

Date: 20/07/2026
Our Ref: 11610
Enquiries to loth.freedomofinformation@nhs.scot

Dear

FREEDOM OF INFORMATION – GP CONTRACT

I write in response to your request for information in relation to the GP contract in NHS Lothian.

Question:

This request concerns NHS Lothian's governance, oversight, and performance-management arrangements for General Medical Services (GMS) and Primary Medical Services (PMS) contractors, including compliance with the NHS Scotland Model Complaints Handling Procedure (CHP).

Please provide the following documents, policies, procedures, and governance frameworks currently used by NHS Lothian relating to GP contractor oversight:

1. GP Contractor Oversight Frameworks

- GP contractor governance frameworks
- Primary Care oversight policies
- Documents describing NHS Lothian's statutory duties under the National Health Service (Scotland) Act 1978
- Board-level or Directorate-level documents describing how NHS Lothian monitors compliance with GMS/PMS contracts
- Internal guidance on escalation routes when concerns arise about a GP practice

Answer:

NHS Lothian does hold contracts with GP practices, however the contract that we have with GP practices is a national contract for General Medical Services (GMS) that was negotiated between the Scottish Government and the British Medical Association's Scottish General Practitioners Committee. This national contract sets the parameters that NHS Lothian must work within.

As the commissioning Health Board, NHS Lothian annually requests details of the number of complaints received by GP practices in the Lothian region together with the nature of these complaints. This allows the Board to consider the themes that are highlighted in these returns and to work with GP colleagues to take forward any improvement work as required.

In addition, we also look at a series of quality outcome measures to understand how GP practices are providing services to their patient population, such as GP referrals, out-patient specialities, unscheduled admissions to hospital as well as prescribing rates. These are used at both GP practice and Local Authority/Health Board level to support improvements in clinical care.

When concerns arise about a GP practice, these would be brought to the attention of Clinical and Management Leads within the relevant Health & Social Care Partnership who act as the principle local interface with GP practices and take a lead role in supporting the sustainability of general practice.

Most GP practices are independent contractors. However, in the Lothian Health Board area, 5 out of the 114 GP practices are directly managed by the Health Board under 2c arrangements. Where 2c arrangements apply, the relevant Health and Social Care Partnership have operational management responsibility for the practice and NHS Lothian policies and procedures are in place.

NHS Lothian policies are publicly available on the NHS Lothian website via Policy Online at this link [Policy Online – NHS Lothian | Policy Online](#)

Question:

2. Monitoring and Enforcement of CHP Compliance

- Policies, procedures, or guidance describing how NHS Lothian monitors GP contractor compliance with the NHS Scotland Model Complaints Handling Procedure (CHP)
- Any documents describing how NHS Lothian identifies GP practices that fail to follow the CHP
- Any procedures for intervening when a GP practice:
 - fails to issue Stage 1 or Stage 2 acknowledgements
 - fails to issue Stage 2 outcomes
 - fails to meet statutory timescales
 - fails to provide updates or delay notices
- Any escalation routes, sanctions, or enforcement mechanisms available to NHS Lothian when a GP contractor does not comply with the CHP
- Any reports, audits, or reviews relating to GP practice compliance with the CHP

Answer:

NHS Lothian does not routinely undertake a formal monitoring programme specifically measuring individual GP contractor compliance with each procedural element of the NHS Scotland Model Complaints Handling Procedure. This level of detail may be held by the individual GP contractor, which you could request from each individual GP Practice.

Accordingly, NHS Lothian does not hold information falling within parts of this request seeking:

- lists of GP practices failing to issue Stage 1 acknowledgements;
- lists of GP practices failing to issue Stage 2 outcomes;
- contractor compliance rankings; or
- reports specifically identifying CHP non-compliance by GP practices.

Therefore, under Section 17(1) of FOISA, I advise that NHS Lothian does not hold this information.

Question:

3. Performance Management and Quality Assurance

- Policies on GP performance monitoring
- Procedures for identifying underperformance
- Documents describing how NHS Lothian:
 - assesses quality
 - monitors risk
 - reviews clinical governance
 - evaluates compliance with the GMS contract
- Templates or frameworks used for practice reviews, audits, or inspections

Answer:

The Primary Care Contracts Office (PCCO) manages the GP appraisal process in conjunction with the Primary Care Medical Director and NHS Lothian Lead Appraisal Advisors linking with the Executive Medical Director and Performers List administrator as required.

NHS Lothian Healthcare Governance Committee provide assurance to the Board that the quality of all aspects of care in NHS Lothian is person-centred, safe, effective, equitable and maintained to a high standard. The terms of reference are available here - [Board-Governance-Committee-Terms-of-Reference-as-agreed-by-Board-2025.04.16.pdf](#)

Each year, an agreed pro forma is developed in collaboration with the Local Medical Committee and PCCO. It is distributed to practices via the GMS email account for completion and return as a Microsoft Form. The completed responses are held by PCCO.

Health and Social Care Partnerships (HSCPs) have local governance arrangements in place to identify practices experiencing challenges, such as through the use of risk registers. These arrangements vary across HSCPs, as they are developed locally to reflect local governance processes. They are used to identify practices that may benefit from targeted support to improve stability.

Question:

4. Complaints, Escalation, and Intervention

- Policies describing NHS Lothian's role in GP complaints

- Procedures for escalating concerns about GP practices
- Documents describing:
 - when NHS Lothian intervenes in a GP practice
 - how concerns are triaged
 - how governance failures are recorded
 - how issues are escalated to the Scottish Government or the Primary Care Directorate

Answer:

NHS Lothian is unable to investigate or respond directly to specific issues raised in relation to the majority of medical practices in Lothian as they are independent GP contractors. As independent GP contractors are responsible for managing their own complaints, patients must contact the practice directly to pursue any concerns.

