



# **Information Pack**

## **for NHS patients in Scotland**

**To support you when providing feedback, raising an issue or making a complaint about the NHS in Scotland**

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## **I want to let the NHS know about my experience**

Most people using the health service are happy with their treatment, but things can go wrong. On some occasions, people may wish to comment on a service or an experience they have had and provide the NHS with some feedback on this. On other occasions, they may feel that raising a concern or making a complaint is a more appropriate course of action. This information pack aims to help you feel confident about taking a complaint forward yourself, knowing that support is available when you need it.

Remember that you don't have to complain straight away, especially when you are perhaps in the middle of a crisis or still feeling ill.

However, be aware that certain time limits will apply, and generally you should start the complaints process within six months of whatever gave you cause to complain. Always remember that there is help available! There are also organisations, such as bereavement counselling or carers' groups, that may be able to help you cope with the feelings you are going through.

The first thing to do about any complaint is to be clear for yourself what it is you want to complain about, and what you want to happen as a result of the complaint. Your complaint is more likely to be dealt with smoothly if you can be specific.

Feedback can be about treatment, arrangements for patients, the conditions under which care is given, quality of service, attitude of staff or any other NHS problem.

Some people just want to find out what went wrong and why, others want an apology or want things to change so that other people don't have the same bad experience. Before you start, think about exactly what it is you want.

The NHS welcomes feedback of any sort, particularly where it may lead to an improvement in the service they can deliver. However, if you decide to make a complaint, it is your right to do so and this should not impact on your care or treatment in any way.

# **Make a comment, raise a concern or make a complaint?**

## **Make comments or raise concerns**

In the majority of cases, your comments or concerns can be dealt with quickly and a successful outcome achieved.

- Contact can be made directly with the staff concerned, a representative of the staff or a representative of the department or organisation concerned.
- You can talk directly to the person who is familiar with the circumstances surrounding your concern.
- Some people feel that the most important thing is to have their concern heard by the relevant person.
- Apologies, information, or explanations can be offered. Staff can make assurances to show that lessons have been learned.
- You can talk directly to the person in the best position to make changes which might result from raising your concern.

## **Make a complaint**

You may decide that the circumstances of your complaint warrant further consideration or investigation before a satisfactory response can be given. In this case, you can make a complaint under the NHS complaint procedure.

There are two stages in the complaint procedure:

### **Stage one: early, local resolution**

The NHS encourages you, whenever possible, to complain in person to a member of staff at the place where you received your care or treatment. It may be quicker and easier for the staff members concerned to resolve the complaint for you there and then. Sometimes they will need to make enquiries before they can make decisions and respond to you. However, you can expect a response within five working days.

## **Stage two: investigation**

There are two types of complaint that might be investigated at stage two:

1. Complaints where you feel there has not been a sufficient investigation at stage one and/or the response received is not adequate.
2. Complaints where you feel that what happened raises serious questions about the standards of care and/or is sufficiently complex that it requires a detailed investigation. In these circumstances, you can raise your complaint directly at stage two.

Complaints can be raised in person, by phone, in writing or using an online complaint form. Whichever contact method you use, all complaints must be investigated in accordance with the NHS complaints process. This may take a bit longer to get a final response.

Following the complaints process can be time-consuming, stressful and sometimes upsetting. Remember that it can be worth speaking directly to a member of staff and raising a concern before deciding whether to make a complaint.

# The NHS complaints procedure

## Complaints procedure

You can make your complaint in person, by phone, by e-mail or in writing.

There is a **two-stage complaints procedure**. The NHS will always try to deal with your complaint quickly. But if it is clear that the matter will need a detailed investigation, they will tell you and keep you updated on their progress.



## Stage one: early, local resolution

The NHS will always try to resolve your complaint quickly, within **five working days** if they can.

If you are dissatisfied with their response, you can ask them to consider your complaint at stage two.



## Stage two: investigation

They will look at your complaint at this stage if you are dissatisfied with their response at stage one. They also look at some complaints immediately at this stage, if it is clear that they are complex or need detailed investigation.

They will acknowledge your complaint within **three working days**. They will give you their decision as soon as possible. This will be after no more than **20 working days** *unless* there is clearly a good reason for needing more time.



## The Scottish Public Services Ombudsman

If, after receiving their final decision on your complaint, you remain dissatisfied with the decision or the way they have handled your complaint, you can ask the SPSO to consider it.

They will tell you how to do this when they send you their final decision.

We will tell you how to do this when we send you our final decision.

# How does the complaints system work?

## An overview of the NHS complaints process in Scotland

You can give feedback, make comments, raise concerns or make a complaint using the NHS complaints process. Once a complaint has been through the NHS complaints process, and you are not satisfied with the outcome, you can ask the Scottish Public Services Ombudsman to investigate the complaint.

The aim of the NHS complaints process is to try to sort out problems as quickly and easily as possible.

If you feel you can, discuss your concern with a member of staff first. If you don't want to do this or you have tried and are not satisfied, there are procedures to follow to make a complaint. This may involve letter writing, meetings or conciliation.

## Who is involved?

### Feedback and complaints officer

The feedback and complaints officer is responsible for the operational management and handling of feedback, comments, concerns and complaints. This person will be of sufficient seniority to be able to deal with any feedback, comments, concerns and complaints quickly and effectively, without having to refer your complaint to anyone else.

