

Date: 28/05/2024
Your Ref:
Our Ref: 8741

Enquiries to : Richard Mutch
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Dear

FREEDOM OF INFORMATION – COMPLAINTS PROCEDURE

I write in response to your request for information in relation to Complaints Procedures within NHS Lothian.

Question:

- Can you please confirm if you health board complies with the attached file (page 16 of the NHS National Complaints Procedure), heading, 'What if the person raising the issue does not want to complain', including in relation to psychiatric treatment?

Answer:

NHS Lothian follows the nationally agreed Complaints Handling Procedure (CHP). Complaints can be made by anyone regarding their NHS care or treatment. We may ask for consent if someone is complaining on behalf of a different person and this is in line with data protection legislation. If someone does want to make a complaint and they make contact with the Patient Experience Team, the CHP would be discussed with them and then consider what options may be open to them as this may also include the option of an anonymous complaint being investigated or being redirected to the Patient Advice and Support Services (PASS) who support people to give feedback or make a complaint.

If a patient does not wish access to clinical treatment that would be a discussion in the moment directly between the clinical team and the patient.

I hope the information provided helps with your request

If you are unhappy with our response to your request, you do have the right to request us to review it. Your request should be made within 40 working days of receipt of this letter, and we will reply within 20 working days of receipt. If our decision is unchanged following a review and you remain dissatisfied with this, you then have the right to make a formal complaint to the Scottish Information Commissioner within 6 months of receipt of our review response. You can do this by using the Scottish Information Commissioner's Office online appeals service at www.itspublicknowledge.info/Appeal. If you remain dissatisfied with the Commissioner's response you then have the option to appeal to the Court of Session on a point of law.

If you require a review of our decision to be carried out, please write to the FOI Reviewer at the email address at the head of this letter. The review will be undertaken by a Reviewer who was not involved in the original decision-making process.

FOI responses (subject to redaction of personal information) may appear on NHS Lothian's Freedom of Information website at: <https://org.nhslothian.scot/FOI/Pages/default.aspx>

Yours sincerely

ALISON MACDONALD
Executive Director, Nursing, Midwifery and AHPs
Cc: Chief Executive