

The "Putting Things Right" (PTR) Concerns Procedure

This guidance is produced by **NHS Wales Shared Services Partnership Legal and Risk Services (NWSSP - L&R)** who are the operators of the Scheme for General Medical Practice Indemnity (GMPI) and the Existing Liabilities Scheme (ELS).

This guidance is produced for General Medical Practices in Wales and has been drafted with reference to **The National Health Service (Concerns, Complaints and Redress Arrangements) Wales Regulations 2011** and the **NHS Wales Putting Things Right Guidance (V3 2013)**.

This guidance note is intended to provide an **overview of the PTR concerns procedure** and a step by step guide to **handling a concern**.

The GMPI team are also able to provide **guidance and support** to General Medical Practices in relation to specific concerns arising from NHS Wales care and treatment if the concern relates to clinical negligence and is "in scope". See the '**Scheme for GMPI Guidelines**' and '**Existing Liabilities Scheme Guidelines**' on our website **here** for guidance on issues that would be 'in scope'. You can contact the GMPI team on **02921 500 554** or **GMPI@Wales.nhs.uk**.

"Putting Things Right"



The **National Health Services (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011**, often referred to as the "Putting Things Right" (PTR) Regulations govern the handling of concerns about NHS Wales care and treatment. The PTR regulations apply to "Responsible Bodies" which include local Health Boards, Trusts and Primary Care Providers.

Redress

The Regulations also require Health Bodies to consider redress in circumstances where harm is alleged and the likely value of any claim would **not exceed £25,000**. This redress part of the Regulations does **not apply to primary care providers**. However, under the GMPI scheme NWSSP L&R will consider whether it is appropriate to offer to engage in the redress process on a voluntary basis and will discuss with you if so.

When do you need to inform the GMPI team about a concern?

General Medical Practices **must** inform the GMPI team of any concerns involving treatment provided **on or after 1 April 2019** which involve:

- A **patient safety incident** which has or may have resulted in **severe harm** and/or
- Any PTR/complaint/ombudsman response that you intend to send which amounts to an **admission of breach of duty** or **acknowledges errors in the care, diagnosis and treatment of a patient**.

Please see our **GMPI guidelines here** for further information. For concerns relating to treatment pre 1 April 2019 which fall within the scope of ELS, please see our **ELS guidelines here**.

The GMPI team do not need to be informed of non clinical concerns (for example a complaint that a staff member was rude to a patient).

What is a concern?

A concern is **any complaint, claim or reported patient safety incident about NHS treatment or services**.

Concerns which are raised and resolved on the same day "on the spot" will not be handled under PTR (see the NHS Wales Putting Things Right Guidance paras 1.11-1.13 **here**). If the complainant is unhappy with the resolution, they should be advised to raise a concern formally under PTR.

Who can notify a concern?



Concerns can be notified by **anyone who has used NHS services or facilities** as well as **staff members and partners** e.g. a partner in a GP practice.

If you receive a concern by **someone other than the patient**, you will need to ensure that you have the **patient's consent to share** details of the investigation with the third party.

Lack of consent **should not be a barrier to an investigation**, particularly in circumstances where there may be patient safety issues. The issue of consent informs whether disclosure of the investigation should be made to a third party.

You can find further information in the **NHS Wales Putting Things Right Guidance here**. Please note, this guidance was produced prior to the introduction of GDPR.

If advice is required on disclosing details of an investigation to a third party, we recommend that you contact your **information governance lead** and/or your **medical defence organisation**.

Handling Concerns under "Putting Things Right" (PTR)

1 Receiving a concern

Concerns can be raised in writing, verbally or electronically. Where the complainant does not wish to put their concern in writing, the details should be documented by the person dealing with the concern.

A concern must be notified within **12 months** from the date on which the concern occurred or if later, 12 months from the date the person raising the concern realised they had one (**date of knowledge**). If there is good reason for delay, it is possible to investigate, but concerns must be notified after 3 or more years unless the patient is a **child or lacks capacity**.

2 Acknowledging a concern

Once a concern has been received, you will need to acknowledge the concern in **writing or electronically** within **2 working days**, depending on how the concern was notified.

A concern may be withdrawn at any time by the person who raised it in writing, electronically or verbally in person or by telephone. You can still investigate a concern even if it has been withdrawn.



4 Who should investigate?

Appoint an **appropriate individual** to oversee the handling and investigation of the concern. This would usually be a practice manager or partner.

It may not be suitable for a clinician who is the subject of the concern to carry out the investigation and provide the response. However, when looking at the standard of care provided, the appropriate person should provide input.

3 What the acknowledgement should contain

The complainant must be offered an **opportunity to discuss**; any specific needs they have, how their concern will be investigated, when a response can be expected (see **Providing a final response**) and the availability of support. You should provide a named contact and their contact details.

As good practice, you should always establish what the complainants' **expected outcome** is ensuring they understand their medical records may be looked at to investigate the concern and agree the scope of the investigation. If the concern is raised by a third party, you should request the appropriate consent (see **Who can notify a concern**).

5 Investigating a concern

You need to ensure that concerns are investigated in the most **appropriate, efficient and effective way**.

You will need to identify and consider the appropriate medical records/incident forms/policies/protocols **relevant to the concern**.

You will also need to obtain comments from the relevant healthcare professionals involved in the care and treatment of the patient.



6 Providing a final response

In accordance with the PTR regulations, a final response should be provided within **30 working days** of receiving the complaint.

If it is not possible to complete the investigation within this timescale, complainants should be informed of the **reasons for the delay** and when they can **expect to receive a response**.

The response must be sent within **6 months** of the date the concern was raised. Ensure you have the **appropriate consent** to share the response, if the concern is raised by a third party.

8 Useful Contacts and Information

GMPI Team:
Telephone Number - **02921 500 554**
Email Address - **GMPI@wales.nhs.uk**
Postal Address - **Legal & Risk Services, 4th Floor, Companies House, Crown Way, Cardiff, CF14 3UB**
For additional information or access to the PTR guidance, please visit our website - **http://www.nwssp.wales.nhs.uk/general-medical-practice-indemnity**

For our guidance on providing a written response to a concern please see our guide [here](#).

7 What the final response should contain; **An apology**

A summary of the concern	An offer to discuss the response
An explanation of how it was investigated	Copies of any medical records
If relevant, copies of any expert opinion (for further information please see our guide here)	An explanation of any actions taken
Include details of the complainant's right to raise their concern with the Public Services Ombudsman for Wales	
Please contact the GMPI team with any queries.	

GMPI team

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