### Feedback and complaints manager

The feedback and complaints manager is responsible for making sure that any necessary action is taken following the outcome of feedback, comments, concerns or complaints. The person responsible may be the Chief Executive of the Health Board or an alternative appropriate senior person acting on their behalf.

### The Scottish Public Services Ombudsman

You do not have an automatic right to have your complaint investigated. The SPSO will consider whether there has been hardship or injustice, whether there is any evidence of fault and whether pursuing matters will achieve anything.

The SPSO will only usually consider your request for an investigation if the complaint has happened within the last 12 months.

## Time limits for an NHS complaint

The complaint must be made to the NHS:

- Within **six months** after the incident, or
- Within **six months** of you realising you had something to complain about, as long as this is not longer than 12 months after the event.

However, these time limits may not apply if there is a good reason why you could not make the complaint sooner.

The NHS should acknowledge receipt of your complaint within three working days, and provide a final written response within 20 working days. There are often reasons why, on certain occasions, they cannot meet this 20-day timescale. The NHS should let you know when this happens and inform you of an amended timescale for a response.

If you have not received a response after the time limit, contact the appropriate person at the Health Board or the practice manager to ask why there has been a delay and when you can expect a response.

## Time limits for the SPSO investigation

A request to investigate your NHS complaint should be made to the SPSO no later than **one year** from the date when you became aware of the events which are the subject of complaint. In exceptional circumstances, the SPSO may extend the time limit. An example of this may be

- a defined disability (physical or mental) that impacts upon daily living tasks and functioning
- recovery from major surgery or other clinical procedure
- a significant period of in-patient hospitalisation
- a significant period of serious illness
- bereavement.

## Time limits for legal action

There is a time limit of **three years** to begin legal action for medical negligence, although in certain circumstances this can be extended. For children, the three years starts when they are 18 years old. If they do not have the capacity, then there is effectively no time limit.



## What you can and can't complain about

Most people who decide to raise a concern or make a complaint to the NHS want to be heard and taken seriously. They want an explanation, a sincere apology or they would like to see changes made so that the same thing doesn't happen to someone else. The NHS Complaints Process can help you to achieve this.

However, it is important to know what you can and can't complain about under the NHS Complaints Process and what outcomes you can and can't expect to achieve.

### You CAN complain about things like...

- your care and/or treatment;
  - delays;
  - a failure to provide a service;
  - an inadequate standard of service;
  - a lack of information and clarity about appointments;
  - difficulty in making contact with the NHS for appointment or queries;
  - treatment by or attitude of a member of NHS staff;
  - scheduled or unscheduled ambulance care;
  - transport concerns, either to, from or within the healthcare environment;
  - environmental or domestic issues;
  - operational and procedural issues;
  - NHS failure to follow the appropriate process; and
  - your dissatisfaction with the NHS's policy
  - NHS-funded services received in a private hospital
- [\*Note that complaints must relate to NHS Scotland]

### You CAN'T complain about...

- a routine first-time request for a service, for example a request for an appointment or a request for a specific course of treatment;
- a request for a second opinion in respect of care or treatment;
- matters relating to private healthcare or treatment;
- matters relating to services not provided by or funded by the NHS;
- a previously concluded complaint or a request to have a complaint reconsidered where the NHS has already given their final decision;
- a complaint made by an employee of the NHS Board or health service provider or other person in relation to their employment contract;
- a complaint that is being or has been investigated by the Scottish Public Services Ombudsman (SPSO);

- a complaint arising from a suggested failure to comply with a request for information under the Freedom of Information Act; and
- a complaint about which you have started legal proceedings, or have clearly stated that you intend to do so, rather than pursue the matter using the NHS complaints procedure

### **You CAN expect...**

- an acknowledgement that something went wrong
- an explanation
- an apology for what happened
- that the matter will be put right
- that lessons will be learned and changes will be made

### **You CAN'T achieve...**

- financial compensation (you would have to pursue this through a legal process)
- disciplinary action against a member of staff (although this may happen separately through the appropriate professional body)

## **Who can raise concerns or make a complaint?**

You can complain for another person if:

- the person is a child and you are their parent, guardian or main carer and they are not mature enough to understand how to make a complaint – but if they are mature enough, they can make a complaint themselves or agree to someone else complaining on their behalf
- you have a welfare power of attorney or a welfare guardianship order for someone who cannot make decisions for themselves, and the order permits you to make a complaint about health care
- you are acting as an advocate for the patient

You can make a complaint on behalf of someone who has died if:

- you are a relative of, or were in a relationship with, a patient who has died and you are concerned about how they were treated before they died

## Making a complaint

If you wish to give feedback, make comments, raise concerns or make a complaint about NHS treatment or care, ideally this will be dealt with soon and resolved as quickly as possible.

Contacting the practice manager or hospital complaints officer initially to raise a concern is a very common and often a successful way of having your issue resolved. Trying to sort out the problem where it started is worth the effort and probably the least stressful option – both for you and the staff concerned.

There are a number of ways of doing this:

- **You can deal with it immediately** by speaking to the member of staff involved or the person responsible for the service you are receiving. Many problems can be dealt with effectively in this way.
- **You can ask to see the practice complaints manager or the hospital complaints officer.** Each GP practice or dental practice has a person responsible for dealing with feedback, and each NHS health board has a complaints department. They can tell you how to make a complaint and explain how the NHS complaints process is handled in their practice or Health Board area. NHS complaints staff have a duty to investigate the complaints that are made to them.

