How to complain about a doctor

Scotland
This booklet is for patients in Scotland. Our procedures are the same throughout the UK, but healthcare and support organisations do vary.

We have therefore also produced booklets for patients in England, Wales, and Northern Ireland. If you would like one of these booklets, or if you would like one in a different format or language, please call 0161 923 6602.

You can also access the booklets in a range of formats and languages on our website at www.gmc-uk.org/reportingdoctors.
How to complain about a doctor

The General Medical Council (GMC) deals with the most serious complaints about doctors. These are complaints that might require a doctor’s registration to be restricted or removed to protect the public and uphold public confidence in the medical profession.

We are one of a number of organisations responsible for considering patients’ concerns and, depending on the circumstances, it may be more appropriate for you to raise your concerns with another one of these organisations first.

This booklet explains what to do if you are unhappy with the way a doctor has treated you or cared for you and provides more information about what we and other organisations do.

Who should I contact if I am concerned about a doctor?

There are a lot of organisations responsible for looking into concerns patients raise and it can be confusing to know who to speak to. Your concern will be dealt with fastest if you complain to the right organisation in the first place.

If you want an apology, an explanation or a review of your treatment, you should first contact the place where you received care. From April 2012, the Patient Rights (Scotland) Act 2011 established a legal right for patients in Scotland to complain, give feedback or comments, or raise concerns about the care they have received from the NHS.
For more information on the *Charter of Patient Rights and Responsibilities*, go to the Health Rights Information Scotland website ([www.hris.org.uk](http://www.hris.org.uk)) or contact NHS Inform (see [www.nhsinform.co.uk](http://www.nhsinform.co.uk) or call 0800 22 44 88).

Most complaints about doctors can be settled locally, and more quickly, by the doctor’s employers. The NHS hospital, GP practice, private hospital or clinic where you received care has its own complaints procedures. Please contact them for details.

Several other local organisations may be able to help you with your complaint.

- You can find out how to give feedback or complain about NHS Scotland on the Health Rights Information Scotland website ([www.hris.org.uk](http://www.hris.org.uk)) or by contacting NHS Inform (see [www.nhsinform.co.uk](http://www.nhsinform.co.uk) or call 0800 22 44 88) or your local health board.

- The Patient Advice and Support Service is an independent service that provides free, accessible and confidential information, advice and support to anyone who wants to give feedback, make comments, raise concerns or make a complaint about treatment and care provided by the NHS in Scotland. The service is delivered through your local Citizens Advice Bureau. For more information and to find your nearest bureau, go to [www.patientadvicescotland.org.uk](http://www.patientadvicescotland.org.uk).

- The Scottish Public Services Ombudsman can investigate complaints about doctors, but will normally expect you to have used and exhausted the local complaints procedures before becoming involved. Go to [www.spso.org.uk](http://www.spso.org.uk) or call 0800 377 7330 for more information.

If you have a more serious complaint that you think affects whether the doctor should be allowed to keep practising medicine, you should contact us.
If you’re not sure who to speak to, we have developed an online, interactive guide to making complaints called *Patients’ help*. You can find this, along with all our complaints leaflets and forms, at [www.gmc-uk.org/concerns](http://www.gmc-uk.org/concerns).

We will make reasonable adjustments under the *Equality Act 2010* to ensure that disabled people are not disadvantaged when reporting a concern about a doctor. Please tell us if we need to make reasonable adjustments – eg provide information in large print because of a visual impairment.

You can also call us to discuss your concerns on 0161 923 6602. All calls are confidential and we will advise you on what to do.

**What kind of things should I complain to you about?**

These are examples of the types of cases in which we may need to act:

- serious or repeated mistakes in carrying out medical procedures or in diagnosis, such as prescribing drugs in a dangerous way

- failure to examine a patient properly or to respond reasonably to a patient’s needs

- fraud or dishonesty

- serious breaches of a patient’s confidentiality

- any serious criminal offence.

If you think that a doctor has committed a criminal offence, you should contact the police as well as the GMC.
How do I report a doctor to the GMC?

The easiest and quickest way to raise a concern about a doctor is through our online complaint form at www.gmc-uk.org/complaint. This form will guide you to provide all the information we need to consider your concern.

