

GMC's Response to *Healthcare Improvement Scotland's* Consultation on *Complaints Procedure*

According to paragraph 2.5 the time limit for making a complaint will normally be six months from the time of the incident (or six months from the time that the complainant became aware of the cause, normally up to one year from the time of the incident). This seems to be a very short timescale compared with the time limit of two years to make a complaint using the NHS Complaints Procedure and five years to make a complaint to the GMC.

Paragraph 2.8 states that complaints that are more appropriate for a regulator will be referred to that regulator. We welcome this. However, further consideration might be given to an explicit statement that where information becomes available at any point in the investigation process which suggests that a professional's fitness to practise may be impaired, that this information will be shared with the relevant regulator (in the case of doctors, the GMC). This includes any information which may come to light after the investigation has concluded.

The GMC has statutory powers under the Medical Act 1983 as amended to take action when concerns are raised about the performance, conduct or health of an individual doctor of a level of seriousness which calls into question the doctor's fitness to remain on the medical register without restriction.

The GMC currently has a Memorandum of Understanding with NQIS which covers the sharing of such information. Paragraph 25c states that 'NHS QIS will inform the GMC of any issues emerging from its activities, or specific concerns within NHS Scotland, which raise specific issues about the fitness to practise of individual registered medical practitioners.'

We do not handle all complaints about doctors, the majority of which will be resolved at the local level. However, it is important that information that HIS gives to patients and the public on its complaints process makes clear that, where appropriate, cases will be referred to another body, including a professional regulator. Signposting information should also be included so that complainants can bring information directly to other bodies, as appropriate.

February 2011