

# Responding to Concerns under NHS Wales 'Putting Things Right' (PTR)

The management of complaints or 'concerns' regarding NHS Wales care or treatment is governed by **The National Health Service (Concerns, Complaints and Redress Arrangements) (Wales) Regulations 2011 (the Regulations)** and apply to "Responsible Bodies" which include local Health Boards, Trusts and primary care providers.

This guidance note has been produced by **NHS Wales Shared Services Partnership Legal & Risk Services (NWSSP- L&R)**, operators of the scheme for General Medical Practice Indemnity (GMPI) and the Existing Liabilities Scheme (ELS). The aim of this guidance note is to **assist practices with drafting responses to concerns that comply with the Regulations**. Our aim is to help you resolve concerns as quickly and fairly as possible.

The NHS Wales **PTR Guidance** provides further support and practical advice on handling and investigating a concern, and includes helpful template letters.

## Can the GMPI team help?

GP practices and their staff can seek guidance from NWSSP L&R 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'. If you would like support handling a concern from the GMPI team, you will need to provide us with:

1

**The concern**

2

**The practice's draft response**

3

**All relevant documentation e.g. relevant medical records, minutes of any internal meetings that formed part of the investigation**

If necessary, we will provide you with suggestions for improvement.

## What if errors were made?

- Inform the GMPI team and we will review the matter with you. If appropriate, we can obtain assistance from our in-house medical advisors.
- If relevant, we will consider whether it would be appropriate to offer to engage in the Redress process. Further information about Redress can be found in the PTR guidance here.
- If you believe **errors or failings in care have occurred**, before taking any step that could be interpreted as making an admission of liability **you must inform the GMPI team** who will provide guidance and assistance.

Please see our **GMPI guidelines** [here](#) for further information.

## What should the practice's response to a concern contain?



A thorough and considered response to a concern can help reduce the risk of a concern escalating into a claim. Follow our best practice guidance over the page to help ensure your response complies with the Regulations.

## Other ways we can help



You can find our other guides about PTR and the concerns procedure [here](#).

The GMPI team can provide training on a variety of topics, including an introduction to GMPI, handling concerns under PTR, and the importance of record keeping.

For training requests please contact us on **02920 905454** or at **GMPI@wales.nhs.uk**.



# ✓ DOs ✓



**Where appropriate, apologise.** An apology is not an admission of liability. It can be a simple acknowledgement of regret that the complainant is unhappy with the care provided, and often goes a long way to reassuring them that the concern has been taken seriously. Keep your apology to the point and sincere.

**Summarise the concern(s).** Identify the concern(s) raised and list them in your response. This shows the complainant that you have read and understood their concern(s) and will also assist you to focus your investigation. (Where multiple concerns have been raised, an easy to follow format for a concern response is to list each concern raised and provide the practice's response immediately below each concern).

**Describe the investigation** you have undertaken E.g. Have you reviewed medical records? Discussed with members of staff? If so, which members of staff? Have they provided any comments to include in the response? Have you reviewed current practice/national policies and guidelines? If so, include all of this in your response - it demonstrates that you have fully investigated the concern.

Where appropriate, include copies of **relevant medical records** or inform the complainant that records can be provided on request. In our experience, medical notes are an informative and detailed demonstration of the clinician's considerations and actions during the relevant consultation(s).

If applicable, include copies of any **expert opinion** received during your investigation.

**We recommend you contact the GMPI team to discuss this.**

**Explain** what the clinicians involved were **thinking** during the consultation that determined why certain healthcare decisions were made. In our experience, complainants can simply want to know what led to the decisions that were made at the time. Explain what you did, and why you did it.

Identify any **learning outcomes** and what action, if any, will be taken in light of the outcome of your investigation. E.g. Have you discussed at a practice meeting, reviewed existing policies/practices and have improved/intend to improve these as a result of your investigation findings? Have you conducted a Significant Event Audit? If so, mention these in your response, it demonstrates reflection and shows a considered review has been undertaken. Many complainants are simply looking for reassurance that what happened to them will not happen again to them or anyone else.

Offer the **opportunity to discuss** the content of the response.



Inform the complainant about any **independent advocacy services** available, such as your local Community Health Council.

Advise the complainant of their right to raise their concern with the **Public Services Ombudsman for Wales**



# × DON'Ts ×

Don't use overly **technical medical terminology**, or if this cannot be avoided remember to explain what the medical terminology means.



As explained above, whilst it can be appropriate to apologise, don't use **'false apologies'** such as 'I'm sorry you feel upset about the consultation'.

Don't use **inflammatory language** as this can quickly result in the escalation of a complaint- keep the response factual and your tone professional and sympathetic.



**GMPI team**

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