

Annex 3

NES PATIENT COMPLAINT PROCEDURE FOR GPST EMPLOYEES

1. Introduction

- 1.1 The Patient Rights (Scotland) Act 2011 received Royal Assent in March 2011. The Secondary legislation (Regulations and Directions¹) in relation to the handling of feedback, comments, concerns and complaints has been drafted and these came into effect from 1 April 2012. The Act seeks to improve patients' experiences of using health services and to support people to become more involved in their health and healthcare². A key objective is for a culture to be developed which values all forms of feedback in order to learn from service users' experiences.
- 1.2 The legislation requires NHS bodies and health service providers to handle and respond to feedback, comments and concerns and complaints within clear timescales and to record data received in this regard, reporting this annually³ and demonstrating resultant learning and improvement.
- 1.3 NHS Education for Scotland (NES) has a Complaints Procedure (<http://www.nes.scot.nhs.uk/contact-us/make-a-complaint.aspx>) which follows the principles and requirements laid down in the legislation. The purpose of this guidance note is to clarify how patient complaints arising in General Practice and involving a General Practice Specialty registrar (GPSR), who is employed by NES, must be dealt with.
- 1.4 The Guidance documentation produced to accompany the legislation "Can I help you? Guidance for handling and learning from feedback, comments, concerns or complaints about NHS health care services", the Scottish Government, Edinburgh 2012, sets out at section 3.5 complaints that span more than one service or sector.

¹ 3.5.1.1 *Where a complaint relates to the actions of two or more NHSScotland bodies (eg two relevant NHS bodies, or a Primary care Service Provider and a relevant NHS body) best practice is that there should be agreement about who will take the lead in co-ordinating the complaint. The organisations are expected to co-operate fully throughout the investigation and share learning from the investigation and outcome.*

3.5/1/2 *The person making the complaint must be informed who will take the lead in dealing with the complaint and be advised that where possible a joint response will be provided in cases where a joint response is not possible the two organisations should work together to ensure that there is consistency in the responses provided².*

2. Process

- 2.1 The attached flowchart details how NES works with training practices to ensure that complaints are dealt with appropriately by both service providers and seeks to provide clarity to the complainant as to the processes in place for progressing a complaint against a GPSTR. There is an emphasis on quick and local resolution where possible, and for improvements to be implemented as soon as possible following the complaint. This process is not applicable to informal complaints which may not require investigation nor are appropriate to the NHS Complaints Procedure.

2.2 In line with the legislative requirements, NES must review quarterly any complaints data held and report on the internally and annually to Information Services Division as required. In addition, the Board of NES receives an annual report of complaints.

3. Reporting Mechanisms

3.1 NES HR collect and record all complaints involving GPSTs.

3.2 The NE HR report to the GP contracts group on a quarterly basis. This group contains representation from each Deanery. The report include new complaints and an update of concluded complaints.

3.3 An aggregated report of complaints data and any GMC investigation is sent quarterly to the GP Directors group and then to MDET.

