Who to complain to - information for patients in Scotland

The process of making a complaint will be easier and less stressful if you complain to the right organisation first time round.

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1. Complaining locally (NHS care)

Most complaints are dealt with locally at the place where you received care.

If I have a complaint, who should I speak to?

If you want to make a complaint about any aspect of NHS care or treatment that you have received or you have been refused care or treatment, go to the practice, hospital or service concerned and ask for information on their complaints procedure.

The complaints procedure will be the same whether you wish to complain about NHS staff, an NHS service, or about the place where you have been seen (for example a clinic, hospital or doctor’s surgery).

All NHS Scotland services should be able to direct you to a copy of the NHS Inform Leaflet: Feedback and complaints: how to have a say about your care and have any concerns dealt with.
If you would like advice or help in making a complaint please see our section on Advice and Support in Scotland.

**How do I complain?**

Advice on how to complain about the NHS is provided in the NHS Inform) leaflet Feedback and complaints: how to have a say about your care and have any concerns dealt with.

**NHS Inform**

NHS Inform provides a co-ordinated, single source of quality assured health and care information for the people of Scotland.

Information is available in a range of formats and languages.

**What if I am not happy about the way the NHS has handled my complaint?**

NHS Boards will not investigate a complaint which has already been investigated by a GP practice.

*The Scottish Public Services Ombudsman*

If you are not happy about how the NHS has handled your complaint you can refer the matter to the Scottish Public Services Ombudsman (SPSO) or seek a judicial review.

The SPSO look at complaints after they have been through the full formal complaints procedure of the NHS. It is important that you do this before submitting your complaint to the SPSO.

For more information about using the SPSO see the [SPSO website](#).

*Judicial review*

It may be possible to challenge the final decision on your complaint by seeking a judicial review. The judicial review process allows a court of law to review decisions made by public bodies. You will need to consult a solicitor if you plan to seek a judicial review.
2. Complaining locally (private care)

If your complaint is about private or independent healthcare such as:

- an independent (private) hospital
- an independent (private) specialist clinic
- hospice care
- other care settings

Please contact Healthcare Improvement Scotland. Healthcare Improvement Scotland regulates independent healthcare services in Scotland.

Executive Office Business Manager
Healthcare Improvement Scotland
Gyle Square
1 South Gyle Crescent
Edinburgh
EH12 9EB

0131 623 4319
Christine.hill2@nhs.net

Healthcare Improvement Scotland

In a small number of cases, there may be doctors working completely independently from any structured organisation and there will be no complaints procedure.

If you do have a concern about a doctor who works independently, then the GMC will look at your complaint. If you have any queries, talk to someone from our contact centre (0161 923 6602) who will be able to advise you.

3. Complaining to the GMC

The General Medical Council is responsible for ensuring that doctors in the UK meet the standards of good medical practice we set for them. This means that in more serious cases, we can take action to stop a doctor from practising or to restrict their practice in some way.
If you think your doctor is not fit to practise or may be a risk to patients, then please contact us.

If you are not sure whether you should make a complaint, it may be helpful to discuss your concerns with us by ringing 0845 357 0022. All calls are confidential and we will advise you what to do.

These are examples of the types of cases where 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.

**What can the GMC do?**

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

- issue a warning
- agree undertakings, for example the doctor agrees to re-train, or work under supervision
- refer the doctor to the Medical Practitioners Tribunal Service for a medical practitioners tribunal hearing which as well as the above can additionally:
  - 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 during the suspension period
  - remove the doctor's name from the register.

**What can't the GMC do?**

We cannot:
• 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
• order a doctor to give you access to your records
• make a doctor apologise to you.

4. Help and advice organisations

Patient Advice and Support Service (PASS)

The Patient Advice and Support Service (PASS) is an independent service which provides free, accessible and confidential advice and support to patients, their carers and families about NHS health care in Scotland.

In particular the Service will promote an awareness and understanding of the rights and responsibilities of patients and will advise and support people to give feedback, make comments, raise concerns or make a complaint about treatment and care provided by the NHS in Scotland.

What does the service do?

The Patient Advice and Support Service will:-

Help you understand your rights and responsibilities as patients

• Provide you with information, advice and support if you wish to give feedback or comments, or raise concerns or complaints, about health care delivered by NHS Scotland

• Provide practical help with making a complaint, which may include preparing letters, making phone calls and supporting you in preparing for and attending meetings

• Work with the NHS to use feedback to improve the patient experience and improve NHS service provision

The Patient Advice and Support Service is provided by the Scottish Citizens Advice Bureaux Service and can be accessed from any of the 81 bureaux and 250 bureaux outreach throughout Scotland.
You can find out more about the service at http://www.patientadvicescotland.org.uk/

You can access the service via your local Citizens Advice Bureau. You can find contact details of your nearest bureau at http://www.cas.org.uk/bureaux or in your local phone book. You can look at the Citizens advice Advice guide online here

**Private healthcare / other independent help organisations**

If you need support with a complaint about private healthcare, you can approach your local Citizen’s Advice Bureau for independent advice, http://www.cas.org.uk/bureaux or in your local phone book.

You can also find information about making a complaint about private healthcare in Scotland on the Citizens Advice Advice guide website.

There are also a number of independent organisations able to provide support and advice for complaints about both NHS care and private health care. Details are available on the Useful links page.

**5. Other complaints**

There are a range of complaints, which the GMC cannot deal with, for example if

- the patient feels let down by a system, not an individual
- the patient feels let down by a team of people, not an individual
- the patient feels let down by an individual who is not a doctor

In these cases, patients are advised to contact the help and advice organisations which are named on the Local help services page.

These organisations will advise you on the appropriate organisation to contact to make your complaint.