
SCOTTISH STATUTORY INSTRUMENTS

2012 No. 36

**The Patient Rights (Complaints Procedure and
Consequential Provisions) (Scotland) Regulations 2012**

PART 3

DEALING WITH COMPLAINTS

Period for raising a complaint

5.—(1) Regulations 6 and 7 apply where a complaint is raised orally or in writing within six months from the date on which the subject matter of the complaint comes to the complainant's notice, provided that is no later than twelve months after the date on which the subject matter of the complaint occurred.

(2) The periods specified in paragraph (1) may be extended if the feedback and complaints officer (appointed under regulation 3(1)) considers it would be reasonable in the circumstances.

Requirement to deal with complaints

6.—(1) In dealing with a complaint other than one specified in regulation 7(2), the responsible body must—

- (a) make a written record of the complaint;
- (b) send the complainant a written acknowledgement of the complaint within 3 working days of the date on which the complaint is received, or as soon as reasonably practicable;
- (c) send the complainant a report of the investigation into the complaint within 20 working days of the date on which the complaint is received, or as soon as reasonably practicable.

(2) Where a complaint is resolved to the complainant's satisfaction within 3 working days of the date on which the complaint is received, paragraph (1)(b) and (c) does not apply.

7.—(1) In dealing with a complaint specified in regulation 7(2), the responsible body must as soon as reasonably practicable notify the complainant in writing—

- (a) that such a complaint will not be investigated under the arrangements; and
- (b) of the procedures for raising such a complaint.

(2) The following complaints are specified—

- (a) a complaint raised by a relevant NHS body about the exercise of another relevant NHS body's functions;
- (b) a complaint raised by a service provider about any matter connected with the contract or arrangements under which that service provider provides health services;
- (c) a complaint raised by an employee of a responsible body about any matter relating to that employee's contract of employment;

- (d) a complaint which is being or has been investigated by the Scottish Public Services Ombudsman;
 - (e) a complaint arising out of an alleged failure to comply with a request for information under the Freedom of Information (Scotland) Act 2002⁽¹⁾;
 - (f) a complaint about which the complainant has stated in writing that the complainant intends to take legal proceedings;
 - (g) a complaint about which a responsible body is taking or proposing to take disciplinary proceedings against the person who is the subject of the complaint; and
 - (h) a complaint, the subject matter of which has previously been investigated under—
 - (i) the arrangements;
 - (ii) the 2005 Directions, in relation to a complaint raised under those Directions prior to 1st April 2012; or
 - (iii) a relevant complaints procedure, in relation to a complaint raised under such a procedure prior to 1st April 2012.
- (3) Where a complaint specified in paragraph (2) is connected with another complaint which is not so specified, the other complaint is to be dealt with in accordance with regulation 6(1).

Form of communications

- 8.** Any communication which is required by these Regulations to be made to a complainant may be sent to the complainant electronically where the complainant—
- (a) has consented to this in writing; and
 - (b) has not withdrawn such consent in writing.

⁽¹⁾ 2002 asp 13.