

# Complaints about a NHS Dentist, Optician or Pharmacy

## Information for Service Providers



This leaflet seeks to answer some frequently asked questions when the Ombudsman receives a complaint about the service provided by any independent NHS primary care provider (this includes, for example, a dentist, optician or pharmacy). It does not cover every detail about what we do but more information is available at [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk).

### Contact from the Ombudsman's office before an investigation starts

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

What aspects of service can the Ombudsman consider?

*The Ombudsman can consider complaints about service failure or maladministration in relation to any service provided and funded in full or in part under an NHS contract. Examples of this would be concerns about NHS eye examinations, NHS dental care or relating to dispensing NHS prescriptions. Members of the public can approach the Ombudsman if they remain unhappy with the response they have received to their complaint. The Ombudsman expects any complaint to have been made to you, as the provider, in the first instance so that you have had the opportunity to respond to it and resolve it.*

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

*The Ombudsman's formal power to require you to provide information only takes effect once an investigation has been started. However before approaching you we will have obtained the complainant's consent to receive any relevant information including clinical records. A copy of this consent can be provided upon request.*

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

*We do this because we need to be sure that you are aware of the complaint and you have 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 clinical/medication records?

*It is often possible to determine on an initial assessment 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 records. It should be emphasised that we would only do this when we expect the information to be readily accessed.*

Why do we sometimes ask to have sight of your contract with the Health Board?

*We do this because under our legislation, the Ombudsman can only investigate complaints about services provided under an NHS contract. Services can be provided under contracts with individual practitioners, partnerships or companies. Where there may be doubt about who is the named contractor, we may ask you or the Local Health Board for a copy of the contract to check who is responsible for providing the service.*

## What happens when an investigation starts



The Complaints Advice Team may decide 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 you 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 could be requested such as clinical records; relevant company policies; an account of actions you have taken following your own complaint review and so forth.*

Will you 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.*

Why do we sometimes invite you to settle the complaint?

*Sometimes it is possible that you could take some action (such as a more comprehensive explanation) that would resolve the complaint without recourse to formal investigation.*

What happens if you decide to seek assistance from a defence union or similar?

*Sometimes some of those involved may decide to seek advice from their defence union. This is absolutely fine although we would ask you to ensure that any action you take to involve such parties does not unduly delay any response or information you have been asked to provide. It is also important that any evidential response we receive is from the individual we have approached.*

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, either over the telephone or face to face. It is also possible for you to request a meeting with the investigator to discuss the complaint. There is an additional explanatory leaflet for those we have asked to attend an interview. It is available on the Ombudsman's website.*

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

*Yes – prior to concluding an investigation you will be given the opportunity to comment on the proposed findings and conclusions of the investigation, and if any recommendations are made you are invited to agree them. It is important when commenting at this stage that you make 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 you are confident you are able to implement them when agreeing.*

Will the individual practitioners be named in the final report?

*It is not the Ombudsman's practice to identify any individuals in reports which are made available to the public (on request) or to other interested parties. The report will name the company or partnership contracted to provide the service under the NHS contract.*

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 is geared as much as possible, towards, returning the individual or their family to a position where 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.*

**Website: [www.ombudsman-wales.org.uk](http://www.ombudsman-wales.org.uk)**

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