



What to do if you have a complaint about the NHS in Scotland

We provide a free, independent and impartial service for dealing with complaints about public services in Scotland. You may feel that an organisation provided a poor service, delivered a service badly or failed to provide a service. If this has caused you hardship or injustice, we may be able to look into your complaint. We can normally only deal with complaints if you have already gone through the complaints procedure of the organisation that provided the service.

This leaflet tells you what you can do if you have a complaint about the NHS in Scotland. It also explains what we can and cannot do.

Information about health complaints

As well as looking at complaints about the service provided by the NHS, we can look into complaints about clinical treatment. This could be by NHS doctors, nurses, physiotherapists, podiatrists, dentists, opticians or other NHS professionals.

We may be able to look into complaints about treatment carried out elsewhere, such as a private clinic, but only if this was organised and paid for by the NHS in Scotland.

We can normally only look at a complaint after you have gone through the NHS complaints process.

What should I do if I have a problem with a service?

If you are unhappy with the service you've received, you should report the problem to the NHS organisation involved. They will consider your concerns and they should try to deal with them.

I reported the problem and am still unhappy. How do I complain?

You should complain to the organisation if they have still not dealt with the matter after you reported it. This doesn't just mean telling staff about the problem. It means making a formal complaint telling the organisation that they have not sorted it out.

You should approach them direct and ask for details of their complaints procedure. Staff can tell you about this and there should be leaflets at the hospital, practice or clinic where you were treated.

You may complain for someone else if they give their written consent for you to do so. We can also consider a complaint from you about the service or treatment given to someone close to you who has since died.

We normally expect you to have gone through the NHS complaints procedure before we will look at your complaint. This gives the organisation the chance to try to put things right. If you're still unhappy after going through their complaints procedure, or if the time they're taking to look into your complaint is unreasonable, you can complain to us.

You should make your complaint to us within 12 months of realising that you think the organisation have done something wrong.

What we can look into

Areas we may be able to look at include:

- inappropriate treatment
- delay in providing necessary treatment
- failing to give a patient or relatives the details they need to make an informed decision about treatment
- giving, stopping or withholding treatment without appropriate consent
- misdiagnosis or failure to diagnose a condition
- harm caused by wrong or unnecessary treatment
- failing to meet a patient's basic needs or to respect their dignity (eg not feeding them properly in hospital; not keeping them clean)
- lack of cleanliness or infection control.

To reach a decision we may need to get copies of the person's clinical records. We may also get advice on clinical matters from a health professional who has not been involved in treating the person.

What we can't do

There are some things we can't do. These include:

- looking into treatment that was not paid for by the NHS
- changing or re-writing clinical notes
- arranging medical treatment
- looking at decisions to give compulsory treatment under mental health legislation while an order is still in force
- looking at anything about which you are already taking legal action (for example, a claim that a health professional was negligent).
- complaints that have been considered in court, or that are the subject of court proceedings.

We make decisions based on 'reasonableness'. This means that we look at whether the treatment given was reasonable in the circumstances at the time. We won't normally uphold a complaint simply because things could have been handled better, or because you did not receive the best possible treatment. And we can't have staff sacked or disciplined.

Sometimes when people complain to us we find that, although they're unhappy, nothing has actually gone wrong. For example:

- some treatments available privately or in other countries may not be approved for use by the NHS
- some conditions are particularly difficult to diagnose and treat. Even though there is no clear diagnosis, or treatment has not worked, this does not necessarily mean that the people treating you acted wrongly
- where doctors believe that a treatment might cause unnecessary harm or would not be effective, it may be reasonable for them not to give you what you wanted.

How we put things right

If we find a fault, as well as putting things right for you we want to try and stop the same thing happening to someone else. That's why some of our decisions and reports also have recommendations. These may include recommending that the organisation apologise or change their procedures. We may ask them to provide staff with training or to review what happened and to learn from it. We will look carefully to see what happened and how you have been affected. Our complaints reviewer will check that the organisation carry out our recommendations.

We also make some of our investigations public. We do this to share what we have learnt from complaints and to help improve how public services are delivered in Scotland.

You can search our public reports at: www.spsso.org.uk/our-findings

How to complain to SPSO

- Write to us and tell us what happened. It's best to use our complaint form if possible. You can find this on our website at www.spsso.org.uk where you can fill it in online or print it off to complete. Or phone our freephone helpline number on **0800 377 7330** and we will send you one.
- Tell us what went wrong, and what you would like to happen to get things put right.
- Send us copies of the main paperwork about your complaint. Please make sure you include the final response you received from the organisation after you complained. It also helps if you send us your original letter of complaint to them.

Can someone else make a complaint for me?

Yes, if you give them written permission. Phone us on **0800 377 7330** and ask for a consent form.

You can get help from your local Citizens Advice Bureau, where an adviser can help you fill in a complaint form or complain for you. Your Member of the Scottish Parliament (MSP), councillor, Member of Parliament (MP), or a friend or relative may also be able to help.

If you've not yet made a complaint, please see our website for more information: <https://www.spsso.org.uk/how-to-complain-about-public-service>

More help, advice and information

Citizens Advice Bureau

Citizens Advice Scotland may be able to give you further advice and guidance. You can discuss your concerns with your local Citizens Advice Bureau. To find your nearest bureau please visit www.cas.org.uk, or look in the phone book.

NHS Inform

NHS Inform can give you details of all pharmacies, GP and dental practices in Scotland. They can also give you information about illnesses and conditions, treatments, NHS and other support services. Helpline **0800 22 44 88** Website: <https://www.nhsinform.scot/>

Care Opinion

If you want to share your recent health experience and help improve health services, you can do so using the Care Opinion service. For more information go to www.careopinion.org.uk, email team@careopinion.org.uk, or phone freephone **0800 122 3135**.

We have separate leaflets about being taken off the list of a GP or dental practice, and about NHS continuing care. You can get these on our website or by getting in touch with us. All our contact details are on the next page.

We can give you this leaflet in other languages and formats (such as large print or Braille) if you ask.

Contacting us

If you're not sure whether we can look at your complaint, please contact us. You can also call us if you're not sure whether you have gone through the complaints procedure of the organisation you are unhappy with. If appropriate, we'll guide you through that.

We're happy to talk to you. One of our complaints reviewers is always available to discuss your complaint with you.

You can contact us by phone, in writing or by visiting our office. Visits are by appointment only and can be arranged by calling the number below.

Our address is: **SPSO**
Bridgeside House 99
McDonald Road
Edinburgh
EH7 4NS

A Freepost envelope can be supplied if this is required

Opening hours: **Monday, Wednesday, Thursday, Friday 9am – 5pm, Tuesday 10am – 5pm**

Freephone: **0800 377 7330**

Website: **www.spsso.org.uk**

Calls to and from SPSO phone lines may be recorded to check the quality of our service and help us do our job to help you. More details are in the privacy notice: www.spsso.org.uk/privacy-notice. Please ask if you want to confirm if a call is or is not being recorded or if you would like to know what options may be available to you if you do not wish to be recorded.

