

SCHEDULE 6

OTHER CONTRACTUAL TERMS

PART 6

COMPLAINTS

Complaints procedure

87. The contractor must have arrangements in place which operate in accordance with section 15 of the Patient Rights (Scotland) Act 2011⁽¹⁾, and any regulations or directions made under [^{F1}that section].

Textual Amendments

- F1** Words in sch. 6 para. 87 substituted (1.4.2018) by [The National Health Service \(General Medical Services Contracts and Primary Medical Services Section 17C Agreements\) \(Scotland\) Amendment Regulations 2018 \(S.S.I. 2018/94\)](#), regs. 1, **7(1)**

Co-operation with investigations

- 88.**—(1) The contractor must co-operate with—
- (a) any investigation of a complaint in relation to any matter reasonably connected with the provision of services under the contract undertaken by—
 - (i) the Health Board; or
 - (ii) the Scottish Public Services Ombudsman;
 - (b) any investigation of a complaint by a NHS body or local authority which relates to a patient or former patient of the contractor.
- (2) In sub-paragraph (1)—
- “NHS body” means, in Scotland, any Health Board or Special Health Board or the Agency, in England and Wales, [^{F2}NHS England] or a Local Health Board, and, in Northern Ireland a Health and Social Care trust or Regional Health and Social Care Board;
- “local authority” means—
- (a) a council constituted under section 2 of the Local Government etc. (Scotland) Act 1994 (constitution of councils)⁽²⁾;
 - (b) any of the bodies listed in section 1 of the Local Authority Social Services Act 1970 (local authorities)⁽³⁾;
 - (c) the Council of the Isles of Scilly; or
 - (d) a council of a county or county borough in Wales.
- (3) The co-operation required by sub-paragraph (1) includes—
- (a) answering questions reasonably put to the contractor by the NHS body, local authority or Scottish Public Services Ombudsman;

(1) [2011 asp 5](#).

(2) [1994 c.39](#). Section 2 was amended by paragraph 232(1) of the Environment Act 1995 (c.25).

(3) [1970 c.42](#). Section 1 was amended by [S.I. 2016/413](#).

Changes to legislation: There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, PART 6. (See end of Document for details)

- (b) providing any information relating to the complaint reasonably required by the NHS body, local authority or Scottish Public Services Ombudsman; 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 contractor's presence at the meeting is reasonably required by the NHS body, local authority or Scottish Public Services Ombudsman.

Textual Amendments

F2 Words in sch. 6 para. 88(2) substituted (6.11.2023) by [The Health and Care Act 2022 \(Further Consequential Amendments\) \(No. 2\) Regulations 2023 \(S.I. 2023/1071\)](#), regs. 1(1), **94(2)(b)**

Changes to legislation:

There are currently no known outstanding effects for the The National Health Service (General Medical Services Contracts) (Scotland) Regulations 2018, PART 6.