If you have a general concern, rather than an individual complaint, **you can contact your local Citizens Advice Bureau.** This can be useful if you do not wish to make a complaint to the NHS, but would like to raise awareness of a particular issue – for example, if you were worried about the level of cleanliness at your local hospital.

- Information is also available from the 24 hour NHS helpline **NHS 24** on **111**
- **Text phone 18001 111**

# How to make a complaint

If you have tried talking to the relevant individual and this has not sorted out your concerns, you may decide to use the two-stage NHS complaints process.

Here is what you do:

## 1. Check that your complaint is within the time limits

A complaint should normally be made within six months of the incident which caused the complaint, or six months from the time when you realised there was a need to complain. These time limits can sometimes be extended if there is good reason.

**If you have enough time**, and your complaint would be helped by seeing what is in your patient records (eg by clarifying or supporting your account of what happened), you can apply to see your records. (See page 22 for the section on Access to health records).

## 2. Make your complaint

Either:

- Write a letter, make a phone call or raising this in person with a **member of staff** (Stage one: Early resolution); or
- Write a complaint letter of complaint or contact the **complaints personnel/feedback team** by any preferred method of communication (Stage two: Investigation)

Letters should be addressed to the Feedback and Complaints Manager.

For a GP or dental practice, the letter should go to the complaints manager at the practice. (You can also send a copy to the complaints department of the primary care division, that the practice is a part of.)

The letter should clearly outline your complaint and ask for it to be investigated under the NHS complaints process. If you are writing on behalf of the patient, rather than for yourself, you must include the patient's written consent.

**If you are not clear where to send your complaint**, whether to an NHS acute division, a primary care division, a Health Board or a GP practice (usually medical or dental), **ask for advice from the complaints department of any service**. If you get it wrong and send it to the wrong

place, one part of the NHS should pass it on to the correct part, so don't worry. It can be confusing, and you can't be expected to keep up with all the changes in the NHS, or know who is responsible for what.

**If your complaint is complicated and involves more than one part of the NHS**, you should not have to make two separate complaints. The different parts of the NHS involved will decide which one will take the lead in investigating your complaint. If it involves a service that is provided in partnership with social services, again the two parties involved should try to sort out who should lead the investigation of the complaint – although in some areas, there is a separate complaints process for social services complaints.

*For further advice, see the Resource bank at the end of this document.*

### **3. Consider the response**

**Expect an acknowledgement within three working days of receipt of the complaint and a full response within 20 working days.** These are the timescales laid down in the NHS complaints process and if they are not met, you should have an explanation of the delay in a 'holding' letter. It is reasonable to chase up the responses if you hear nothing by the agreed date.

When you get a reply:

- consider it carefully to see whether it deals fairly and accurately with your complaint, with what you and others said, and it covers everything you raised
- ask yourself whether it answers your complaint satisfactorily.

A good response should explain matters clearly and should include:

- what was investigated, why actions were taken, treatment given, or decisions made
- who was involved, and how
- what the findings of the investigation were
- an apology, if warranted
- what steps have been, or will be taken, to make sure that you and other people do not find themselves in the same situation again.

Action to improve services and treatment could mean changes in:

- the procedures used, eg for appointments, consultations
- the premises and their provision for patients, eg waiting areas, privacy
- the way in which staff deal with patients, eg respect, courtesy
- other matters designed to benefit patients, eg explanations, treatment.
- an explanation of how improvements or changes will be made and a timescale for their introduction should be given.

If the response answers your complaint to your satisfaction, the NHS complaints process has been completed successfully and the complaint goes no further.

You may wish for information to be passed on about your complaint, and in particular any proposals for improvement to services/procedures, etc, to the local advisory council of the Scottish Health Council. One of their functions is to monitor NHS services.

### **If the response is not satisfactory**

If the response is not satisfactory (eg because it does not answer your questions, or you do not understand it, or your memory of what happened is quite different), you will need to write back making this clear, restating the main points where you still feel dissatisfied. This may result in further letters, telephone calls or a meeting.

### **If a meeting is suggested**

If a meeting of those involved in the complaint is suggested by the division/practice/Health Board, you have the right to refuse or accept the suggestion.

You can also suggest such a meeting yourself. This is quite common practice. Experience has shown that talking about the complaint face-to-face is often better and easier than writing about it, and can be a useful way of dealing with it.

If you agree to a meeting, you can take someone with you, for moral support. Such meetings can be quite daunting and taking a person with you for support is a good idea. This person can help by taking notes and also making sure that all your questions are answered.

*For further advice on complaints meetings, see the Resource bank at the end of this document.*

After correspondence and/or a meeting, the division/practice/Health Board may decide that the NHS complaints process has been completed – that everything has been done to answer your complaint and sort out the problem. If so, a final response will be sent to you.

As well as replying to your complaint, the letter should indicate that this is the end of The NHS complaints process. This letter will state clearly that if you are dissatisfied you may seek a review by the Scottish Public Services Ombudsman and give details of how to contact the Scottish Public Services Ombudsman.



# Mediation

The NHS is required to offer mediation to help resolve complaints where this is considered appropriate. This is applicable to any health complaints whether they are about a local service such as GP or Dentist or about a hospital.