You can also report a doctor to us by:

■ writing to us at Fitness to Practise, General Medical Council, 3 Hardman Street, Manchester M3 3AW
■ filling in and returning the complaint form at the back of this booklet.

You can find further information, including a useful example of a complaint by letter or email, on our website at www.gmc-uk.org/complaint.

We will need the following information from you:

■ the doctor’s name and work address
■ an explanation of your concerns – with dates when the incidents happened
■ copies of any supporting documents, such as copies of your correspondence with the organisation or NHS trust if you have complained locally
■ the names and addresses of anyone else who witnessed or was involved in the incidents.

Please note that we may not be able to investigate your complaint if you want to remain anonymous. If you have any questions, please call us on 0161 923 6602.
What will the GMC do with my complaint about a doctor?

We review all complaints carefully to see if there are issues that we need to investigate. If we decide that we are not the right organisation to investigate the complaint, we may pass it to the doctor’s responsible officer who monitors performance and tell the doctor to pass it to the local complaints body.

If we decide to investigate your complaint, we will need to show it to the doctor. We will ask for your consent to do this but, if you refuse, we can do so without your consent in some situations. Usually we do not investigate complaints about doctors when the events took place more than five years ago. However, we will still show the doctor your complaint if you consent for us to do so.

Once we have received the doctor’s comments, we will give you a chance to respond. We will also send you a factsheet called *Investigating concerns* that explains the procedures in more detail.

Once we have collected the information we need, the case will be considered by two case examiners (one medical, the other non-medical) who are senior GMC staff. They will consider whether the concerns are serious enough to refer the case for a hearing with the Medical Practitioners Tribunal Service (MPTS). If they are, an impartial tribunal will decide at the hearing if the doctor is fit to practise.

You can find out more about the role of the MPTS at [www.mpts-uk.org](http://www.mpts-uk.org).
What can the GMC do?

If we identify concerns about the doctor that mean we need to take action, we can:

- issue a warning to the doctor
- agree undertakings – for example, the doctor agrees to re-train or work under supervision
- refer the doctor to the MPTS for a medical practitioners tribunal hearing. The MPTS tribunal can decide to:
  - put conditions on the doctor’s registration so that they are only allowed to do medical work under supervision, or so that they are restricted to certain areas of practice
  - suspend the doctor’s name from the register – so that they cannot practise medicine during the suspension period
  - remove the doctor’s name from the register so that they cannot practise medicine at all.
What can’t the GMC do?

We cannot:

■ deal with concerns or complaints about nurses, pharmacists, dentists, opticians, hospital or practice managers or administrative staff, or anyone who is not a registered doctor – these will be dealt with by other regulators (see www.professionalstandards.org.uk for their details)

■ give you a detailed explanation of what happened to you – this can only come from the doctor or the healthcare organisation

■ order a doctor to provide the treatment you want

■ help you with a claim for compensation

■ fine a doctor

■ make a doctor apologise to you.

How long will it take for the GMC to consider my complaint?

We appreciate that making a complaint can be stressful, so we will try to consider your complaint as quickly as we can. The more relevant information you provide, the quicker we will be able to consider your complaint. If we decide to investigate your complaint, we will give you an idea of how long our enquiries will take.
What if I am not happy with the way the GMC has handled my complaint?

We will keep you informed of any action we are taking and provide you with a clear explanation for our decisions. If you are not happy with the way we have handled your complaint, please discuss the problem with the person who handled your complaint. You may contact their manager if you are still unhappy, or email customerservicemanager@gmc-uk.org.

Working together for better care

Where possible, we’d like you to experience care that does not cause you any need to complain. To help get the most out of your time with your doctor, our guide *What to expect from your doctor: a guide for patients* explains the behaviour and standard of professional care you can expect. The guide is based on the standards we set for doctors in *Good medical practice* and explains how patients can help to create an effective partnership with their doctor. It underlines the importance of dignity and mutual respect between patients and their doctors, and explains that all doctors need to be honest and open if things go wrong. Read this guide at www.gmc-uk.org/patientsguide.