

THE NATIONAL HEALTH SERVICE (GENERAL MEDICAL SERVICES) REGULATIONS 1992

Schedule 2

Terms of Service for Doctors

Important Note

This copy of the NHS (General Medical Services) Regulations 1992 has been electronically reproduced from a version published March 1999 by the GPC secretariat, which was the 1996 consolidated version additionally incorporating seven further statutory instruments (SI).

Although the document has been checked for errors, it is intended only as a guide for members and constituents of the WMRLMC, and has no official status. For a statement of law, reference must be made to the appropriate statutory instrument.

Complaints

- 47A. (1) Subject to sub-paragraph (2), a doctor shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 47B referred to as a "practice based complaints procedure") to deal with any complaints made by or on behalf of his patients and former patients.
- (2) The practice based complaints procedure to be established by a doctor may be such that it also deals with complaints made in relation to one or more other doctors.
- (3) A practice based complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the doctor's provision of general medical services and within the responsibility or control of:
- (a) the doctor;
 - (b) any other doctor either employed by him or engaged as his deputy;
 - (c) a former partner of the doctor;
 - (d) an employee of the doctor other than one falling within paragraph (b),
- and in this paragraph and paragraph 47B, references to complaints are to complaints falling within this sub-paragraph.
- (4) A complaint may be made on behalf of a patient or former patient with his consent, or:
- (a) where the patient is a child:
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or
 - (ii) where the child is in the care of an authority to whose care he has been committed under the provisions of the Children Act 1989¹ or is in the care of a voluntary organisation, by that authority or voluntary organisation, or
 - (b) where the patient is incapable of making a complaint, by a relative or other adult person who has an interest in his welfare.

¹ 1989 c.41.

- (5) Where a patient has died a complaint may be made by a relative or other adult person who had an interest in his welfare or, where the patient was as described in paragraph (a)(ii) of sub-paragraph (4), by the authority or voluntary organisation.
- (6) A practice based complaints procedure shall comply with the following requirements:
- (a) the doctor must specify a person (who need not be connected with the practice and who, in the case of an individual, may be specified by his job title) to be responsible for receiving and investigating all complaints;
 - (b) all complaints must be:
 - (i) recorded in writing,
 - (ii) acknowledged, either orally or in writing, within the period of three days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was made or, where that is not possible, as soon as reasonably practicable, and
 - (iii) properly investigated;
 - (c) within the period of 10 days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a) or, where that is not possible, as soon as reasonably practicable, the complainant must be given a written summary of the investigation and its conclusions;
 - (d) where the investigation of the complaint requires consideration of the patient's medical records, the person specified under paragraph (a) must inform the patient or person acting on his behalf if the investigation will involve disclosure of information contained in those records to a person other than the doctor or a partner, a deputy or an employee of the doctor, and
 - (e) the doctor must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from patients' medical records.
- (7) A doctor shall inform his patients about the practice base complaints procedure which he operates and the name (or title) of the person specified under paragraph (6)(a).

- 47B. (1) A doctor shall cooperate with any investigation of a complaint by the Health Authority in accordance with the procedures which it operates in accordance with directions given under section 17 of the Act², whether the investigation follows one under the practice based complaints procedure or not.
- (2) The cooperation required by sub-paragraph (1) includes:
- (a) answering questions reasonably put to the doctor by the Health Authority;
 - (b) providing any information relating to the complaint reasonably required by the Health Authority, and
 - (c) attending any meeting to consider the complaint (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given) if the doctor's presence at the meeting is reasonably required by the Health Authority. [amended by SI 1996 No 702 wef 1/4/96]

²

Section 17 is substituted from 1st April 1996 by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 8.