

SPSO decision report

Case: 201608586, A Medical Practice in the Grampian NHS Board area

Sector: health

Subject: lists (incl difficulty registering and removal from lists)

Decision: upheld, recommendations

Summary

Mr C complained to us that he, his wife and daughter were removed from the practice's list. National Services Scotland (NSS) wrote to Mr C to say that his GP practice had asked NSS to remove him, his wife and their daughter from their patient list because of a breakdown in the doctor/patient relationship. Mr C said it was not clear why they had all been removed and that he had not been given a warning. Mr C believed it was because of a complaint he had made previously to us about the practice. As a result of the decision, Mr C and his family were distressed and left without the care of a GP practice while they found a new practice.

We took independent advice from a GP adviser. The advice we accepted was that there was no evidence that the practice had complied with their contractual regulations and General Medical Council guidance. We found that there had been an appointment between Mr C and practice nurses that was difficult for all concerned and that aspects of the appointment were challenging for staff. However, having reviewed in detail the witness statements and the entries in Mr C's medical records, we were not satisfied that it was reasonable for the practice to remove Mr C without first warning him that his behaviour was causing staff concern and giving him an opportunity to help restore the professional relationships.

We found that the practice had failed to give him an open and transparent response on their reasons for having him removed and that, as a result, he was concerned that he was removed because he had made a complaint. It is also of concern that the practice failed to take all reasonable steps to restore the professional relationship. We were not satisfied that the professional relationship with the practice had broken down to such an extent following the appointment with practice nurses that it affected the standard of clinical care provided, and so we found it to be unreasonable that Mr C was removed from the list. Similarly, there was no evidence that it was reasonable for the practice to remove his wife and child too. We upheld both complaints.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for unreasonably removing him, his wife and his daughter from the practice list. The apology should comply with the SPSO guidelines on making an apology, available at www.spsa.org.uk/leaflets-and-guidance.

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

- Staff should comply with the guidance and regulations on responding to staff concerns about patient behaviour.

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.