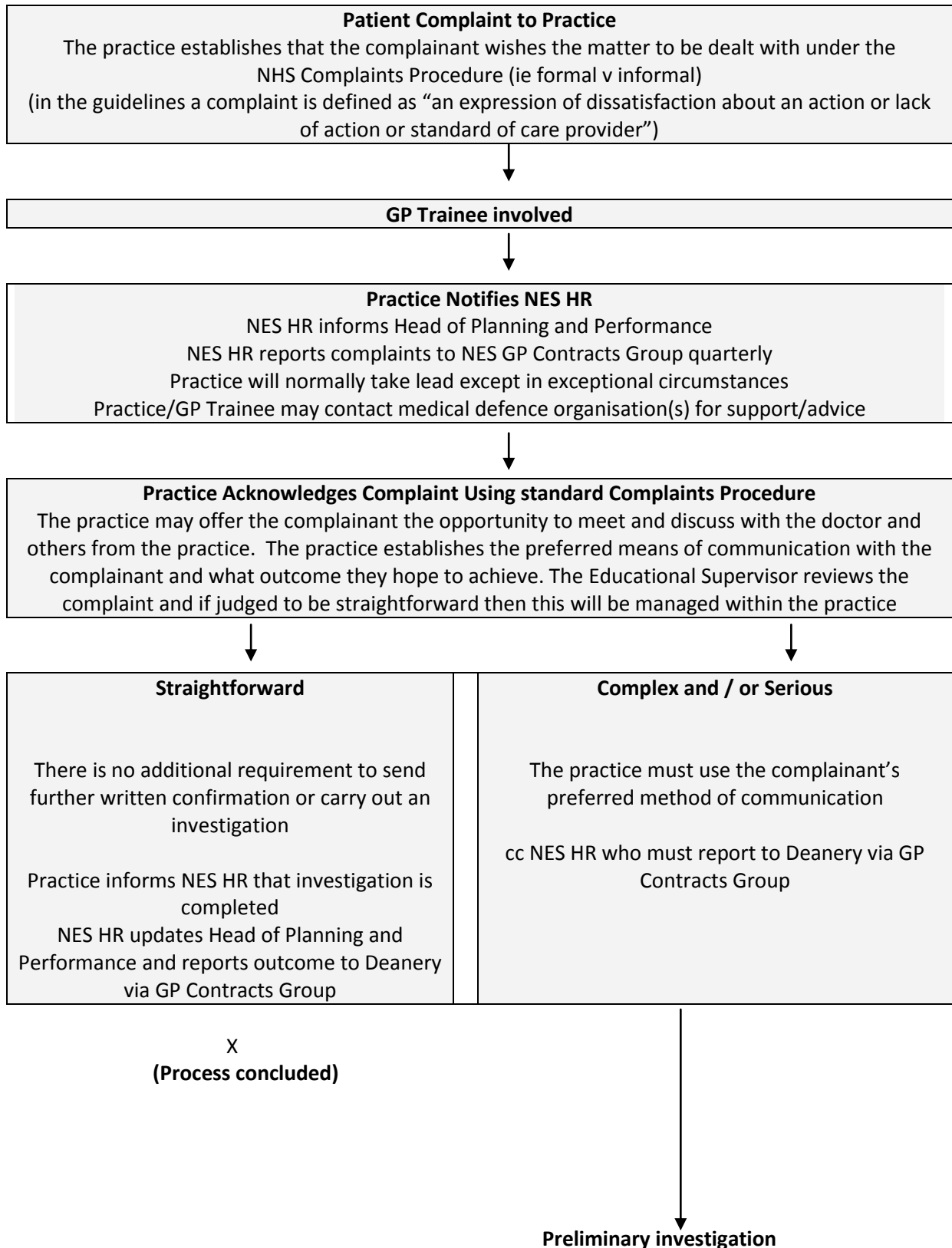
¹ Patient Rights (Scotland) Act 2011 – Secondary Legislation and the Charter of Patient Rights and Responsibilities http://www.sehd.scot.nhs.uk/mels/CEL2012_07.pfd

² Can I help you? Guidance for handling and learning from feedback, comments, concerns or complaints about NHS health care services, the Scottish Government, Edinburgh 2012.

³ To ISD

THE PROCEDURE

The practice complaints process is described below. The 'Can I Help You Guidance' provides information and support for Practice staff on NHS Complaints Procedure.



Preliminary Investigation

Investigation Team Formed; category of complaint defined – Practice issue V Employment
Practice issues normally led by practice staff; employment issues normally led by NES staff
Investigation planned. An appropriate level of involvement for NES is agreed with NES HR and this may include joint approach with the Educational Supervisor and practice in conjunction with NES HR, Educational Supervisor and Training Programme Director as appropriate

Investigation

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Practice leads on investigation of the complaint. Practice informs the patient of their findings. Practice offers to meet with patient to explain outcome of investigation	Practice and NES agree that NES will lead investigation of the complaint
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Complainant accepts outcome	Complainant rejects outcome
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Practice informs NES HR of outcome. NES HR reports to Deanery via GP Contracts Group	Complainant contacts ombudsman
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X
(Process concluded)

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Practice informs NES of outcome if known. NES HR inform Deanery via GP Contracts Group

X
(Process concluded)

