

Complaints Procedure

If you are dissatisfied with the explanation or apology and wish to complain about one or more aspects of the service provided by the practice then you should follow the complaints procedure outlined below.

It is important to all parties that complaints are raised as soon as possible after the event that is the cause for the complaint while the relevant information is fresh in everyone's mind. Complaints will be accepted up to 6 months after the event that is the cause for the complaint or from the patient becoming aware of a cause for complaint. This will be extended to 12 months, where the circumstances justify doing so, but not normally longer except in special circumstances.

Please note that the practice cannot process complaints about the service provided by other areas of the NHS nor about non-NHS services. These exclusions include NHS24 and the "Out-of-Hours" cover service both of which operate their own complaints procedures. In these cases the Practice Manager will offer advice on how you should proceed and let you have a copy of relevant guidance literature where appropriate. Note also that any complaint regarding access to information under the Freedom Of Information Act is excluded from this procedure and should be directed to the Information Commissioner whose contact details are provided at the foot of this web page.

Note, however, that complaints arising from your rights given by the Data Protection Act should be made to the practice using this procedure.

It is important to us that everyone, regardless of their race, age, religion, sexual orientation, gender or any disability or sensory impairment, has equal access and support in raising a complaint. If you require advice and support services including advocacy, interpreting and translation, or the provision of information in other formats (eg braille), please let us know.

Complaints will generally relate to the service provided to you as a patient or former patient of the practice, but you can make a complaint on behalf of someone else provided that you demonstrate that you have the patient's (usually written) consent to:

- make a complaint on their behalf
- allow examination of their patient health records if necessary as part of the investigation of the complaint

Exceptions to this are if the patient has died, or is deemed by a clinician as being incapable of acting on their own behalf, or is a child who a qualified practitioner judges has insufficient maturity and understanding to either pursue the complaint themselves or consent to it. In this latter case it is the practice's policy to explain the process to the child whenever practical and inform them that information from their health records may need to be disclosed to those investigating the complaint.

Where a third party is making a complaint on behalf of a patient unable to give consent as detailed above, the practice will investigate the complaint provided that the third party has:

- no conflict of interest
- a legitimate interest in the patient's welfare (eg next-of-kin, parent or guardian, agent, welfare attorney, etc.)

Your formal complaint should normally be made to the Practice Manager, in writing, by phone, fax or e-mail, or in person. Note that the confidentiality of information cannot be guaranteed if you use e-mail or fax. In the event that the complaint relates to the Practice Manager, it will be passed to one of the partners to deal with. In these circumstances you may, if you prefer, direct your complaint to one of the partners rather than to the Practice Manager. You will be sent a formal acknowledgement of your complaint within 3 working days as above. This will

include confirmation of the details of your complaint.

In circumstances where you consider it difficult or inappropriate to complain direct to the practice you can make your complaint to the Health Board (contact details at the foot of this web page) who will agree a way forward with you. You can also ask the Health Board to assist you in making your complaint to the practice including organising independent advocacy, translation and other support services, if required, or you can use the independent advice and assistance service offered by the Citizens Advice Bureau.

For complaints addressed to the Practice, a decision on who will investigate the complaint will normally be made by the Practice Manager in consultation with at least one partner.

The objective of the investigation is to satisfy and reassure you as the person making the complaint, while being fair to practice staff. The investigation will include interviews with all personnel involved in the subject of the complaint, including you when appropriate, together with examination of all relevant health records, correspondence and other information. A written record of all interviews conducted and a summary of other information examined will be maintained by the person appointed to conduct the investigation and securely stored by the practice for a minimum of one year after the completion of the investigation for future reference. This record will be made available to the Scottish Public Services Ombudsman in the event of a review of the outcome of the complaint being requested.

As part of the complaint investigation you may be asked to attend a face-to-face meeting with some or all of the other parties involved if this is seen as the best way forward to resolve the issue to both parties satisfaction. You may be accompanied by a friend or supporter if you wish. Attendance is not compulsory but please remember that our objective is to resolve the complaint as quickly as possible and to ensure that the service we offer to you is improved if the practice is at fault in any way.

Our target is to complete our enquiries and investigations and provide you with a written response within 10 working days. In some instances it may be possible to provide the written response with the formal acknowledgement issued within 3 working days of the complaint being made. In other instances (eg holidays or sickness of relevant personnel) it may not be possible to provide a written response within the 10 working days. In this case you will be kept advised in writing of the reason for the delay and the anticipated timescale for progressing towards the issuing of the formal response.

