
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 Health Rights Information Scotland Leaflet “Making a complaint about the NHS”.

If you would like advice or help in making a complaint please see our section on Advice and Support in Scotland.

What if I am not satisfied or I am not comfortable approaching the place where I received care?

If you do not feel comfortable doing this, or are not satisfied with the response, you can contact your local NHS Board and ask to speak to someone about complaints.

To find details for your local NHS Board:

- look in the phone book under “Health Services”.
- call the NHS Helpline on 0800 22 44 88 (textphone 18001 0800 22 44 88).

Or go to

- www.show.scot.nhs.uk/organisations/index.html

How do I complain?

Advice on how to complain about the NHS is provided in the HRIS information “Making a complaint about the NHS” -

<http://www.hris.org.uk/index.aspx?o=1238>

Health Rights Information Scotland

Health Rights Information Scotland is a project based within the Scottish Consumer Council, and funded by the Scottish Government Health Directorates. It is a joint initiative to raise the quality of information available to patients using the NHS in Scotland.

HRIS produces information for patients about their rights, about how to use NHS services, and about what they can expect from the NHS. Because this information is relevant to everyone in Scotland, HRIS produces this information on a national basis for use throughout the NHS.

HRIS aims to give patients a better understanding of their rights and choices, and to make them more confident in making decisions about their health and interacting with NHS staff. To find out more about the topics HRIS produce information on, go to the patient information section of the HRIS website. (www.hris.org.uk)

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?

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 www.spsso.org.uk.

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

Contact the Care Commission (Scottish Commission for the Regulation of Care).

Care Commission
Compass House
11 Riverside Drive
Dundee
DD1 4NY

Telephone - 0845 60 30 890

www.carecommission.com

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 0161 923 6602. 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
- 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
- agree undertakings, for example they agree to re-train, or work under supervision
- 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

The following advice is taken from advice provided on the Citizens Advice Bureau website. A link to more detailed information is provided below.

Independent Advice & Support Service (IASS)

If you would like help or support in making a complaint about the NHS, you can contact the Independent Advice and Support Service (IASS).

This service is part of the Scottish Citizens Advice Bureau Service and is funded by local NHS Boards. It aims to support patients, their carers and relatives in their dealings with the NHS and in other matters affecting their health.

The service can:-

- help and support you to raise concerns with your NHS care provider and resolve issues informally
- guide you through the formal NHS complaints procedure
- provide information on how to deal with changes in your personal circumstances due to illness or disability, for example, entitlement to disability benefits
- provide advice on non-health issues which might impact on your health, for example, debt, housing or employment.

Further information

See the IASS section of the Scottish Citizens Advice Bureau website:
<http://www.cas.org.uk/healthcomplaints.aspx>

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.

To find out how to get CAB advice in your local area click on the following link where you will find sections for each of the four UK countries.

http://www.adviceguide.org.uk/index/family_parent/health/nhs_complaints.htm

Details about the help and support the CAB service can provide as well as information on how to access the CAB's online advice service can be found at the following link:

<http://www.citizensadvice.org.uk/index/getadvice>

There are also a number of independent organisations able to provide support and advice for complaints about both NHS care and private

health care. The CAB website lists some of these and there are also other details 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.