

## SPSO decision report

**Case:** 201103955, A Dental Practice in the Ayrshire and Arran NHS Board area  
**Sector:** health  
**Subject:** complaints handling  
**Outcome:** upheld, recommendations

### Summary

Mr C was dissatisfied after treatment from two dentists during 2010. He complained by telephone in January 2011. He also sent a complaint by email in June 2011 when the practice approached him for payment of an outstanding bill. Mr C's email was acknowledged by the practice by email three working days later, but as Mr C received no formal response to his complaint he telephoned several times between June and October 2011. He sent a further email in October 2011 which was acknowledged six working days later. Again he received no formal response to the complaints and approached us in January 2012. He complained that the practice had failed to respond appropriately to his complaints.

We upheld Mr C's complaint. Our investigation found that the practice's complaints policy and procedure did not comply with relevant NHS legislation and guidance at the time. The guidance said that complaints to family health service providers should be acknowledged within three working days and a full response provided within ten working days. The practice complaints policy said that they would acknowledge complaints within seven working days and respond within 20 working days.

Our investigation also showed that the practice did not comply with their own timescales. Although the two emails Mr C sent were acknowledged, there is no evidence that any of his calls were recorded, acknowledged or responded to. In addition, when we made enquiries to the practice these were either not responded to or the responses were very delayed.

### Recommendations

We recommended that the practice:

- issue a written apology to Mr C; and
- review and amend the practice complaints procedure to comply with the requirements of the NHS legislation and guidance.