An independent mediator can help people work out and express what their issues are and then explore what options might be available for moving forward. The aim of mediation is to help reach agreement between the complainant and the NHS to restore their relationship. Mediation is available in all NHS Boards who provide access to suitably-trained, competent and accredited mediators via Scottish Mediation. Scottish Mediation are an independent charity who have a register of mediators. Information produced during these meetings is confidential and should not be used by the NHS board or division if you later make a complaint.

Mediations can take a number of different forms. In essence a mediator is there to help parties understand each other better and identify how they might want to resolve a disagreement and move forward. If you are offered mediation, you should ask for full information from the NHS body offering the service to you.

Mediation works when people are willing to try it and anyone who does not wish to do so is not obliged to take part.

## Tips

- Telephone, write or arrange to speak to or meet with the member of staff responsible for the service you are unhappy about.
- Decide what it is you want to achieve from raising this concern and be clear about what your expectations are.
- Is there any information that would be useful for you to have before this meeting?
- It is worth writing down a brief summary of your concern in the order in which it happened. This will help to make sure that your story is told in a logical way and you don't forget to mention any important details.
- Raise all the issues you are not happy with at this stage.
- Keep a note of dates and times of who you spoke to and what action was agreed – this will be useful at a later date if you feel you want to make a complaint.

## **What if I'm still not happy?**

If, at the end of the NHS complaints process, you are unhappy with the outcome, the NHS must tell you about the Scottish Public Services Ombudsman (SPSO).

- You should ask the Scottish Public Services Ombudsman to consider a review of your case within 12 months of the date of the events giving rise to your complaint, although there is some scope for this to be waived if there are special circumstances.
- You can complete a complaints form from their website.
- Your application needs to point out the things that you feel have not been satisfactorily dealt with during the NHS complaints process, and why you are asking for them to investigate.

## What does the Scottish Public Services Ombudsman do?

- The Scottish Public Services Service Ombudsman (SPSO) is independent of the NHS and reports directly to the Scottish Parliament.
- The SPSO will not normally look at a complaint until it has been through the NHS complaints process.
- The SPSO can decide not to accept a case and there is no appeal against this decision.
- If the SPSO accepts the case, SPSO staff will investigate the complaint. This is a very thorough investigation, and can take a long time.
- The SPSO will produce a report of the investigation, which will be sent to you and the NHS organisation concerned.
- The SPSO can publicise their findings, call for an apology and make recommendations. These are **not** usually ignored.

### What the Scottish Public Services Ombudsman will do

- **Initial review:** A case manager will undertake an initial review of the case, with the help of expert advice if necessary, to determine whether there needs to be further investigation. A letter, outlining the outcome of the initial review and whether further investigation is required, will be given to the complainant and the organisation or practitioner about whom they are complaining.
- **Investigation:** If further investigation of the complaint is necessary, the SPSO will agree the investigation's terms of reference with the complainant and the organisation or individual about whom the complaint has been made. Both will receive a full report of the SPSO's findings at the end of the investigation, including recommendations.

### What the Scottish Public Services Ombudsman cannot do

The SPSO cannot normally look at:

- a complaint that has not completed their complaints procedure, so please make sure it has done so before contacting the SPSO;
- events that happened, or that you became aware of, more than a year ago; or
- a matter that has been or is being considered in court.

## Other options

### Legal action

Legal action is needed if you want financial compensation for medical negligence. It is important to note that:

- If you take legal action whilst you are making a complaint through the NHS complaints process, the NHS will immediately stop the complaints process.
- This doesn't stop you taking legal **advice**, or from taking legal action once you have got to the end of the NHS complaints process.
- Legal action must be started within three years of the event you are complaining about.
- You should consult a solicitor if you want to take legal action. It is essential that you seek the advice of a solicitor who specialises in medical litigation (clinical negligence). AvMA\* (Action against Medical Accidents) can give you contact details of solicitors experienced in the relevant field. Alternatively, you may like to contact The Law Society of Scotland.

*\*AvMA is a charity that employs legally qualified staff, who can give you expert advice. The service is free. Their contact details are on page 36.*

### Professional bodies

Most health professions have professional bodies. These bodies are responsible for making sure doctors, nurses and other health care professionals work within professional and ethical standards of conduct and competence. All professional bodies have a complaints process, and can take disciplinary action against their members. The professional bodies include the General Medical Council, the Nursing and Midwifery Council, the General Dental Council and the Health and Care Professions Council.

Professional bodies will investigate complaints about:

- serious or repeated mistakes in patient care
- failure to respond reasonably to patient needs
- violence, sexual assault or indecency
- fraud or dishonesty
- a serious criminal offence

A professional body may suggest that the NHS complaints process should be used before there is any other investigation.

## **Mental Welfare Commission for Scotland**

The Mental Welfare Commission for Scotland is an independent statutory body which has a duty to safeguard the interests of people who are mentally unwell through illness (or who have a learning disability), whether in hospital or in the community. It has a particular duty to check that practitioners abide by the principles governing provision of services and compulsory treatment and to promote best practice. Anyone with a mental disorder or her/his carers can contact the Mental Welfare Commission.

It must be told about any of the following:-

- if an advance statement has been over-ruled
- any compulsory admissions to hospital
- any compulsory treatment orders over people in the community
- the use of particular treatments in hospital for which their view is required.

