

SPSO decision report



Case: 202503266, A Medical Practice in the Lanarkshire NHS Board area
Sector: Health
Subject: Lists (incl difficulty registering and removal from lists)
Decision: upheld, recommendations

Summary

C complained about the decision of the practice to remove them from their list and about the way that the practice handled their complaint. C had a consultation with a GP at the practice. A few days later C was removed from the practice list.

Practices are entitled to remove patients from their lists in certain circumstances. That said, for a removal to be reasonable, the practice need to be able to demonstrate that they have acted in a way that is consistent with The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 (the 2018 Regulations) and General Medical Council guidance to ending a professional relationship with a patient.

Regarding C's removal from the practice, we found that the practice did not act in accordance with the 2018 Regulations and the GMC's guidance. The practice did not provide any contemporaneous written records setting out the reason why no warning was given in this case and the circumstances of the removal. They also did not provide records of the justification for removing C from the practice list for expressing dissatisfaction about the care and treatment provided and the grounds for it not being considered appropriate to provide C with a more specific reason for the removal.

Regarding the handling of C's complaint, we found that the practice failed to fully investigate and respond to the points of complaint being raised in accordance with the practice's complaint handling procedure and the NHS Model Complaints Handling Procedure. They also failed to provide C with a copy of the practice's Public Facing Complaints Handling Procedure. We upheld C's complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for not acting in accordance with The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 and the GMC's guidance, for not responding to the points of complaint that C raised and not providing C with a copy of the Practice's Public Facing Complaints Handling Procedure. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/meaningful-apologies.

What we said should change to put things right in future:

- Schedule 6, Part 2 of The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018 and the relevant GMC guidance should be followed when considering removing patients from the practice list.

In relation to complaints handling, we recommended:

- Complaints should be investigated and responded to in accordance with the practice's complaint handling procedure and the NHS Model Complaints Handling Procedure. Complaints investigators should fully investigate and address the key issues raised, identify and action appropriate learning and apologise where issues have been identified. The practice should co-operate with the SPSO when we are investigating a complaint in line with the relevant legislation such as the National Health Service (General Medical Services) (Scotland) Regulations 2018 and the Scottish Public Services Ombudsman Act 2002. We offer SPSO accredited Complaints Handling training. Details and registration forms for our online self-guided Good Complaints Handling course (Stage 1) and our online trainer-led Complaints Investigation Skills course (Stage 2) are available at <https://www.spsos.org.uk/training-courses>.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.