
STATUTORY INSTRUMENTS

1996 No. 840

The National Health Service (Pharmaceutical Services) (Scotland) Amendment Regulations 1996

PART III

COMPLAINTS

Complaints against pharmacists

6. In Schedule 1 to the principal Regulations (terms of service for pharmacists), after paragraph 9 insert—

“Complaints

9A.—(1) Subject to sub-paragraph (2), a pharmacist or a pharmacist contractor shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 9B 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.

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

(3) The complaints procedure to be established by a pharmacist or pharmacist contractor 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 pharmacist’s or pharmacist contractor’s provision of pharmaceutical services and within the responsibility or control of—

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

and in this paragraph and paragraph 9B, 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) in the care of an authority under Part II of the Social Work (Scotland) Act 1968(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 head (a)(ii) of sub-paragraph (5), by the authority or voluntary organisation.
- (7) A complaints procedure shall comply with the following requirements:—
- (a) the pharmacist or pharmacist contractor shall specify a person (who need not be connected with the pharmacist or pharmacist contractor 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 shall be—
 - (i) recorded in writing,
 - (ii) acknowledged, either orally or in writing, within the period of three days (excluding Saturdays, Sundays, Christmas Day, New Year’s Day and any other public or local holiday agreed with the Board) beginning with the day on which the complaint was received by the person specified in head (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, New Year’s Day and any other public or local holiday agreed with the Board) beginning with the day on which the complaint was received by the person specified in head (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 in head (a) shall 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 pharmacist or a director, partner or employee of the pharmacist contractor; and
 - (e) the pharmacist or pharmacist contractor shall 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 as respects whom the complaint was made.
- (8) At each of the premises at which a pharmacist or pharmacist contractor provides pharmaceutical services he shall provide information about his complaints procedure, and give the name (or title) and address of the person specified in sub-paragraph 7(a); and where he provides supplemental services he shall provide the same information to the persons referred to in regulation 3(3)(a).

9B.—(1) A pharmacist or pharmacist contractor shall cooperate with any investigation of a complaint by the Board in accordance with the procedures which it operates in accordance with directions given under section 2(5) of the Act(2), whether the investigation follows one under the pharmacist’s or pharmacist contractor’s complaints procedure or not.

- (2) The cooperation required by sub-paragraph (1) includes—

(1) 1968 c. 49.

(2) Section 2(5) was amended by the National Health Service and Community Care Act 1990 (c. 19), Schedule 9, paragraph 19(1).

- (a) answering questions reasonably put to the pharmacist by the Board;
- (b) providing any information relating to the complaint reasonably required by the Board;
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 pharmacist or pharmacist contractor's presence at the meeting is reasonably required by the Board."