The Commission's members have a general duty to visit detained patients and those subject to an intervention order, guardianship order or welfare attorney receiving treatment for a mental disorder in hospital. It has to provide independent reports of their condition and treatment. The Commission publishes free information on its website. Information about their advice line for service users and carers is available on their website.

It does not investigate other complaints about mental health services. These are dealt with like other health complaints, through the NHS complaints process. The Commission will give advice and information about a patient's rights concerning detention and treatment for mental disorder.

## **The Mental Health Tribunal for Scotland**

The Tribunal is an independent body that has legal, medical and general members who meet for hearings as required across Scotland in a panel of three, one representative from each group. Decisions about a range of situations, including compulsory treatment are taken at a Mental Health Tribunal hearing. The hearing should take place as locally as possible to a person's place of treatment. The prospective patient, their carers and named person are encouraged to attend the hearing.

*For contact details for these professional bodies, see the Resource bank at the end of this document.*

## Access to health records

Health records contain information about your health and any care or treatment you've received.

Your health records may contain:

- test and scan results
- X-rays
- doctors notes
- letters to and from NHS staff

### Accessing your health records

You have a right to see or get a copy of your health records.

### How to see your records

Some information on your records may be kept from you. NHS staff don't have to tell you if this has happened. You won't be able to see information that could:

- cause serious harm to your own or someone else's physical or mental health
- identify another person (except NHS staff who have treated you), unless that person gives permission

To see your records you will have to apply to the organisation that is responsible for them, for example:

- your GP practice manager
- your dental surgery manager
- the records manager at your hospital

You don't need to give a reason for wanting to see your health records.

When writing, you should say if you:

- want to just see your records or also have a copy
- want all or just part of your records
- would like to get your records in a format that meets your needs

You may also need to fill in an application form and give proof of your identity. *For a useful template letter, see the Resource bank at the end of this document.*

## **Who can apply?**

You can usually apply if you're able to understand what is involved in asking to see your records.

Someone else can apply to see your records if you:

- agree to this
- can't make decisions for yourself and someone has been appointed to act on your behalf

## **Young people**

Someone with responsibility for you can apply to see your records if any of the following apply:

- you're over 13 and you agree to this
- you don't understand what's involved

If you're under 13, your parents or guardians must apply to see your records on your behalf.

## **How much does it cost to view or get copies of your records?**

It is free to:

- view your records
- request the first copy

If you request additional copies, you will be told if an admin fee will apply. If you make the request by email or online, unless otherwise requested by you, the information will be provided in a similar secure format.

## **How long will it take?**

You will usually receive your records within 30 days of making an application and paying the admin fee if applicable.

## **Discretion**

You won't be able to see information that could:

- cause serious harm to your or someone else's physical or mental health
- identify another person (except members of NHS staff who have treated the patient), unless that person gives their permission

## **Incorrect information**

If you think information in your records is incorrect, you should first talk to staff providing your care who will then decide the best course of action.

If they decide the information is incorrect:

- A line will be put through it so that people can still read it but can see that it has been corrected
- A note will be attached to your records explaining why this has been done

If they decide the information is correct:

- Your records will not be changed
- A note can be attached to your records explaining why you think the information is incorrect

### **Deceased records**

The law allows you to see records of a patient that has died as long as they were made after 1st November 1991. Records are usually only kept for three years after death.

### **Who can access deceased records?**

You can only see that person's records if you are their personal representative, administrator or executor. You won't be able to see the records of someone who made it clear that they didn't want other people to see their records after their death.

### **Accessing deceased records**

Before you get access to these records, you may be asked for:

- proof of your identity
- proof of your relationship to the person who has died

### **Viewing deceased records**

You won't be able to see information that could:

- cause serious harm to your or someone else's physical or mental health
- identify another person (except members of NHS staff who have treated the patient), unless that person gives their permission

If you have a claim as a result of that person's death, you can only see information that is relevant to the claim.

Any complaint about this can be made to the Information Commissioner.  
*For contact details, see the Resource bank at the end of this document.*

There is more information about accessing medical records on the **NHS Inform website** at [www.nhsinform.scot/care-support-and-rights/health-rights](http://www.nhsinform.scot/care-support-and-rights/health-rights)



# RESOURCE BANK

## Making contact

*Advice on making telephone calls, writing letters and attending meetings*

### Telephone calls

- Make a note of the time and date of all telephone calls about the complaint. Do this for calls you made and calls you received.
- Ask who you are speaking to and write their name down.
- Don't be rushed into making decisions on the telephone – say you need further time to think over any suggestions.
- If the call is about important decisions or information, ask for these to be confirmed in writing. If you are making important points over the phone, confirm them in a letter as soon as possible, referring back to the phone call.

### Letters

- Keep copies of all letters sent and received in date order, so you can refer back to them when needed.
- If you are describing a series of events, write them in the order they happened, with dates and times where appropriate.
- Use names and titles of staff if you know them - don't worry if you don't know.
- Report anything important that was said, as accurately as possible.
- Be concise and clear, so there is less chance of misunderstanding.
- Try not to repeat yourself.
- Put your concerns politely but firmly.
- The letter should clearly outline your complaint and what you hope to achieve – for example, an apology, or treatment.

