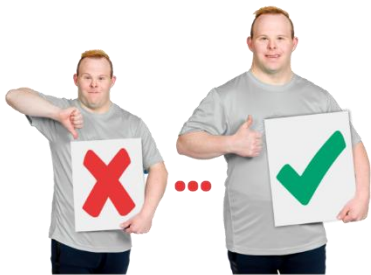


Feedback, complaints and my rights



I have the right to:

- be given information about giving positive or negative feedback about my treatment and care
- have my concerns and complaints dealt with quickly and in a good way
- be told what they will do with the feedback



Feedback helps to make services better for everyone and makes sure problems do not happen again.



• I can give feedback, make comments or raise concerns about my healthcare by:

- speaking to a member of NHS staff
- taking part in NHS surveys
- give my feedback online on websites like [Care Opinion](#)



• my relatives or carers can give feedback or comments or raise concerns about my healthcare

They can make a complaint if I agree.



The Patient Advice and Support Service (PASS) gives free advice, support and information to patients, their carers and families.

- www.patientadviceScotland.org.uk
- by phone on 0800 917 2127
- or contact them through my local Citizens Advice Bureau



- I can ask (and, if I have a mental health concern, I have the right) to have an independent advocate to help me give my views.

NHS staff can arrange this for me.

Mediation



Mediation is when a person helps to settle a disagreement or complaint.

The mediator is independent – they are not connected to either of the 2 people or organisations taking part.

- I can ask, or my health board may offer, to involve mediators to help resolve my complaint

Mediation can be arranged only if both sides agree to take part.

The feedback and complaints officer at my local health board can give me more information about mediation.

NHS complaints procedure



- I can safely raise a concern or make a complaint if:

- my rights have not been respected
- I am not happy with NHS services or my local health and social care partnership
- the NHS is not doing what it said it would do



- making a complaint will not change the way I get care and treatment from NHS staff in the future

First, I should talk to:



- a member of NHS staff involved in my care
- the feedback and complaints officer at my health board or NHS service
- the person in charge at the NHS organisation involved

I can find more information about how to make a complaint:

- on my local health board's website
- on the NHS inform website www.nhsinform.scot
- or I can call the NHS inform helpline on 0800 22 44 88





- for people under 16, the [NHS Inform website](#) has useful information about how to give feedback or make a complaint about the NHS

Investigation



- I can expect my concerns or complaints to be investigated

I have the right to:

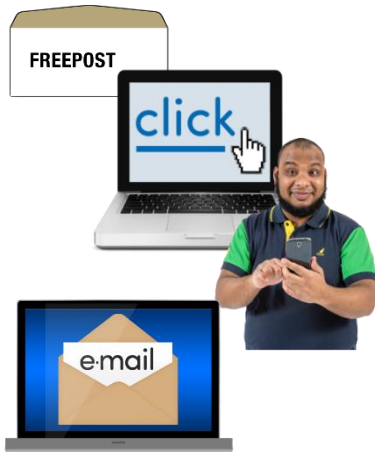
- be told what has happened after my complaint has been investigated
- be told what will change because of my complaint



If a mistake has happened, the organisation should say sorry to me

- if the investigation is taking longer than expected, I have the right to be told why, and when it should be finished
- if I am unhappy with what the investigation decides or how my complaint was dealt with I have the right to complain to the Scottish Public Services Ombudsman (SPSO)





I can contact the SPSO by:

Freepost SPSO

Freephone 0800 377 7330
or call 0131 225 5300

email: ask@spsso.org.uk

website: www.spsso.org.uk

online form: www.spsso.org.uk/contact-us

Duty of candour



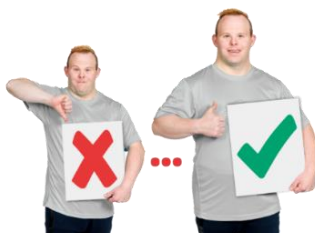
- I have a right to be told openly and honestly when something goes wrong with my treatment or care and this has resulted, or could result, in harm or death

This is called a **duty of candour**.

Organisations must carry out a review of what happened and say sorry for what happened.



- the organisation giving my care must ask for my comments when they are checking what happened
- when the review is done, the organisation must tell me:



- what they have agreed to do to make things better
- when this will happen



I can find more information in the 'What Happens When Things Go Wrong leaflet' at gov.scot

Respecting my rights and the rights of others



- I may face legal action if I am abusive, violent or aggressive towards NHS staff, other patients, their carers or visitors when using NHS services

Legal action means using a lawyer or a court to help settle an issue that you have with a person or organisation

Negligent treatment



Negligent treatment is when the care that is given is below standard and causes physical or mental injury or death

- I have the right to take legal action and to make a claim for **compensation** if the NHS in Scotland has not respected my rights and I have been harmed by negligent treatment.

Compensation is payment given to someone because of their loss, suffering, or injury



- I could get compensation if I can prove through legal action that I have been harmed by negligent treatment by the NHS in Scotland

It is best to get legal advice if I think I may be able to get compensation



- I (or my solicitor) can make a claim:
 - against the NHS for clinical negligence
 - against health boards by writing to NHS National Services Scotland's Central Legal Office who will investigate the claim



I can find details of solicitors who specialise in handling negligence claims on the Law Society of Scotland website www.lawscot.org.uk or by phoning 0131 226 7411

For more information and to make a claim for compensation, I can contact Central Legal Office by:

Post: Anderson House, Breadalbane Street, Bonnington Road Edinburgh EH6 5JR





Phone: 0131 275 7800

Website: www.clo.scot.nhs.uk

Privacy and data protection rights



- if the NHS in Scotland does not keep my personal information safe I have the right to:
 - complain to the Information Commissioner's Office (Scotland)
 - to take legal action and make a claim for compensation,

I can get more information from NHS Inform www.nhsinform.scot or by contacting my health board's data protection officer.

Judicial review



Judicial review is a court process that allows me to challenge something an organisation has done if I think it is against the law.

The review looks at how the decision was made rather than what was decided.



- I have the right to ask for a judicial review if I think I have been affected by an unlawful act or decision of an NHS organisation

It is best to get advice from a lawyer or solicitor if I want a decision to be judicially reviewed.

More information



For information about NHS services in Scotland you can contact NHS inform www.nhsinform.scot

NHS inform is Scotland's national health information service.



The NHS inform helpline on 0800 22 44 88 can help if you are well and have a question about your health or local NHS services.



Language Line can help callers who cannot speak English or who prefer not to speak English.

It is a free service that you can ask for by calling the NHS inform helpline on 0800 22 44 88 and asking for an interpreter.



People who use British Sign Language can use Contact Scotland BSL

www.contactscotland-bsl.org



NHS inform webchat

<https://www.nhsinform.scot/webchat>

connects you with the NHS inform health information team and works through your computer.

Information about integrated health and social care



A new law in 2014 says that health boards and local councils must work together to plan, provide and check all adult social care, healthcare and some hospital services.



Health and social care integration is about:

- making people's experiences of care better
- making the quality of care better



Find out more on the Scottish Government Health and Social Care Integration page at: gov.scot and the Health and Social Care Scotland website hscscotland.scot



The Health and Social Care Standards have 5 standards: standards for our work.

- dignity and respect



- **compassion** – being sensitive to how other people feel and what they have experienced



- be included

- **responsive** care and support – doing things at the right time, in the right way



- **wellbeing** - feeling comfortable, healthy and happy



A **right** is something that the law says you can have.

The standards are not rights, but they say what people who get care (and their families and carers) can expect.

Find out more about the Health and Social Care Standards at: gov.scot

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