

PATIENT SAFETY CONCERNS

Patient safety is covered by UK-wide safety legislation and also human rights legislation under the 'right to life'. The law requires that patients are safe so far as is reasonably practicable.

Whilst healthcare and social care are devolved in Scotland, UK-wide law still applies to patients and those in social care. Service providers, both the NHS and private, are required to ensure the health and safety of service users so far as is reasonably practicable. The intrinsic hazards and risk associated with these sectors is high and the measures needed to ensure safety must be proportionately high. The approach to safety is required by law to be systematic. Frontline healthcare staff are required to co-operate with line management in ensuring safety. The principal responsibility is with the organisations and line management to ensure that frontline precautions, the management systems, and the organisational culture are appropriate to the risks to staff and patients.

Law: The main legal requirement governing patient safety is the Health and Safety at Work etc Act 1974 section 3(1) which applies to the responsibilities of the organisations involved in delivering the service. Other sections of the Act allocate responsibilities to all employees and additionally to senior management and public officers. Supporting the Act is the Management of Health and Safety at Work Regulations 1999. These set down the systematic requirements for organisational arrangements to control the risks associated with all work-related activities including the safety of those in healthcare and social care. There are also regulations that deal with specific risks found in these sectors such as healthcare associated infections (Control of Substances Hazardous to Health Regulations (COSHH)), ionising radiations (Ionising Radiations Regulations 1999) and manual handling (Manual Handling Operations Regulations 1992).

Concerns: Concerns about patient safety may be expressed to the service provider. However, all health and safety legislation is required to be effectively regulated to make sure that the precautions are in place to prevent harm. Regulators of safety are required to be effective and fully independent of the body that they regulate, they are also required to apply the law. Offences under the legislation are for not having the precautions in place, it does not require any harm to have occurred. This is particularly important where the consequences of inadequate precautions are high. There is currently no independent regulator of healthcare in Scotland. The default regulator of last resort is the Health and Safety Executive (HSE). Complaints and expressions of concern must go to them to prevent avoidable serious harm <http://www.hse.gov.uk/contact/raising-your-concern.htm>

In Scotland HSE has offices in Edinburgh, Glasgow, and Inverness.

The HSE has its own legal responsibilities to ensure patient safety under the Act (section 18). It is not resourced to act as a health regulator for Scotland but currently it is the only body that can enforce the law on patient safety.