

## Scottish Parliament Region: Central Scotland

### Case 200701396: A Medical Practice, Lanarkshire NHS Board

#### Summary of Investigation

##### ***Category***

Health: GP practice; removal from patient list

##### ***Overview***

The complainant (Miss C) complained about her general practitioner practice (the Practice), saying that they had removed her, her mother (Mrs C) and her father (Mr C) from their list of patients.

##### ***Specific complaint and conclusion***

The complaint which has been investigated is that the Practice wrongly removed Miss C, Mrs C and Mr C from their patient list (*not upheld*).

##### ***Redress and recommendations***

The Ombudsman has no recommendations to make.

## **Main Investigation Report**

### **Introduction**

1. The complainant (Miss C) complained on behalf of herself, her mother (Mrs C) and her father (Mr C). Their general practitioner (GP) practice (the Practice) had decided to remove Mrs C from their list of patients in December 2007 because of a breakdown in their working relationship with her. Related to that decision, they decided Miss C and Mr C should also be removed. Miss C felt none of them deserved this.

2. The complaint from Miss C which I have investigated is that the Practice wrongly removed Miss C, Mrs C and Mr C from their patient list.

### **Investigation**

3. I examined the information provided by Miss C and the Practice, including Mrs C's medical records and the complaint correspondence between Miss C and the Practice. I also considered relevant legislation and guidance. I note that the complaint included district nurses at the Practice. District nurses are not employees of a GP practice. However, in this report I have referred to the Practice, rather than distinguishing between the Practice and the district nursing service. This is partly for simplicity's sake and partly because the decision to remove a patient from the list is a decision for a GP practice.

4. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Miss C and the Practice were given an opportunity to comment on a draft of this report.

### *Legislation and guidance*

5. Removal of patients from GP practice lists is covered by legislation – schedule 5, part 2, of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004. I shall refer to these as the Regulations and I summarise relevant parts below:

- a GP practice can remove patients from their list if they have reasonable grounds, for example, breakdown in the relationship between the patient and the practice;
- usually, a GP practice can only remove a patient if (within the previous 12 months) they have warned the patient they are at risk of removal and have explained the reasons;

- a GP practice have to record in writing the date of any warning and the reasons which were given to the patient – or the reason why they did not give a warning; and
- to remove a patient, a GP practice shall notify the patient of the reasons.

6. The British Medical Association (the BMA – the professional organisation representing doctors) have produced guidance for GPs on the removal of patients from their lists. This says, 'A good patient-doctor relationship, based on mutual respect and trust, is the cornerstone of good patient care. When trust has irretrievably broken down, it is in the patient's interest, just as much as that of the practice, that they should find a new practice'.

7. The BMA guidance also explains that removal of one member of a household or family does not necessarily mean the removal of other members but that removing them may be necessary. For example, the prospect of visiting a patient at home and being confronted by a removed patient may make it too difficult for a GP practice to continue to look after the whole family.

**Complaint: The Practice wrongly removed Miss C, Mrs C and Mr C from their patient list**

8. Both Miss C and the Practice agree that the problems started after mid-2006, when Mrs C started to need regular dressings for a wound in her stomach. Other than that, the accounts of Miss C and the Practice conflict with each other. Briefly, Miss C described Mrs C as having a lovable nature and a caring, considerate manner. She said that the Practice had lied – for example, by saying that Mrs C appeared to be about to punch a nurse and by saying that she (Miss C) had been rude to nurses. She said a nurse had threatened to ask the police to remove Mrs C from the premises, when Mrs C had simply been asking for bandages for the wound. Miss C felt that Mrs C was being bullied and that the family were being 'picked on'. She described in detail the very poor care which she felt the Practice gave to family members in respect of a wide range of issues.

9. On the other hand, the Practice described Mrs C as increasingly complaining – to the point where the complaints were almost constant. They said that towards the end of her time at the Practice, she would appear several times a week, often for one to two hours, and sometimes several times a day, and that she would repeatedly approach the receptionists or any passing doctor or nurse to question her treatment, and approach other patients, loudly voicing

her complaints, refusing to leave the premises until she had been seen, often despite having no appointment. The Practice also said that Mrs C verbally threatened staff on various occasions and that she was unwilling to accept the Practice's advice about management of the wound. They provided some of Mrs C's medical records, which described various episodes of abusive behaviour by her and Miss C, who often accompanied Mrs C. They said that they tolerated Miss C's and Mrs C's behaviour for a very long time but reached a point when they could no longer continue to accept it. They also said that Miss C and Mrs C had made it clear that they were unhappy with the standard of care and that it became clear to them (the Practice) that the relationship between Miss C, Mrs C and the Practice had broken down.

10. Mrs C's medical records show that Mrs C was verbally warned about her behaviour (ie continual complaints and persistent, unreasonable, excessive demands). It is clear that Miss C was aware that the whole family were at risk of being removed from the Practice list as she said in a letter to the Ombudsman's office, '... doctor's clinic is telling my mum that herself, myself and my father might lose our doctor and might need to join another practice'. On 4 December 2007, the Practice wrote separately to Miss C, Mrs C and Mr C, to tell them they were now being removed from the Practice list because of their continuing dissatisfaction with the Practice's care of Mrs C.

### *Conclusion*

11. I have considered all the information provided by Miss C and the Practice, together with the Regulations and the BMA guidance. A letter from Miss C to the Ombudsman's office expressed very strong opinions about the staff as being clinically incompetent and corrupt, in relation to a wide range of issues. She also said that she had contacted the police about the Practice. In other words, it is clear to me (regardless of the contradictory nature of Miss C's and the Practice's accounts) that the working relationship between Miss C, Mrs C and the Practice had broken down. I see no fault, therefore, in the Practice's decision to remove Miss C and Mrs C from the list. There is clear evidence that a verbal warning – with the reason - was given, and it is clear that Miss C understood that the three family members were included in the warning. There is no requirement for warnings to be in writing. I see no fault, therefore, in relation to the warning. Turning to Mr C, I note the BMA's guidance on removal of family members and I am satisfied that, given the Practice's views about the behaviour of Miss C and Mrs C, there was no fault in deciding to remove the

third family member, ie Mr C, from their list. In all the circumstances, I do not uphold the complaint.

**Explanation of abbreviations used**

Miss C	The complainant
Mrs C and Mr C	Miss C's parents
GP	General practitioner
The Practice	Miss, Mrs and Mr C's GP practice at the time
The Regulations	The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004
The BMA	The British Medical Association

**List of legislation and policies considered**

The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2004 (explained at paragraph 5)

The British Medical Association guidance (explained at paragraph 6)