

SPSO decision report



Case: 202200038, A Medical Practice in the Forth Valley NHS Board area
Sector: Health
Subject: Complaints handling
Decision: upheld, recommendations

Summary

C asked a doctor at the practice to complete a DVLA medical examination. The doctor advised C that they did not have capacity to assist C and directed them to a private firm who could help.

C made a complaint to the practice about the decision and availability of doctors at the practice. In their response, the practice asked C to apologise for insulting staff or they would be removed from the practice. C was subsequently removed from the practice list. C made a further complaint to the practice regarding the decision to remove them from the practice list. The practice responded to the complaint, explaining the rationale for removing C. C was dissatisfied with the responses provided by the practice to their complaints.

We found that, whilst C's complaint was likely to have been difficult for staff to learn about, the practice's response was poor. Demanding C apologise was not an appropriate manner in which to try and establish an understanding or re-build trust between a complainant and members of staff. Therefore, we upheld this part of C's complaint.

We also found that it was not reasonable for the practice to have treated C's complaint as having caused an irretrievable breakdown of the relationship between C and the practice. The practice did not follow the appropriate process should they have wished to warn C about the appropriateness of the complaint. Therefore, we found it was unreasonable for the practice to remove C from the practice list and upheld this part of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to focus their response on the issue of C's complaint and in responding in an inappropriate manner. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Apologise to C for the failures identified and the decision to remove them from the practice list. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Complaint responses focus on issues of complaint raised by complainants. Staff should be familiar with the practice's complaints handling procedure and reflect on appropriate approaches to communicating with service users, highlighting communication it deems to be offensive or inappropriate and how to resolve complaints in an effective manner.
- Staff should be familiar with the practice's complaints handling procedure and reflect on appropriate approaches to communicating with service users and how to resolve complaints.

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.