## Meetings

### Before the meeting:

- Ask about the arrangements:
  - who will be present and what their role is, if it is not clear to you
  - what form the meeting will take
  - how long has been allocated for the meeting
  - where the meeting will take place
- If you are not happy with any of the arrangements, say so and ask for changes. If, for example, you do not want to meet the person about whom you have complained, or you do not think enough time has been allowed, make this clear.
- Tell the GP practice or Health Board if someone will be going with you, such as a friend. Say whether they will be supporting you or representing you; that is –
  - **helping you to put forward your complaint** (the more usual situation), or
  - **presenting it on your behalf** (where you may have particular difficulties in doing this yourself).
- Spend time thinking exactly what you want to get out of the meeting. Think about:
  - the questions you want answered
  - what you want explained
  - issues you want looked at
  - comments you want to make.

And write this down to take with you.

- Discuss the questions/issues you want to address with the person who will be going with you. Make notes and refer to your notes in the meeting if this helps you. You should also let the person organising the meeting know about the matters you intend to raise, so that they can make sure the right people to deal with those issues are invited to the meeting.

*The templates below will help you too ...*

# Templates

## Template 1: Recording contacts

Date	Name of person contacted	How (e-mail, phone call, letter, meeting?)	Action	Outcome

## Template 2: Timeline of events

**Name of Client:**.....

**Name of Complainant:** (if different from client).....

<b>Date of event</b>	<b>Name of GP practice, Hospital, Department, Consultant etc.</b>	<b>Event</b>	<b>Comment</b>
<i>Example</i>	<i>Example</i>	<i>Example</i>	<i>Example</i>
05/01/07	Anytown Health Practice	Had GP 1 <sup>st</sup> appointment with Dr Bloggs: listened to chest, advised if no improvement to return in fortnight's time.	Change of inhaler.
28/01/07	Anytown Health Practice	2 <sup>nd</sup> GP appointment with Dr Bloggs; explained no improvement, listened to chest/took temperature etc.	Antibiotics prescribed.

Continued.....


### Template 3: Letter of consent

*If you are raising a concern or complaining on behalf of someone else, include a consent form with your letter. It should look something like this below:*

**I am writing on behalf of [insert name of person that feedback, comments, concern or complaint is about], who has asked me to act on his/her behalf and who has countersigned this letter to confirm that I am authorised to act as his/her representative, and to confirm his/her agreement with its contents.**

She/he is aware that access to his/her medical records may be required by the investigation team to facilitate the investigation of the concern/complaint\*, and consents to allow access to his/her medical records.

_____ Letter-writer's name	_____ Name of person the concern or complaint involves
_____ Signature	_____ Signature
_____ Date	_____ Date

*\* delete as appropriate*

## Template 4: Initial complaints letter

*You can base your letter of concern/complaint on this suggestion to help set out what you need to say.*

(INSERT) Your address

PRIVATE AND CONFIDENTIAL

(INSERT) Date

(INSERT) Name of complaint officer (or practice manager if known)  
Their address

Dear.....

**REF: (patient's name, date of birth, address)**

I am writing to raise a concern/complain (delete as appropriate) about the treatment of  
(name, DOB, address)  
by (name(s) of staff (if known)  
at (place where incident happened])  
on (date of incident).

Then give a brief description of what happened (if you need to provide a detailed diary of events this is better done on a separate sheet.)

INSERT details of why you are not satisfied. Try to be clear and brief. If you wish to raise concerns or complaints about a number of matters, list the most important ones first.

INSERT specific questions (list in order of importance).

- question 1
- question 2
- question 3
- question 4

INSERT details of what you would like to happen as a result of your letter /complaint, eg an apology, an explanation, an assurance that changes will be made to practice/staff will receive training.

I would like you to carry out a full investigation into my concerns and provide a response in accordance with the NHS Complaints Process.

I look forward to hearing from you in due course.

Yours sincerely

Sign here

Print your name here

## Template 5: Request access to medical records

**PRIVATE AND CONFIDENTIAL**

(INSERT) Your address

(INSERT) Date

(INSERT) Name of records manager or practice manager  
Their address

Dear.....

**Re (INSERT) name, date of birth, address**

I am writing to request access to my medical records under section 45 of the Data Protection Act 2018.

I include below relevant personal information to assist you in identifying these.

(INSERT) State whether you are requesting your own records, those of a relative, those of a child of whom you are the guardian, those of a deceased relative.

(INSERT THE FOLLOWING DETAILS FOR THE REQUESTED RECORDS)

- Full name and address, postcode, date of birth, male or female
- Previous name or address on medical records if this is different to current name and address
- The name of the hospital (or NHS premises) ward or department, consultant and dates of admission or attendance.

(INSERT)

- Say whether you would like to view the original paper records, if you require photocopy/ies or require a printout of any computerised documents
- State whether you want to see all the record or only certain parts, specific documents or correspondence and identify these.

