
STATUTORY INSTRUMENTS

1996 No. 698

The National Health Service (Pharmaceutical Services) Amendment Regulations 1996

PART III

COMPLAINTS

Complaints against chemists

6. In Schedule 2 to the 1992 Regulations (terms of service), after paragraph 10 insert—

“Complaints

10A.—(1) Subject to sub-paragraph (2), a chemist shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 10B referred to as a “complaints procedure”) to deal with any complaints made by or on behalf of any person to whom he has provided pharmaceutical services.

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(2) The complaints procedure to be established by a chemist may be such that it also deals with complaints made in relation to one or more other chemists.

(3) The complaints procedure to be established by a chemist who provides pharmaceutical services from more than one set of premises may be such that it relates to all those premises together.

(4) A complaints procedure shall apply to complaints made in relation to any matter reasonably connected with the chemist’s provision of pharmaceutical services and within the responsibility or control of—

- (a) the chemist;
- (b) where the chemist is a body corporate, any of its directors or former directors;
- (c) a former partner of the chemist;
- (d) any pharmacist employed by the chemist;
- (e) any employee of the chemist other than one falling within sub-paragraph (d),

and in this paragraph and paragraph 10B, references to complaints are to complaints falling within this sub-paragraph.

(5) A complaint may be made on behalf of any person with his consent, or—

- (a) where he is under 16 years of age—
 - (i) by either parent, or in the absence of both parents, the guardian or other adult person who has care of the child, or

- (ii) where he is in the care of an authority to whose care he has been committed under the provisions of the Children Act 1989(1) or in the care of a voluntary organisation, by that authority or voluntary organisation; or
 - (b) where he is incapable of making a complaint, by a relative or other adult person who has an interest in his welfare.
- (6) A complaint may be made as respects a person who has died by a relative or other adult person who had an interest in his welfare, or where he was as described in paragraph (a)(ii) of sub-paragraph (5), by the authority or voluntary organisation.
- (7) A complaints procedure shall comply with the following requirements—
- (a) the chemist must specify a person (who need not be connected with the chemist and who, in the case of an individual, may be specified by his job title) to be responsible for receiving and investigating all complaints.
 - (b) all complaints must be—
 - (i) recorded in writing.
 - (ii) acknowledged, either orally or in writing, within the period of three days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a), or where that is not possible as soon as reasonably practicable, and
 - (iii) properly investigated;
 - (c) within the period of 10 days (excluding Saturdays, Sundays, Christmas Day, Good Friday and bank holidays) beginning with the day on which the complaint was received by the person specified under paragraph (a) or, where that is not possible as soon as reasonably practicable, the complainant must be given a written summary of the investigation and its conclusions;
 - (d) where the investigation of the complaint requires consideration of any records relating to the person as respects whom the complaint is made, the person specified under paragraph (a) must inform him or the person acting on his behalf if the investigation will involve disclosure of information contained in those records to a person other than the chemist or a director, partner or employee of the chemist; and
 - (e) the chemist must keep a record of all complaints and copies of all correspondence relating to complaints, but such records must be kept separate from any records relating to the person by whom the complaint was made.
- (8) At each of the premises at which the chemist provides pharmaceutical services he must provide information about the complaints procedure and give the name (or title) and address of the person specified under paragraph (7)(a); and where he provides supplemental services he must provide the same information to the person referred to in regulation 16(2)(a).
- 10B.**—(1) A chemist must cooperate with any investigation of a complaint by the Health Authority in accordance with the procedures which it operates in accordance with directions given under section 17 of the Act(2), whether the investigation follows one under the chemist's complaints procedure or not.
- (2) The cooperation required by sub-paragraph (1) includes—
- (a) answering questions reasonably put to the chemist by the Health Authority;

(1) 1989 c. 41.

(2) Section 17 substituted from 1st April, 1996 by the Health Authorities Act 1995 (c. 17), Schedule 1, paragraph 8.

- (b) providing any information relating to the complaint reasonably required by the Health Authority; and
- (c) attending any meeting to consider the complaint (if held at a reasonably accessible place and at a reasonable hour, and due notice has been given), if the chemist's presence at the meeting is reasonably required by the Health Authority.”.

Complaints against dispensing doctors

7. In Schedule 2 to the 1992 Regulations (terms of service), after paragraph 13 insert—

“**14.**—(1) A doctor who is authorised or required by a Health Authority under regulation 20 to provide drugs or appliances to a patient, or who otherwise provides pharmaceutical services, shall secure that the practice based complaints procedure he has established and operates in accordance with paragraph 47A of the doctors' terms of service⁽³⁾ applies in relation to any matter reasonably connected with his provision of pharmaceutical services as it applies as respects his provision of general medical services.

(2) Accordingly, paragraph 47B of those terms of service also applies in relation to complaints about such matters”.

(3) Contained in Schedule 2 to [S.I. 1992/635](#); paragraphs 47A and 47B were inserted by [S.I. 1996/703](#).