

Date: 05/06/2024
Your Ref:
Our Ref: 8766

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Dear

FREEDOM OF INFORMATION – COMPLAINTS

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

Question:

1. Please provide information concerning the policy of NHS Lothian when patients submit a complaint about treatment at The Western General Hospital. The background is that a breast cancer patient complained about failures in care and mistreatment subsequent to an operation in the Breast Unit. The Head of the Breast Unit then wrote to them and said they couldn't attend there in future. This left them with no Breast Surgeon, Breast Care Nurse, or medical team.

Answer:

The Western General Hospital follow the Complaints Handling Procedure (CHP). Further information on this can be found [HERE](#)

This information is exempt under Section 25 of the Freedom of Information (Scotland) Act 2002 - Information otherwise accessible.

(1) Information which the applicant can reasonably obtain other than by requesting it under section 1(1) is exempt information.

Question:

2. Is it the policy of NHS Lothian to blacklist patients who submit lawful complaints under the NHS Complaints procedures?

Answer:

There is no policy to “blacklist patients”. As part of the Complaints Handling Procedure, there is an associated document “Unacceptable Actions Procedure” that details the criteria of what actions NHS Lothian considers to be unacceptable which may require implementation of this procedure. In the very few cases where this procedure has been implemented, patients will be sent a “warning” letter and if their behaviours do not change, then the procedure will be implemented.

Question:

3. Does NHS Lothian accept the right of the patient to complain under the NHS Complaints Procedure?

Answer:

Yes, however if a complaint has been investigated via the CHP and the patient / complainant remains unhappy, they will be directed to the Scottish Public Services Ombudsman as the third and final stages of the CHP.

Question:

4. Does NHS Lothian comply with the NHS Complaints Procedure in 100% of complaints made to it?

Answer:

NHS Lothian is required to publish a complaints annual report that details its performance against 9 key performance indicators. These annual reports can be found via the link [HERE](#) – Section 25.

Question:

5. In what circumstances would NHS Lothian blacklist a patient who had been subjected to serious mistreatment and who complained about this subsequently?

Answer:

As already mentioned, there is no policy to “blacklist” people.

Question:

6. Who has the authority to blacklist a patient with cancer and complained about their treatment? Please provide the job title of the person, their name is not required. In this case, would it be the Head of the Breast Unit?

Answer:

As already mentioned, there is no policy to “blacklist” people.

Question:

7. How many patients have been blacklisted in this way? What records are kept regarding this?

Answer:

As already mentioned, there is no policy to “blacklist” people.

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.nhsllothian.scot/FOI/Pages/default.aspx>

Yours sincerely

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