I would prefer to be contacted (by letter / email/ phone)  
(INSERT THE RELEVANT CONTACT DETAILS)

Yours sincerely

Sign your name here

Print your name here



**Important:**

- 1. If you are applying on behalf of someone else, you should also attach the necessary letter of consent.**
- 2. Some NHS boards have their own forms for requesting access to medical records and they may send this to you to complete.**
- 3. NHS boards may contact you to ask you to provide additional information or personal details.**

## Glossary of terms

<b>Chief executive</b>	Most senior officer in charge of managing an organisation
<b>Complaints manager</b>	Person responsible for complaints process in a health board
<b>GP</b>	General practitioner – usually refers to doctors, but can include dentists, opticians, pharmacists
<b>Health and social care integration</b>	The bringing together of health and social care to ensure these are run together
<b>Health and Social Care Partnerships (HSCP)</b>	The organisations formed as part of the integration of services provided by Health Boards and Councils in Scotland. Each partnership is jointly run by the NHS and local authority. HSCPs manage community health services and create closer partnerships between health, social care and hospital-based services.
<b>Mediation</b>	Service offered by NHS boards with the aim of bringing two sides together to resolve differences
<b>NHS Health Boards</b>	Organisations that are responsible for the protection and improvement of their population's health and for the delivery of frontline healthcare services
<b>Practice manager</b>	Work in primary care, where they manage the overall running of GP surgeries and often handle complaints.
<b>Regulatory bodies</b>	Professional organisations who deal with complaints about professional conduct, competence to practise, etc.
<b>Scottish Public Services Ombudsman (SPSO)</b>	The final stage for handling complaints about public services in Scotland. The Scottish Public Services Ombudsman's purpose is to investigate complaints about maladministration or service failure where this has resulted in the client suffering an injustice or hardship.
<b>Special Health Boards</b>	NHS organisations that provide a range of different services to the NHS across Scotland. Services include ambulance services, blood transfusion services, quality assurance, education, purchasing, specialist medical facilities (for example, the Golden Jubilee and State Hospitals)

## National organisations

<p><b>Action against Medical Accidents</b> Freedman House, Christopher Wren Yard 117 High Street, Croydon, CR0 1QG</p> <p><b>T:</b> 0845 123 2352 <b>W:</b> <a href="http://www.avma.org.uk">www.avma.org.uk</a></p> <p>Charity for patient safety &amp; justice which supports people affected by avoidable harm in healthcare; to help them achieve justice; and to promote better patient safety for all. Can signpost to specialist medical negligence lawyers.</p>	<p><b>British Psychological Society</b> St Andrews House 48 Princess Road East Leicester LE1 7DR</p> <p><b>T:</b> 0116 254 9568 <b>F:</b> 0116 227 1314 <b>E:</b> <a href="mailto:enquiries@bps.org.uk">enquiries@bps.org.uk</a> <b>W:</b> <a href="http://www.bps.org.uk">www.bps.org.uk</a></p> <p>The representative body for psychology and psychologists in the UK.</p>
<p><b>Care Inspectorate</b> Compass House, 11 Riverside Drive Dundee, DD1 4NY</p> <p><b>T:</b> 0345 600 9527 <b>E:</b> <a href="mailto:complaints.NEL@careinspectorate.com">complaints.NEL@careinspectorate.com</a> <b>W:</b> <a href="http://www.careinspectorate.com/">www.careinspectorate.com/</a></p> <p>An independent body that is responsible for regulating all care homes in Scotland.</p>	<p><b>COSCA</b> 16 Melville Terrace Stirling FK8 2NE</p> <p><b>T:</b> 01786 475140 <b>F:</b> 01786 446207 <b>E:</b> <a href="mailto:info@cosca.org.uk">info@cosca.org.uk</a> <b>W:</b> <a href="http://www.cosca.org.uk">www.cosca.org.uk</a></p> <p>Counsellors &amp; Psychotherapy in Scotland</p>
<p><b>Data Protection</b> Information Commissioner's Office – Scotland 45 Melville Street Edinburgh EH3 7HL</p> <p><b>T:</b> 0303 123 1115 <b>E:</b> <a href="mailto:scotland@ico.gsi.gov.uk">scotland@ico.gsi.gov.uk</a> <b>W:</b> <a href="http://ico.org.uk">ico.org.uk</a></p> <p>As well as operating an advice service to address general enquiries, the ICO promotes good practice in data protection by raising awareness of organisational responsibilities across all sectors.</p>	<p><b>General Dental Council</b> 37 Wimpole Street London W1G 8DQ</p> <p><b>T:</b> 020 7167 6000 / 0845 222 4141 <b>E:</b> n/a <b>W:</b> <a href="http://www.gdc-uk.org">www.gdc-uk.org</a></p> <p>The organisation which regulates dental professionals in the UK.</p>