The NHS Inform website outlines NHS Scotland's Complaints Handling Procedure (CHP) and this information can be found by clicking on the following link: <https://www.nhsinform.scot/care-support-and-rights/health-rights/feedback-and-complaints/making-a-complaint-about-your-nhs-care-or-treatment/>

As clarified on NHS Inform, complaints in respect of any independent contractor (GPs, pharmacists, dentists, and optometrists) must be made to the practice directly in writing, usually to the Practice Manager, in the first instance. Many GP Practices have details of their complaints procedure available on their website.

If a patient is not satisfied with the response from the practice, the correct route for escalation of further concerns is to the Scottish Public Services Ombudsman (SPSO). The SPSO will normally expect complainants to have exhausted all stages of NHS Scotland's Complaints Handling Procedure before they consider the complaint. There is more information on this organisation's website by clicking on the following link: <https://www.spsso.org.uk/making-complaint>. The SPSO inform NHS Lothian regarding the outcome of any investigations completed within the Health Board area.

In NHS Lothian, Datix is the electronic incident reporting and risk management system used to record and manage adverse events and capture actual or potential patient harm. These incidents are reviewed and escalated as appropriate through established governance processes.

When concerns arise about a GP practice, these would be brought to the attention of Clinical and Management Leads within the relevant Health & Social Care Partnership who act as the principle local interface with GP practices and take a lead role in supporting the sustainability of general practice.

Question:

5. Equality Act 2010 Compliance in GP Practices
 - Policies describing NHS Lothian's oversight of Equality Act compliance in GP practices

- Documents describing how NHS Lothian ensures GP contractors meet their duties under:
 - the Equality Act 2010
 - the Public Sector Equality Duty (PSED)
- Any guidance issued to GP practices on communication reasonable adjustments

Answer:

NHS Lothian holds corporate equality and human rights policies which apply across the organisation but does not hold separate oversight policies specifically monitoring every GP contractor's compliance with the Equality Act 2010.

Where practices are directly managed by the Health Board under 2c arrangements, NHS Lothian corporate policies are applicable.

NHS Lothian Equality and Human Rights Strategy includes a commitment to achieving 6 strategic equality and human rights priorities. The strategy is available on the NHS Lothian website here: <https://org.nhslothian.scot/equality-human-rights/>. The Equality and Human Rights Team provides an annual report to the Healthcare Governance Committee about the progress to achieve the equality and human rights priorities. Copies of the annual reports for 2023-2024, 2024-2025 and 2025-2026 are available here - <https://org.nhslothian.scot/equality-human-rights/public-sector-equality-duty-reports/>.

In respect of communication reasonable adjustments, GP practices have access to the NHS Lothian Translation, Interpretation and Communication Support Service. More information can be found here: <https://www.nhslothian.scot/yourrights/tics/>. Any additional information for GP practices regarding communication reasonable adjustments would be cascaded through HSCPs and PCCO.

Question:

6. Data Protection, Record-Keeping, and Governance
- Policies describing NHS Lothian's oversight of GP data protection compliance
 - Documents describing how NHS Lothian monitors:
 - accuracy of GP records
 - SAR handling
 - data minimisation
 - information governance failures
 - Escalation procedures when a GP practice fails to meet UK GDPR obligations

Answer:

NHS Lothian does not routinely monitor all aspects of:

- Subject Access Request handling;

- record accuracy;
 - data minimisation; or
 - UK GDPR compliance
- within individual GP practices.

Where concerns arise regarding compliance, these may be considered through relevant contractual, governance, or information governance processes as appropriate. The 2018 Scottish GP contract introduced provisions whereby NHS Boards are joint controllers for GP patient records in certain respects, but GP practices remain independent contractors with their own compliance responsibilities.

Question:

7. Communications Between NHS Lothian and GP Practices

- Policies governing communication between NHS Lothian and GP contractors
- Documents describing:
 - how NHS Lothian issues instructions to GP practices
 - how governance concerns are communicated
 - how practices are required to respond
 - how NHS Lothian records and tracks these communications

Answer:

NHS Lothian routinely communicates Scottish Government and Health Board requirements to GP contractors through partnership working via formal Committees that are in place such as the Local Medical Committee, GP Sub Committee, Primary Care Joint Management Group etc. We also work closely with HSCP colleagues to support partnership working at a local level. In addition, email cascades to all GP practices are used where appropriate.

Individual HSCPs also have established local forums, such as cluster meetings and practice meetings, to cascade information verbally to clinical leads alongside routine email communications. These arrangements are determined locally and therefore may vary across HSCPs.

Question:

8. Board-Level Oversight

- Minutes, reports, or papers submitted to NHS Lothian Board or committees relating to GP contractor oversight
- Documents describing the Board's responsibilities for:
 - monitoring GP performance
 - ensuring contract compliance
 - addressing systemic issues in primary care

Answer:

Board papers and committee reports are publicly available via NHS Lothian's website where published: <https://org.nhsllothian.scot/lothiannhsboard/board-papers/>

The following links give access to the 4 HSCP Integration Joint Board meeting papers, where responsibility for primary care is set out. These are public documents which may provide useful context:

West Lothian - <https://www.westlothianhscp.org.uk/article/79002/Our-Meetings-and-Papers>
Midlothian - <https://midlothian.cmis.uk.com/live/MidlothianIntegrationJointBoard.aspx>
East Lothian - <https://www.eastlothian.gov.uk/health-and-social-care/integrating-health-and-social-care/east-lothian-integration-joint-board/integration-joint-board-meetings>
Edinburgh - <https://www.edinburghhsc.scot/the-ijb/ijb-meetings/>

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 <https://www.foi.scot/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 reviewer at the address at the top 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>

Yours sincerely

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