

The GMC and local complaints procedures: guidance for complainants

1 This fact sheet explains what action we will take when we receive complaints that we consider are not for the GMC to investigate, but warrant referral to a doctor's employer to ensure there are no wider concerns about a doctor's fitness to practise.

The role of the GMC

2 Our powers and our sanctions are linked to our responsibilities for maintaining the register of doctors able to practise medicine in the UK. Our fitness to practise powers focus on the most serious concerns that may call into a question a doctor's fitness to practise and suitability to retain unrestricted registration as a doctor. We are not, however, a general complaints body and most complaints about doctors are handled locally, by doctors' employers.

Local Procedures

3 All NHS bodies and many private healthcare organisations are required to have their own complaints handling procedures. Local procedures are often better placed to provide the explanation, reassurance or apology that a patient may require. They are also in a better position to assess whether there are any wider problems that may need to be addressed.

What action will the GMC take?

4 We normally only investigate complaints that could result in formal action. We review all new complaints to identify those that we need to investigate ourselves, because the issues are potentially serious. We refer to these as Stream 1 complaints.

5 Many of the complaints we receive fall outside this category. This is because the concerns raised, on their own, are unlikely to require us to take formal action against the doctor. We refer to these as Stream 2 complaints.

6 Where the doctor works within the NHS (or in some circumstances, for a private organisation with a recognised complaints procedure), we will refer any Stream 2 complaints to the relevant local organisation to seek reassurance that there are no fitness to practise issues about the doctor that the GMC need to be made aware of. It is the responsibility of the local organisation (rather than the GMC) to decide whether to investigate the complaint or to take any other action. We will normally communicate with the Medical Director or Chief Executive in the first instance.

7 When we refer the complaint to the local organisation we will ask them to confirm to us that they are not aware of any serious concerns about the doctor that might require us to take action to protect patients.

8 In those cases in which a doctor is employed as a locum or entirely in a private capacity (excluding doctors employed by some private employers), we will contact each of the doctor's employers for details of any previous complaints, before we decide whether we need to carry out any further investigation of our own.

Who decides whether a complaint is Stream 1 or 2?

9 The decision is taken by an experienced investigation manager.

Why are you asking for my consent when you are not going to investigate my complaint?

10 We would like your consent so that we can disclose the complaint to the doctor and obtain details of their employer. This means that we can refer the matter to the doctor's employer. We will ask the employer to confirm that they have no immediate concerns about the doctor that they think we need to investigate.

Will the GMC contact me when they hear back from the local organisation?

- 11 When we refer a complaint to a doctor's employer/contracting body we will not contact you again, unless we later decide to carry out our own investigation, because of additional information we have received.

What will happen if the employer identifies any concerns?

- 12 If the doctor's employer identifies any serious concerns about the doctor, either relating to the particular complaint or more generally, we will undertake our own investigation into the doctor's fitness to practise. At the end of our preliminary investigation two case examiners will decide whether to refer the doctor to a Fitness to Practise Panel hearing, to consider the doctor's fitness to practise.

Further information

- 13 You should be able to get more details about the relevant local procedures from the local organisation. They should also be able to give you details of organisations that may be able to help you make your complaint.
- 14 More information about the GMC's fitness to practise procedures is available on the GMC website www.gmc-uk.org.