

SPSO decision report



Case: 202403301, A Medical Practice in the Greater Glasgow and Clyde NHS Board area
Sector: Health
Subject: Clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

C had concerns about the care and treatment that their late parent (A) received from the practice. At the time the care and treatment took place, the practice was being managed as a GP partnership arrangement. By the time C had submitted their complaint to the practice, the previous partnership arrangement had ended and a medical group took over the running of the practice. The named GP Partner who C had raised concerns about had also left the practice. C was concerned that the practice, under its new management, refused to respond to their complaint and did not follow the complaint handling procedure.

GPs are independent contractors who deliver general medical services to patients on behalf of the health board. If a complaint is received about care given by a practice and the practice still has an active contract, then the practice will deal with the complaint accordingly. However, if the complaint relates to a closed practice or a partnership arrangement that no longer exists, as is the case here, this means that the contract with the health board would no longer be active. The practice's position is that they had no involvement in the care and treatment provided to A because this took place under the dissolved partnership arrangement.

We found that the practice should have advised C to contact the NHS board at the earliest opportunity, in line with the complaints handling procedure.

The board could have facilitated, where possible, communications between the former partner(s) and C. If the former partners were not able to provide a response, the Primary Care Service department within the board could then have considered either providing a response, or commissioning an external review and/or signposting to another appropriate body if applicable. We upheld this aspect of C's complaint.

Additionally, C considered whether the practice should have carried out a Significant Event Analysis (SEA) or similar review in line with the Healthcare Improvement Scotland national framework. Given the particular circumstances, we found that it was reasonable that the practice, under its new management, did not carry out a SEA when the complaint was brought to their attention. As such, I do not uphold this aspect to the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for not advising them to contact the NHS Board about their complaint at the earliest opportunity given that it related to the care and treatment provided under a dissolved partnership arrangement. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

In relation to complaints handling, we recommended:

- If someone complains about the service of another Primary Care service provider, and the practice has no

involvement in the issue, the person should be advised to contact the relevant board or service provider directly.