



What we do when we get a complaint about your practice Factsheet

Introduction

This factsheet seeks to answer some frequently asked questions that often arise when the Ombudsman receives a complaint about a GP or the services provided by a GP practice. It does not cover every detail about what we do but more information is available at www.ombudsman.wales

Contact from the Ombudsman's office before an investigation starts

All new complaints are considered by the Ombudsman's Complaints Assessment Team, who will be responsible for the initial assessment of a complaint. At this stage one of the Team may contact your practice about the complaint requesting additional information about the complaint.

Do we have the authority to request a patient's complaint information at this stage?

The Ombudsman's formal power to require your practice to provide information only takes effect once an investigation has been started. However, the Ombudsman also has powers to take action in addition to or instead of conducting an investigation, which may include obtaining information required to determine whether to start an investigation.

Where the Ombudsman requests information from your practice, which may include clinical records, this information will be required for the performance of the statutory function set out in the Public Services Ombudsman (Wales) Act 2019. In line with Data Protection legislation, we do not normally obtain the individual's consent on the basis that we are performing our public task, as set out in our governing legislation. The individual is informed of this approach in the relevant Privacy Notice, provided at the outset for their complaint.

Where an individual is complaining on behalf of a third party, and we are seeking the third party's information, we will be able to provide proof of authorisation upon request.

Why do we ask for a copy of the complaint correspondence?

We do this because we need to be sure that your Practice has had an opportunity to respond to the complaint. This is an expectation under our legislation if we are to eventually investigate the matter.

Why do we sometimes request a patient's records?

It is often possible to determine, with the assistance of our internal GP Adviser, whether there is any value in investigating a complaint or not. However in order to do so we will need to have access to the relevant element of the clinical records. It should be emphasised that we would only do this when we expect the information to be readily accessed.

Why do we ask to have sight of the Practice's contract with the Health Board?

We do this because under our legislation, the Ombudsman can only investigate complaints against a medical practitioner or two or more individuals practising in partnership who have entered into a general medical services contract with a Local Health Board. For most practices it is readily apparent who holds the GP contract at the time of a complaint but there have been instances where changes to the contract arrangements have complicated investigations.

What happens when an investigation starts

The Complaints Assessment Team may determine that it is appropriate to transfer the complaint to an Investigation Team to further consider the merits of conducting an investigation. An Investigator may then contact your practice to discuss the matter or to commence an investigation.

What information will we ask for at the start of an investigation?

Generally speaking an Investigator will not ask for any information that has already been provided. However additional information being requested could include patient records; Practice policies; an account of actions taken by the Practice following its own complaint review; relevant Practice meeting notes and so forth.

Will your practice have to provide the information we request?

During an investigation the Ombudsman has the power of the High Court to require any person to provide documents relevant to the investigation or attend as a witness.

What are the clinical standards the Ombudsman will apply when considering the complaint against your practice?

The Ombudsman will consider whether the care and treatment your practice provided is appropriate in the circumstances at the time of the matters that led to the complaint. More details on the clinical standards the Ombudsman applies can be found on the ['Clinical Standards'](#) page, under the 'For Service Provider' tab. We will ask your practice for comments about the standards your practice applied in delivering the care complained about, at the outset of any investigation.

Why do we sometimes invite your practice to settle the complaint?

Sometimes it is possible that some action on the part of the Practice (such as a more comprehensive explanation) may resolve the complaint without recourse to investigation.

What happens if your practice decide to seek assistance from a defence organisation or similar?

Sometimes some of those involved may decide to seek advice from their defence union. This is welcomed as it can improve responses. We do however ask that the involvement of such organisations does not unduly delay any response or information your practice have been asked to provide. It is also important that any evidential response we receive is from the individual we have approached.

What should your practice do when we ask for information about a patient who is no longer a patient of your Practice or is deceased or is about a matter unrelated to your Practice?

At the outset of the investigation, we may not know what information your Practice retains and what information has been transferred to another Practice or the Health Board (in the case of a deceased patient). If your practice holds the information, then the Ombudsman has the power to require your practice to provide it regardless of whether it is your Practice that is subject to the complaint. If on the other hand your practice does not hold the information, please let us know as soon as possible and indicate who the information has been transferred to.

Will we interview those involved?

Generally speaking it is possible to investigate a concern on the basis of documents alone. However, the Investigator may consider it necessary to speak with those involved in the complaint. It is also possible for your practice to request a meeting with the Investigator to discuss the complaint from the outset. There is an additional explanatory leaflet for those we have asked to attend an interview. It is available from the Ombudsman's website.

Will we give your practice an opportunity to comment on the Ombudsman's findings and conclusions?

Yes – prior to concluding the investigation your practice will be given the opportunity to comment on the findings and conclusions of the investigation, and if any recommendations are made your practice is invited to agree them. It is important when commenting on a draft report, your practice makes it clear whether you are prepared to accept any recommendations made as this will determine how the investigation is concluded. It is important in considering any recommendations that your practice is confident that you are able to implement them when agreeing.

Will we name the individual GPs in the final report?

Whilst we do not automatically identify medical practitioners who have entered into the general medical services contract with the Health Board in investigation reports, it is likely that they may be identified in covering correspondence to the Practice, complainant and relevant Health Board. It is also open to the Ombudsman to determine that in certain circumstances it is in the public interest to identify such practitioners.

Why do we sometimes recommend financial redress?

It is not the role of the Ombudsman to act as a compensatory body and his recommendations in terms of providing redress to an individual who has suffered an injustice are geared as much as possible, towards returning the individual or their family to a position they would have been in if the service failure had not happened. This can include redress for worry, distress or uncertainty as to the effect of any shortcoming identified.

Contact us

If your practice is unsure whether the Ombudsman would be able to look into your complaint, please [contact us](#) on 0300 790 0203 or ask@ombudsman.wales

Also available in Welsh.

This document is available in Welsh and English. You can write to us in Welsh and we will reply in Welsh. This will not lead to a delay in responding.

ask@ombudsman.wales

0300 790 0203 Our phone line is open 10am-12:30pm and 1:30pm-4pm Monday – Friday