



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. (See fig 1)

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

If you feel able, 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 the NHS complaints process

Time limits for the 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 if the investigation of the complaint took longer than it should have under the NHS Complaints Process.

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 this NHS Complaints Process and what outcomes you can and can't expect to achieve.

You CAN complain about ...

- NHS treatment
- NHS staff
- NHS services
- NHS-funded services received in a private hospital
(*Note that complaints must relate to NHS Scotland)

You CAN'T complain about ...

- any complaint that is already the subject of medical negligence or legal action
- any complaint where you have stated in writing that you intend to take legal action
- a previously-concluded complaint where a final response has been given
- private health care
- the standard of care in care homes and nursing homes (unless it is funded by the NHS)

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 about treatment or care you have had or are having.

You can complain for someone else if:

- that person agrees for you to do this and you have their written consent
- the person you are complaining for is under 16 or not mature enough to understand the complaints process. You should be their parent, guardian or main carer
- you have a welfare power of attorney or a guardianship order, which means you have the power to act on behalf of this person
- you are acting as an advocate of this person.

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

- you are a relative of this person or were in a relationship with them.

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 (e.g. by clarifying or supporting your account of what happened), apply to see your 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 could 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 is 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, e.g. for appointments, consultations

- the premises and their provision for patients, e.g. waiting areas, privacy
- the way in which staff deal with patients, e.g. respect, courtesy
- other matters designed to benefit patients, e.g. 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 (e.g. 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.

Alternative Dispute Resolution (ADR)

The NHS is required to offer alternative dispute resolution services, such as mediation or conciliation, to help resolve complaints where this is considered appropriate. This may be particularly useful where the complaint is about a Primary Care service provider (e.g. a GP).

The aim of alternative dispute resolution (ADR) is to help reach agreement between the complainant and the service provider in order to restore their relationship. Services offered can differ between boards, but all must make available suitably-trained, competent and accredited conciliators or 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.

If you are offered ADR, then you should ask for full information from the NHS body offering the service to you.

You have the right to refuse this offer.

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** 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 request 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 SPSO do?

The Scottish Public Services Service Ombudsman

- The Scottish Public Services Service Ombudsman is completely 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 only exception to this is if there has been maladministration before this point (e.g. an unreasonable delay by the NHS in responding to your complaint).
- 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.

Other options

Legal action

Legal action is essential 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.*

Professional bodies

The major health professions have set up professional bodies. These bodies are responsible for making sure that 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, for example, the General Medical Council, the Nursing and Midwifery Council, the General Dental Council and others.

Professional bodies will investigate complaints about:

- incompetence in clinical performance – failure to reach acceptable standards by a practitioner
- illness or addiction in a practitioner that could be dangerous to patients or the practitioner
- indecent, violent, racist or other abusive behaviour by a practitioner

- dishonesty or fraudulent behaviour by a practitioner.

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 Commission's role and functions are defined under Part II of the Mental Health (Scotland) Act 2003 and the Adults with Incapacity (Scotland) Act 2000. It is an independent organisation set up by Parliament with the responsibility of protecting the welfare of people with mental disorder (including learning disabilities and dementia) in Scotland. It has a duty to anyone with a mental disorder – whether they are in hospital, in local authority, voluntary-run or private accommodation, or in their own homes.

One function includes, when requested, to consider the discharge from detention of people detained under sections 18 and 26 of the Mental Health Act and those detained in hospital under the Criminal Procedure Act.

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

The Mental Health Tribunal for Scotland is an independent body that has legal, medical and general members who meet for hearings as required across Scotland. They meet 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, her/his 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 medical records

All NHS staff have a duty of confidentiality towards all patients and their records. Patient records include GP and hospital doctor records, nursing records, and other NHS staff records of your visits to the practice, clinic or hospital, and of visits to you, and details of treatment, medication, tests and their results, diagnosis, referrals, etc.

Under the Data Protection Act 2018, you have a right to see your records, unless your doctor thinks that to do so would seriously harm you or another person. This refusal can apply to part of your records and there is no obligation to inform you of such a partial refusal. It is worth asking if any part of your records has not been made available.

You have to apply in writing to see your records. When writing, you should state whether 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.*

Some GP practices and NHS boards have a form specially designed for such requests. Most NHS boards also have a specially appointed person, part of whose job is to deal with these requests.

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 choose to view your records at your GP surgery or hospital, someone will probably be with you while you do this.

