

# Patient rights and responsibilities

THE ROYAL COLLEGE OF SURGEONS OF ENGLAND

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The  
Royal  
College of  
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England



Patient  
Liaison  
Group



## What is this leaflet about?

This leaflet sets out your rights and responsibilities as a surgical patient. It tells you what you can expect from a visit to your surgical health service. It also lets you know how you can help make sure you receive good-quality surgical care that is safe, efficient, effective and respects your rights.

Please read the information in the leaflet carefully. Remember, your health service staff will answer any questions you may have about your treatment and care, so please ask them.

## Why is it important to know your rights and responsibilities as a patient?

Successful treatment is dependent upon cooperation between patients and their surgeons and other healthcare workers. This leaflet outlines the principles of what you can expect from your surgeon and the other staff involved in your care – and how you can help them to help you.

It is widely accepted that the nature of the doctor–patient relationship has evolved over time and that doctors and patients are now seen as partners in decision-making. In other words, your healthcare is a two-way process between you, the patient, and the staff who care for you. You have the right to expect high-quality care that respects your cultural, psychological, social and personal views and beliefs, but there are things you can do (your responsibilities) to help facilitate the provision of this level of care.

This leaflet is divided into two sections. The first section discusses your rights as a patient and the second section looks at your responsibilities as a patient.

## Fact file • The NHS constitution: What is the NHS constitution?

First published in January 2009, the NHS constitution brings together a number of rights, pledges and responsibilities for staff and patients alike. Once the constitution has the support of Parliament, individual NHS organisations will develop and refresh their own values, and tailor them to local needs. The key values of the constitution are as follows:

- » The NHS will provide a service that is available to all.
- » Access to this service will be based on need, not ability to pay.
- » The NHS aspires to high standards of excellence and professionalism.
- » NHS services will reflect the needs of patients.
- » The NHS will work in partnership with other organisations to provide the best possible service to patients.
- » The NHS is responsible for providing the best value for taxpayers' money.
- » The NHS is accountable to the public that it serves.

# What are your rights as a patient?

**In terms of your general surgical care, you can expect** to be treated with courtesy and with respect for your privacy and dignity and to receive treatment on the basis of your clinical need. This means you can expect to take part in all decisions about your treatment and to have the pros and cons of treatment, including any risks, side effects and alternative methods of treatment fully explained. In addition, a surgeon should make sure you understand what is involved and help you decide what you want to happen. If you decide to go ahead with surgery then you can expect your surgeon to prioritise your operation according to how urgently you need it.

**With respect to consultations, you can expect** to be given an appointment through the new 'choose and book' system and, on arrival at an appointment, to be informed if there are delays and receive an explanation why. In addition, you can expect staff to understand that you might be feeling anxious and vulnerable and that this may affect the way you behave. You can also expect to be able to choose to have a relative or friend with you during your consultation and to assist you in discussions.

**During appointments with your surgical team, you can expect** to be encouraged to ask questions about your diagnosis and treatment and to receive clear information about your condition and/or operation in writing. In addition, you can expect to be given a telephone number and the name of someone you can call with any further queries. You can also expect to be able to request a second opinion.

**In terms of information held about you, you can expect** to have details about you, including your medical records and anything you say, treated in confidence and, except where required by law, to be given an opportunity to decide whether your details can be passed to anyone else. You can also expect to be given access to information kept about you. Additionally you can expect that surgeons will keep good records. This is especially important when something happens and plans need to be changed.

**During your surgical care, you can expect** to be operated on by an appropriately trained and experienced surgeon or one under the close supervision of a suitably experienced surgeon. In addition, you can expect to be told what aftercare, including rehabilitation, you will need, how long this should last and the anticipated outcome.

**With regard to research and medical training, you can expect** surgeons to explain to you that you have the right to refuse to participate in training of junior doctors and medical students, or research activities. Any consultant surgeon must give work only to trainees who are competent to do it. You can also expect to be fully informed about the aims, methods, risks and discomforts of a project you are asked to participate in.

**If things go wrong, you can expect** your surgeon to tell you and his or her employer what has happened. You can expect to receive an explanation and, where appropriate, an apology if things go wrong (see final section below for what to do if something goes wrong).



## Special circumstances

### In an emergency, you can expect

your surgeon to try to discuss the treatment with you and obtain your consent. If this is not possible you can expect the surgeon to act in your best interest. You can also expect a surgeon only to perform an operation he or she does not regularly carry out if, it is necessary, there is no one else available to do it and you cannot be transferred to another hospital.

### In private practice, you can expect

surgeons to follow the same standards as a surgeon working in the NHS. You can also expect surgeons to be clear about fees for their services.



### If you are a child patient or parent of a child patient, you can expect

your surgeon only to treat children if trained to do so, unless it is an emergency. You can expect that children, like other patients, will have their privacy respected. Furthermore you can expect that surgeons will take extra care in explaining what will happen in a way a child will understand.

