

SCHEDULE 2

Terms of Service for Doctors

Complaints

52.—(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 53 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 also deal with complaints made in relation to one or more other doctors in the practice.

(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 head (b),

and in this paragraph and paragraph 53, 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 (Northern Ireland) Order 1995(1), by a person duly authorised by that authority; or
 - (iii) where the child is in the care of a voluntary organisation, by that organisation or a person duly authorised by it; or
 - (iv) where the child is in a training school, by the manager of that training school; 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.

(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 head (a)(ii), (iii) or (iv) of sub-paragraph (4), by that authority, or voluntary organisation, or the manager of the training school.

(6) A practice based complaints procedure shall comply with the following requirements—

- (a) the doctor shall 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 shall be—
 - (i) recorded in writing;
 - (ii) acknowledged, either orally or in writing, within the period of 3 days (excluding Saturdays, Sundays, and Bank and Public Holidays) beginning with and including

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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, and Bank and Public Holidays) beginning with and including the day on which the complaint was received by the person specified under head (a) or, where that is not possible, as soon as reasonably practicable, the complainant shall 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 head (a) shall 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 shall 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 based complaints procedure which he operates and the name (or title) of the person specified under sub-paragraph (6)(a).