If you choose to be given a copy, you may get

- a computer printout
- a photocopy
- an electronic file

If you are applying to obtain someone else's records, you must have the patient's authorisation in writing, including parents applying to see a child's

records if the child is able to understand matters. Where a patient is unable to give permission because of incapacity or illness, you may need legal advice and a court authorisation.

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.

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.

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

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.

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

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

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, whether they were made to you or by you.
- 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, 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 will the meeting 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 division/practice/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 getting clear in your own mind exactly what you want to get out of the meeting. Think about:
 - the questions you want answered
 - things you want explained
 - issues you want looked at
 - comments you want to make.
- Discuss the questions/issues you want to address with the person who will be going with you. Make notes about them 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).....

Date of event	Name of GP practice, Hospital, Department, Consultant etc.	Event	Comment
<i>Example</i>	<i>Example</i>	<i>Example</i>	<i>Example</i>
05/01/07	Anytown Health Practice	Had GP 1 st 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 nd GP appointment with Dr Bloggs; explained no improvement, listened to chest/took temperature etc.	Antibiotics prescribed.

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, post code, 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 / fax/ 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 and to provide payment.**

Glossary of terms

AvMA	Action against Medical Accidents – Charity giving legal advice on complaints
HIS	Health Improvement Scotland – a body formed in April 2011 to monitor and scrutinise NHS Scotland and independent healthcare providers.
Chief executive	Person with overall responsibility for NHS division or Health Board
Complaints manager	Person responsible for complaints process in practice/division/board
Conciliation	Service offered by some boards with the aim of bringing two sides together to resolve differences
Scottish Health Council	Monitors how the NHS involves and consults the public about NHS service provision and quality.
SGHD	Scottish Government Health Department, responsible to the Minister for Health
Family Health Services	NHS services provided by family doctors, dentists, pharmacists, opticians under contract to the NHS
Family practitioners	Independent practitioners from the four professions above
GP	General practitioner – usually refers to doctors, but can include dentists, opticians, pharmacists
Lay	In this context, describes a non-medically trained person
Mental Welfare Commission for Scotland	Monitors the provisions of the Mental Health (Scotland) Act 1984, and deals with requests for appeals against detention by detained patients
NHS Health Boards	Self-governing organisations providing NHS hospital and other care
Scottish Public Services Ombudsman (SPSO)	The final stage for handling complaints about public services in Scotland. The SPSO normally looks at complaints after they have been through the complaints process of the organisation concerned.

	They may consider NHS complaints if the complaints process has not satisfied the complainant
Health and social care integration	The integration of health and adult social care means that the expertise and resources of each of these services are combined, shared and jointly co-ordinated
Patient and Public Involvement Forums	Being established to monitor NHS services on behalf of the public and to liaise with other staff and organisations
Practice manager	In family doctor practices, often deals with complaints
Health and Social Care Partnerships (HSCP)	Each local authority area will have a HSCP, which is responsible for developing and delivering local community health services in that area
Professional bodies	Independent professional regulatory bodies who deal with complaints about professional conduct, competence to practise, etc.
Special Health Boards	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>Action against Medical Accidents 44 High Street Croydon Surrey CR0 1YB</p> <p>T: 0845 123 2352 F: 020 8667 9065 W: www.avma.org.uk</p> <p>For independent legal advice and help</p>	<p>British Psychological Society St Andrews House 48 Princess Road East Leicester LE1 7DR</p> <p>T: 0116 254 9568 F: 0116 227 1314 E: enquiries@bps.org.uk W: www.bps.org.uk</p> <p>The representative body for psychology and psychologists in the UK.</p>
<p>COSCA 16 Melville Terrace Stirling FK8 2NE</p> <p>T: 01786 475140 F: 01786 446207 E: info@cosca.org.uk W: www.cosca.org.uk</p> <p>Counsellors</p>	<p>Data Protection Information Commissioner's Office – Scotland 45 Melville Street Edinburgh EH3 7HL</p> <p>T: 0131 244 9001 E: scotland@ico.gsi.gov.uk W: ico.org.uk</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>General Dental Council 37 Wimpole Street London W1G 8DQ</p> <p>T: 020 7887 3800 or 0845 222 4141 W: www.gdc-uk.org</p> <p>The organisation which regulates dental professionals in the UK.</p>	<p>General Medical Council Scotland 5th Floor The Tun 4 Jackson's Entry Edinburgh EH8 8PJ</p> <p>T: 0131 525 8700 E: gmcscotland@gmc-uk.org W: www.gmc-uk.org</p> <p>Doctors (including ophthalmic medical practitioners and ophthalmologists)</p>