### In general you can also expect

to know the names and professional status of all the staff involved in your care;  
to be able to request information on MRSA (methicillin-resistant *Staphylococcus aureus*) or other hospital-acquired infections, and how they affect patients and are managed in the hospital;  
to choose whether you see medical and other healthcare students or not, or take part in any trials, surveys, etc;  
to be able to complain if you are unhappy with the treatment you receive and to be given the name of someone who can help you with this if you wish; and  
to receive an explanation and where appropriate an apology if things go wrong.

## Fact file • The NHS constitution: Same-sex accommodation

As a result of the new NHS constitution, the NHS is committed to providing same-sex accommodation in hospitals by April 2010. This is because feedback from patients has shown that being in mixed-sex accommodation can compromise their privacy. The NHS constitution pledges that:

- » Sleeping and washing areas for men or women only will be provided.
- » The facilities will be easy to get to, not too far from patients' beds.

To help do this the Department of Health has announced specific measures designed to 'all but eliminate mixed-sex accommodation' by 2010. These include:

- » more money for improvements in hospital accommodation;
- » providing help and information to hospital staff, patients and the public; and
- » sending improvement teams to hospitals that need extra support, and introducing measures so that the Department can see how hospitals are progressing.

# What are your responsibilities?

## **In terms of your general surgical care, you have a responsibility**

to treat the staff who care for you with courtesy and respect at all times. You also have a responsibility to inform the hospital of any change in contact address or telephone number.

## **With respect to consultations, you have a responsibility**

to attend appointments on time or give reasonable notice of an inability to attend.

## **During appointments with your surgical team, you have a responsibility**

to understand that there are pressures and limitations of resources on the health service and those working within it. You also have a responsibility to consider the consequences of refusing treatment or not following medical advice and accept the outcome of your own actions.

## **In terms of information held about you, you have a responsibility**

to let the staff know if you have any allergies or sensitivities to medications and to give them full information about your condition including permanent disabilities, along with details of any medicines you are taking.

## **During your surgical care, you have a responsibility**

to tell staff if you are uncertain or don't understand any aspect of your treatment and to inform them about any change in your health that could affect the treatment you are having or to take any medicines as instructed and seek medical advice before stopping or changing treatment.

## **In general you also have a responsibility**

to treat other patients with courtesy and respect.

## Fact file • The NHS constitution: Patient rights and responsibilities

The constitution, as a result of extensive discussions with staff and the public, sets out new rights for patients, which will help improve their experience with the NHS. These new rights include:

- » a right to choice, and a right to information that will help them make that choice;
- » a new right to drugs and treatments approved by the National Institute for Health and Clinical Excellence (NICE) when it is considered clinically appropriate;
- » a right to certain services, such as an NHS dentist and access to recommended vaccinations;
- » the right that any official complaints will be properly and efficiently investigated, and that they be told the outcome of the investigation; and
- » the right to compensation and an apology if they have been harmed by poor treatment.

The constitution also lists responsibilities, including:

- » providing accurate information about their health.
- » taking positive action to keep themselves and their family healthy.
- » trying to keep appointments.
- » treating NHS staff and other patients with respect.
- » following the course of treatment that they are given.
- » giving feedback, both positive and negative, after treatment.

# What should I do if something goes wrong?

If you have a reason to believe that your rights were not upheld during treatment then you may wish to make a complaint. The Royal College of Surgeons is not responsible for regulating local services, so it is not able to advise on individual cases. The best way to pursue a complaint is as follows:

- » The majority of formal complaints are dealt with locally at the place you received care and your trust should always be your first point of call when you have a complaint to make about your care or treatment.
- » A list of all NHS hospital trusts in England can be found at: [www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx](http://www.nhs.uk/ServiceDirectories/Pages/AcuteTrustListing.aspx)
- » All NHS trusts have their own formal complaints procedures and your local trust should be available to advise on its own complaints procedures. In exceptional circumstances cases may be taken to the Health Ombudsman; this will depend on the circumstances of each individual case.
- » If you believe that your complaint raises serious concerns regarding a doctor's fitness to practise, the appropriate body to contact is the General Medical Council, which regulates individual doctors: [www.gmc-uk.org/concerns/making\\_a\\_complaint/a\\_patients\\_guide.asp](http://www.gmc-uk.org/concerns/making_a_complaint/a_patients_guide.asp)
- » For further support and advice, you can also contact your local Patient Advice and Liaison Service (PALS) network. These support networks exist to improve dialogue between patients and local services. You can find your local PALS centre (England only) at: [www.pals.nhs.uk/officemapsearch.aspx](http://www.pals.nhs.uk/officemapsearch.aspx)

## ● Further information

The Royal College of Surgeons' Patient Liaison Group provides a number of other leaflets on its website about different aspects of surgical care: [www.rcseng.ac.uk/patient\\_information](http://www.rcseng.ac.uk/patient_information)

You may also wish to obtain further information on patient rights and responsibilities from your local NHS trust or PALS network.

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