The formal written response issued at the end of the enquiry will

- Address all of the issues raised and show that each element has been fully and fairly investigated
- Include an apology if mistakes have been made or things have gone wrong
- Report on action taken or proposed as a result of your complaint to help prevent any recurrence
- Highlight any area(s) of disagreement and explain why no further action can be taken
- Advise you who to contact if you require to clarify any aspect of the formal response
- Indicate what course of action is open to you if you are not satisfied with the outcome of the complaint.

If you are not satisfied with the outcome of the complaint, you may seek a review by the Scottish Public Services Ombudsman - contact details are provided at the foot of this web page. You should be aware that in certain circumstances a person complained against also has the right to request a review by the Scottish Public Services Ombudsman. Note that if you are not satisfied with the outcome on complaints arising from your rights under the Data Protection, any request for a review should be made to the UK Information Commissioner - again contact details are provided at the foot of this web page.

There are circumstances where the investigation into a complaint may have to be suspended or terminated. These circumstances include when all or part of the subject of the complaint is the subject of:

- a criminal investigation or independent inquiry
- disciplinary investigation and/or action by a professional organisation
- a fatal accident inquiry or investigation by the Procurator Fiscals office
- or you instigate, or indicate in writing an intention to instigate, legal action or disciplinary action by a professional organisation for negligence or other cause in any way related to the complaint.

Should any of these circumstances arise you will be notified in writing. It is possible that investigation into areas of a complaint not concerned with these circumstances may be able to proceed in parallel, or that the investigation will be resumed when the other actions outlined above have been completed. In either case you will be notified in writing.

Finally, while most complaints are genuine and are accepted by the practice as helpful in improving our service to patients, there are individuals who make unreasonably demanding or persistent complaints when there is nothing further that can reasonably be done to assist them or to rectify a real or perceived problem. Where it is deemed that to investigate and document such claims from an individual would place inappropriate demands on practice staff, the practice can invoke an NHS procedure to have that individual classed as an "unreasonably demanding or persistent complainant". Further information on this procedure is available from the Practice Manager, if required. It is not a procedure that we would ever want to use but it does provide protection to ensure that your practice resources are not wasted in this way.

Contact Information & Instructions

Practice

Please look in the "Contact Us" section of this web site for the practice name, address and phone number plus facility to send e-mails to the practice. The names of the Practice Manager and other staff can be found in the "Staff" section of this web site.

In order to avoid any confusion, if you are making a complaint that you wish to be investigated and formally responded to in accordance with this procedure (as opposed to a comment or suggestion) please make it explicitly clear that you are making a formal complaint.

In order that the procedure can be followed you must supply your full name and postal address plus home, daytime and mobile phone numbers (if you have one) and Date of Birth.

If you are lodging a formal complaint on behalf of a patient or former patient, then you must supply their full details. If the person concerned has died or is a former patient who has since moved, then you should provide the last address that they lived at while a patient at the practice.

Health Board

If you are making a formal complaint to the Health Board it should be addressed to:

Mrs Fiona McQueen, Executive Nurse Director, NHS Ayrshire & Arran, PO Box 13, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr, KA6 6AB.

or to:

Patient Relations and Complaints Team, NHS Ayrshire & Arran, PO Box 13, Eglinton House, Ailsa Hospital, Dalmellington Road, Ayr KA6 6AB
Tel 01292 513620 Fax 01292 513 665, calls may be recorded.

Scottish Public Services Ombudsman

If you are dissatisfied with the outcome of your complaint then you can request a review by the Scottish Public Services Ombudsman. The contact details are:

The Scottish Public Services Ombudsman

Freepost EH641

Edinburgh

EH3 0BR

Telephone: 0870 011 5378 E-mail: enquiries@scottishombudsman.org.uk

You can obtain further details at their website, including a Complaints Form, at www.scottishombudsman.org.uk

Advocacy Services

The Health Board working with Local Authorities and other organisations, are required to provide independent advocacy services to all users of NHS services who need it. If you want to enquire about using this service you should contact the Health Board (details above) in the first instance.

Further information on advocacy services can be obtained from:

Advocacy Safeguards Agency

1-2 St. Andrews Square

Edinburgh EH2 2BD

Tel: 0131 524 9380

Fax: 0131 524 9381

or

Scottish independent Advocacy Alliance

138 Slateford Road

Edinburgh EH14 1LR

Tel: 0131 455 8183

Fax: 0131 455 8184

Freedom of Information and Data Protection Acts

If you are dissatisfied with the outcome of a complaint relating to either the Freedom of Information or Data Protection Acts you should contact

The UK Information Commissioner

Wycliffe House

Water Lane

Wilmslow

Cheshire SK9 5AF

Telephone: 01625 545745

Fax: 01625 524510

Further information can be obtained from their web site

at www.informationcommissioner.gov.uk