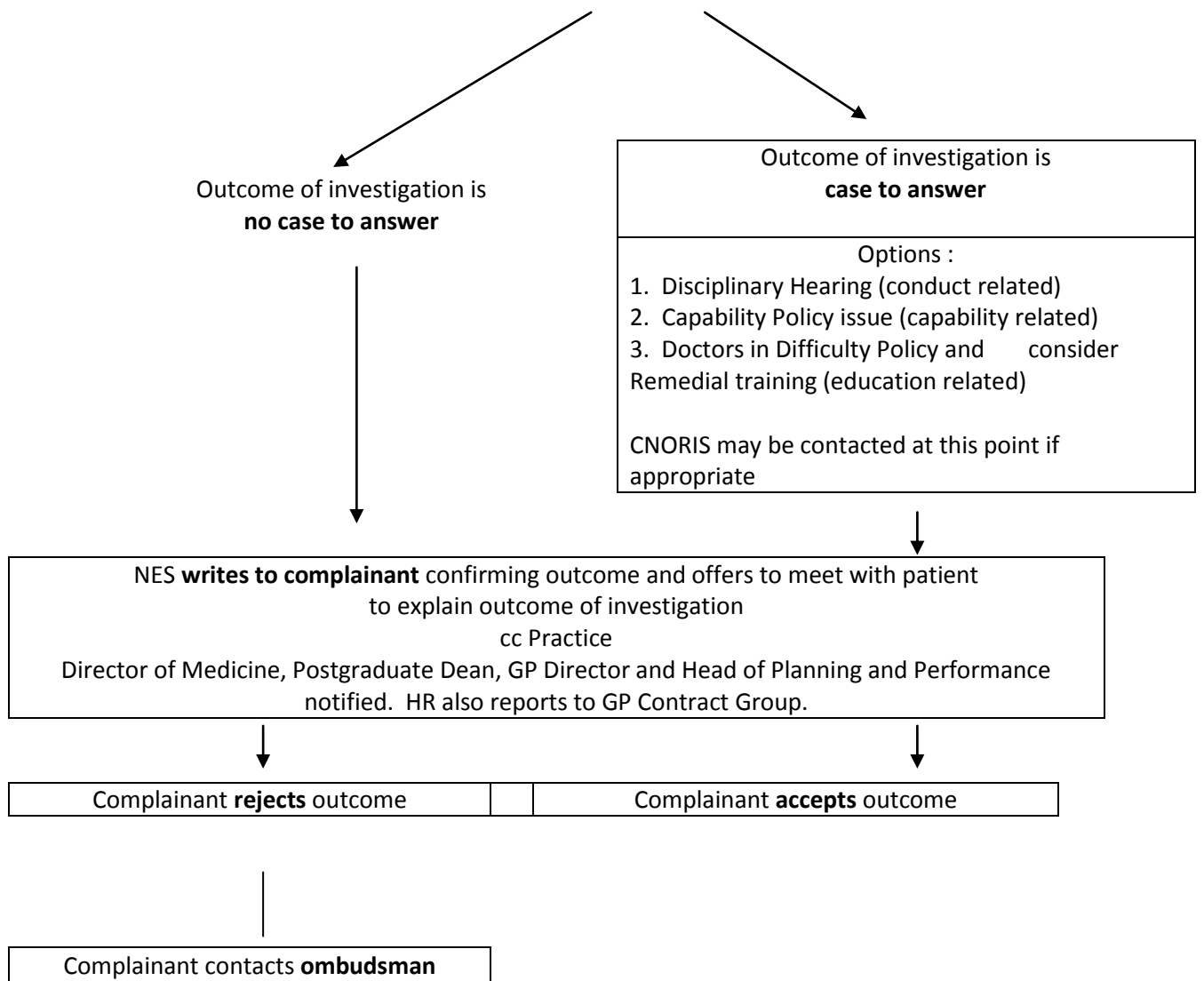
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NES Writes to Complainant
Complainant advised of the process to be followed, with expected timescales
cc practice

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NES Conducts Investigation
Investigation principles as detailed in the NES Disciplinary Policy followed. If appropriate the GP Trainees may be suspended pending outcome of the investigation. This decision lies with HR and the GP Director who is acting on behalf of the Postgraduate Dean.

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Internal NES Reporting

