

SCHEDULE 1

TERMS OF SERVICE FOR PHARMACISTS AND PHARMACY CONTRACTORS

Complaints

12.—(1) Subject to sub-paragraph (2), a pharmacy contractor shall establish, and operate in accordance with this paragraph, a procedure (in this paragraph and in paragraph 13 referred to as a “complaints procedure”) to deal with any complaints made by or on behalf of any person to whom the pharmacy contractor or a pharmacist acting on its behalf has provided pharmaceutical services.

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

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

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

and in this paragraph and paragraph 13, references to complaints are to complaints falling within this sub-paragraph.

(4) A complaint may be made on behalf of any person with that person’s consent, or—

- (a) where that person 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 that person is incapable of making a complaint, by a relative or other adult person who has an interest in that person’s welfare.

(5) A complaint may be made by a relative or other adult person who had an interest in the person’s welfare as respects a person who has died , or where that person was as described in sub-paragraph (4)(a)(ii), by the authority or voluntary organisation.

(6) A complaints procedure shall comply with the following requirements:—

- (a) the pharmacy contractor shall specify a person (who need not be connected with the pharmacy contractor and who, in the case of an individual may be specified by such individual’s 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 sub-paragraph (6)(a) or, where that is not possible as soon as reasonably practicable; and

(1) 1968 c. 49.

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- (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 sub-paragraph (6)(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 sub-paragraph (6)(a) shall inform the person who has made the complaint or the person acting on such person's 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 pharmacy contractor; and seek that person's consent to such disclosure; and
 - (e) the pharmacy 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.
- (7) At each of the premises at which a pharmacy contractor provides pharmaceutical services the pharmacy contractor shall provide information about such pharmacy contractor's complaints procedure, and give the name (or title) and address of the person specified in sub-paragraph (6)(a); and where the pharmacy contractor provides hypodermic needle exchange services the pharmacy contractor shall provide the same information to the persons referred to in regulation 3(3)(a).