<p>General Optical Council 41 Harley Street London W1G 8DJ</p> <p>T: 020 7580 3898 F: 020 7307 3939 E: goc@optical.org W: www.optical.org</p> <p>Protects the public by promoting high standards of education, conduct and performance amongst opticians.</p>	<p>The Law Society of Scotland 26 Drumsheugh Gardens Edinburgh EH3 7YR</p> <p>T: 0131 226 7411 F: 0131 225 2934 E: lawscot@lawscot.org.uk W: www.lawscot.org.uk Text: 0131 476 8359</p> <p>For information on specialist solicitors and public funding of legal action</p>
<p>Mental Welfare Commission for Scotland Thistle House 91 Haymarket Terrace Edinburgh EH12 5HE</p> <p>T: 0131 313 8777 or 0800 389 6809 F: 0131 313 8778 E: enquiries@mwscot.co.uk W: www.mwscot.co.uk</p> <p>For complaints about detained patients</p>	<p>Nursing and Midwifery Council Ground Floor 114-116 George Street Edinburgh EH2 4LH</p> <p>T: 0131 624 5000 F: 0131 477 5050 E: scotland@nmc-uk.org W: www.nmc-uk.org</p> <p>Regulates nurses and midwives in England, Wales, Scotland, Northern Ireland and the Islands</p>
<p>Optical Consumer Complaints Service OCCS PO Box 219 Petersfield GU32 9BY</p> <p>T: 0844 800 5071 F: 01730 265058 E: postbox@opticalcomplaints.co.uk W: www.opticalcomplaints.co.uk</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>Royal College of Speech and Language Therapists 49 North Castle Street, Edinburgh EH2 3BG</p> <p>T: 0131 226 5250 E: kim.hartley@rcslt.org W: www.rcslt.org</p> <p>The professional body for speech and language therapists in the UK.</p>

<p>Royal Pharmaceutical Society Scottish Directorate Holyrood Park House, 106 Holyrood Road, Edinburgh, EH8 8AS</p> <p>T: 0131 556 4386 F: 0131 558 8850 E: scotinfo@rpharms.com W: www.rpharms.com</p> <p>The Royal Pharmaceutical Society is the professional body for pharmacists</p>	<p>Scottish Information Commissioner Kinburn Castle Doubledykes Road St Andrews KY16 9DS</p> <p>T: 01334 464 610 F: 01334 464 611 E: enquiries@itspublicknowledge.info W: www.itspublicknowledge.info/home</p> <p>Deals with Freedom of Information queries</p>
<p>Scottish Public Services Ombudsman Freepost EH641 Edinburgh EH3 0BR</p> <p>T: 0800 377 7330 F: 0800 377 7331 W: www.spsso.org.uk Text: 0790 049 4372</p> <p>The final stage for handling complaints about public services in Scotland.</p>	<p>Social Care and Social Work Improvement Scotland (SCSWIS). Compass House 11 Riverside Drive Dundee DD1 4NY</p> <p>T: 0845 600 9527 E: enquiries@careinspectorate.com W: www.careinspectorate.com</p> <p>The independent scrutiny and improvement body for care and children's services.</p>

Local contacts

Ayrshire & Arran Health Board

www.nhsaaa.net/

Borders Health Board

www.nhsborders.scot.nhs.uk/patients-and-visitors/

Dumfries & Galloway Health Board

www.nhsdg.scot.nhs.uk

Fife Health Board

www.nhsfife.org/nhs/index.cfm

Forth Valley Health Board

<https://nhsforthvalley.com/>

Grampian Health Board

www.nhsgrampian.org

Greater Glasgow Health Board

www.nhsggc.org.uk/

Highland Health Board

www.nhshighland.scot.nhs.uk/

Lanarkshire Health Board

www.nhslanarkshire.org.uk/Pages/default.aspx

Lothian Health Board

www.nhslothian.scot.nhs.uk/Pages/default.aspx

Orkney Health Board

www.ohb.scot.nhs.uk/

Shetland Health Board

www.shb.scot.nhs.uk/

Tayside Health Board

www.nhstayside.scot.nhs.uk/

Western Isles Health Board

www.wihb.scot.nhs.uk/