<p><b>General Medical Council Scotland</b>  5th Floor  The Tun  4 Jackson's Entry  Edinburgh EH8 8PJ</p> <p><b>T:</b> 0161 923 6602 (general enquiries)  <b>E:</b> <a href="mailto:gmcscotland@gmc-uk.org">gmcscotland@gmc-uk.org</a>  <b>W:</b> <a href="http://www.gmc-uk.org">www.gmc-uk.org</a></p> <p>The organisation which regulates doctors in the UK.</p>	<p><b>General Optical Council</b>  41 Harley Street  London  W1G 8DJ</p> <p><b>T:</b> 020 7580 3898  <b>E:</b> <a href="mailto:goc@optical.org">goc@optical.org</a>  <b>W:</b> <a href="http://www.optical.org">www.optical.org</a></p> <p>Protects the public by promoting high standards of education, conduct and performance amongst opticians.</p>
<p><b>General Pharmaceutical Council</b>  25 Canada Square  London  E14 5LQ</p> <p><b>T:</b> 020 3713 8000  <b>E:</b> <a href="mailto:info@pharmacyregulation.org">info@pharmacyregulation.org</a>  <b>W:</b> <a href="http://www.pharmacyregulation.org/">www.pharmacyregulation.org/</a></p> <p>The independent regulator for pharmacists, pharmacy technicians and pharmacy premises in Great Britain.</p>	<p><b>Mental Welfare Commission for Scotland</b>  Thistle House  91 Haymarket Terrace  Edinburgh  EH12 5HE</p> <p><b>T:</b> 0800 389 6809  <b>F:</b> 0131 313 8778  <b>E:</b> <a href="mailto:enquiries@mwscot.co.uk">enquiries@mwscot.co.uk</a>  <b>W:</b> <a href="http://www.mwscot.org.uk">www.mwscot.org.uk</a></p> <p>For information on rights to do with</p> <ul style="list-style-type: none"> <li>• Mental health and incapacity law</li> <li>• Care and treatment</li> </ul>
<p><b>Nursing and Midwifery Council</b>  23 Portland Place  London  W1B 1PZ</p> <p><b>T:</b> 020 7681 5248  <b>F:</b> 0131 477 5050  <b>E:</b> <a href="mailto:scotland@nmc-uk.org">scotland@nmc-uk.org</a>  <b>W:</b> <a href="http://www.nmc-uk.org">www.nmc-uk.org</a></p> <p>Regulates nurses and midwives in England, Wales, Scotland, Northern Ireland and the Islands</p>	<p><b>Optical Consumer Complaints Service</b>  OCCS  PO Box 219  Petersfield  GU32 9BY</p> <p><b>T:</b> 0344 800 5071  <b>E:</b> <a href="mailto:enquiries@opticalcomplaints.co.uk">enquiries@opticalcomplaints.co.uk</a>  <b>W:</b> <a href="http://www.opticalcomplaints.co.uk">www.opticalcomplaints.co.uk</a></p> <p>Independent complaints body for non-NHS Complaints. Provides information and deals with complaints about private sight tests, prescriptions, glasses or contact lenses</p>

<p><b>Royal College of Speech and Language Therapists</b>  9-10 St Andrews Square,  Edinburgh,  EH2 2AF</p> <p><b>T:</b> 0131 226 5250  <b>W:</b> <a href="http://www.rcslt.org">www.rcslt.org</a></p> <p>The professional body for speech and language therapists in the UK.</p>	<p><b>Scottish Information Commissioner</b>  Kinburn Castle  Doubledykes Road  St Andrews  KY16 9DS</p> <p><b>T:</b> 01334 464 610  <b>F:</b> 01334 464 611  <b>E:</b> <a href="mailto:enquiries@itspublicknowledge.info">enquiries@itspublicknowledge.info</a>  <b>W:</b> <a href="http://www.itspublicknowledge.info/home">www.itspublicknowledge.info/home</a></p> <p>Deals with Freedom of Information queries</p>
<p><b>Scottish Mediation</b>  18 York Place  Edinburgh  EH1 3EP</p> <p><b>T:</b> 0131 556 1221  <b>W:</b> <a href="http://www.scottishmediation.org.uk">www.scottishmediation.org.uk</a></p> <p>The professional body for mediators in Scotland, which provides access to quality assured mediation services.</p>	<p><b>Scottish Public Services Ombudsman</b>  Freepost SPSO</p> <p><b>[This is all you need to write on the envelope, and you don't need to use a stamp.]</b></p> <p><b>T:</b> 0800 377 7330 or 0131 225 5300  <b>F:</b> 0800 377 7331  <b>W:</b> <a href="http://www.spsso.org.uk">www.spsso.org.uk</a></p> <p>The final stage for handling complaints about public services in Scotland.</p>

## Local contacts

**Ayrshire & Arran Health Board**

[www.nhsaaa.net/](http://www.nhsaaa.net/)

**Borders Health Board**

[www.nhsborders.scot.nhs.uk/patients-and-visitors/](http://www.nhsborders.scot.nhs.uk/patients-and-visitors/)

**Dumfries & Galloway Health Board**

[www.nhsdg.scot.nhs.uk](http://www.nhsdg.scot.nhs.uk)

**Fife Health Board**

[www.nhsfife.org/nhs/index.cfm](http://www.nhsfife.org/nhs/index.cfm)

**Forth Valley Health Board**

<https://nhsforthvalley.com/>

**Grampian Health Board**

[www.nhsgrampian.org](http://www.nhsgrampian.org)

**Greater Glasgow Health Board**

[www.nhsggc.org.uk/](http://www.nhsggc.org.uk/)

**Highland Health Board**

[www.nhshighland.scot.nhs.uk/](http://www.nhshighland.scot.nhs.uk/)

**Lanarkshire Health Board**

[www.nhslanarkshire.scot.nhs.uk/](http://www.nhslanarkshire.scot.nhs.uk/)

**Lothian Health Board**

[www.nhslothian.scot.nhs.uk/Pages/default.aspx](http://www.nhslothian.scot.nhs.uk/Pages/default.aspx)

**Orkney Health Board**

[www.ohb.scot.nhs.uk/](http://www.ohb.scot.nhs.uk/)

**Shetland Health Board**

[www.shb.scot.nhs.uk/](http://www.shb.scot.nhs.uk/)

**Tayside Health Board**

[www.nhstayside.scot.nhs.uk/](http://www.nhstayside.scot.nhs.uk/)

**Western Isles Health Board**

[www.wihb.scot.nhs.uk/](http://www.wihb.scot.nhs.uk/)