

Comhairle na nDochtúirí Leighis
Medical Council

Making a complaint about a doctor

A guide for patients


Plain
English
Approved by NALA

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About this booklet

This booklet tells you what to do if you want to make a complaint about a doctor. Under the Medical Practitioners Act, 2007 ('the Act'), the Medical Council is responsible "for protecting the public by promoting and better ensuring high standards of professional conduct and professional education, training and competence among doctors".

If you are not satisfied with your doctor, or if you have concerns about the behaviour, conduct, practice or health of a doctor, you can contact the Medical Council.

What is the Medical Council?

The Medical Council is the legal registration authority for doctors in Ireland. If a doctor wants to practise medicine in this country, he or she must be registered with the Medical Council.

If you want to check whether your doctor is registered or not, you can do this on the Medical Council's website:

www.medicalcouncil.ie/registration/check.asp

The Medical Council's Preliminary Proceedings Committee (PPC) is responsible for looking at complaints against doctors.

What if I am not satisfied with a doctor?

If you are worried about the behaviour, conduct, practice or health of a doctor, or if you are not satisfied with the treatment that you received from them, you may want to make a complaint to the Medical Council.

The complaints process is designed to look into the information that you and the doctor give us. We then decide whether we need to take any further action in relation to the doctor's registration.

Who can complain?

Anyone can make a complaint to the Medical Council about a doctor. This includes members of the public, employers and other healthcare staff. The Medical Council itself may also make a complaint about a doctor to the PPC.

If you are making a complaint for another person, such as your husband or wife, partner, brother or sister, that person may need to consent to your making the complaint for them, as the complaint may include confidential medical information.

What types of complaints does the Medical Council look into?

The Medical Council's Preliminary Proceedings Committee (PPC) looks into complaints that are made about a doctor (or doctors) for one or more of following reasons:

- Professional misconduct
- Poor professional performance
  (this can only be considered for events which took place on or after 3 July 2008)
- Relevant medical disability
- Failure to comply with one or more condition(s) attached to the doctor's registration
- Failure to comply with an undertaking given to the Medical Council or to take any action specified in a consent given in the context of a previous inquiry
- Contravention (infringement) of the Medical Practitioners Act 2007
- Being convicted in the State for an offence triable on indictment (or, if convicted outside the State, for an offence that would be triable on indictment in Irish courts)

Offences that are triable on indictment are usually serious offences, for example sexual assault or fraud, and are tried before a judge and jury in court. As there can be a number of exceptions, we advise you to get advice for your particular complaint if you are making it for this reason.

How can I make a complaint?

You can make a complaint by completing a copy of the Medical Council's complaint form. This form will help you to make your complaint about a doctor to the Medical Council. You can download the complaint form from www.medicalcouncil.ie and email it to complaints@mcirl.ie.
The Medical Council can only deal with written complaints. If you cannot access the complaint form, you should submit your complaint in writing by email to complaints@mcirl.ie or by post to:

Professional Standards
Medical Council, Kingram House, Kingram Place, Dublin 2

You will need to include the following information:

- Your full name and address
- As much information about the doctor as you can give, such as their name, place of work and specialty, for example GP, radiologist
- The doctor's Medical Council registration number if possible, which you can find online at: **www.medicalcouncil.ie/registration/check.asp**
- As much information about the incident as you can give, including names, dates and places.

What happens after I make my complaint?

When the Medical Council receives your complaint, a case officer will be assigned to help the Preliminary Proceedings Committee (PPC) investigate the complaint.

The case officer will:

- write to you and tell you that they have received your complaint, and
- send a copy of your complaint to the doctor (or doctors) involved.

The Preliminary Proceedings Committee (PPC) will then look into your complaint and may ask for more information or documents from you, the doctor or other people involved, such as a hospital or employer. The PPC may send you the information or documents it gets from the doctor for your information and response if it believes that it would help before making a decision on your complaint. The PPC has the power to get documents to help it make its decision. The case officer assigned to the complaint will contact you about any decisions made by the PPC.

When the PPC is satisfied that it has enough information, it will then decide what action to take:

(a) If the PPC believes that **there is a case to take further action** it will refer the complaint to the Fitness to Practise Committee for an inquiry.
or

(b) If the PPC decides **not to refer** the complaint to the Fitness to Practise Committee it will give an opinion to the Medical Council that:

- it should take no further action; **or**
- the complaint should be referred to another body or authority or to the Medical Council's professional competence scheme (when Part 11 of the Act comes into effect); **or**
- the complaint could be resolved by mediation or other informal methods. Both you and the doctor need to agree to this.

The PPC does not decide on the facts of the complaint, nor does it decide whether the complaint is proven. It only provides an opinion to the Medical Council about what action the Council should take about the complaint.

The PPC will report its opinion to the Medical Council at the next available opportunity.

When looking at the PPC's opinion, the Medical Council may decide:

- not to take any further action; **or**
- to tell the PPC to refer the complaint to another body or authority or to a professional competence scheme; **or**
- to refer the complaint to be resolved by mediation or other informal methods; **or**
- to tell the PPC to refer the complaint to the Fitness to Practise Committee for an inquiry.

The Medical Council cannot look into the same complaint twice. It cannot review any decision it has made or refer the complaint back to the PPC.

What is mediation?

The PPC may give an opinion to Medical Council that the complaint could be resolved by mediation. The PPC may do this if it believes, after looking at the circumstances of the complaint, that it would be possible to restore the doctor-patient relationship.

Mediation is a process where two or more people agree to the appointment of a neutral third person called a mediator to help them resolve a dispute.

Section 62 of the Act deals with mediation. When the Medical Council gets the PPC's opinion, it can refer the complaint for mediation. This can only be done if both you and the doctor (or doctors) agree to use mediation to resolve your complaint.

If the Medical Council decides that your complaint could be resolved by mediation, we will write to you and explain how the process works.

How long does it take to deal with a complaint?

We understand that making a complaint can be stressful, so we will try to deal with your complaint as quickly as we can. It can usually take up to five months from the date that we get your complaint to the Medical Council making a decision on what action to take.

If the PPC refers the complaint to the Fitness to Practise Committee for an inquiry, we will try to give you an idea of:

- when the inquiry will probably be held;
- how long the hearing will take; and
- if you will be called as a witness to give evidence.

What happens at the inquiry?

An inquiry is a hearing similar to a hearing before a court or tribunal. If there is going to be an inquiry in relation to your complaint, it normally happens within six months of referral to the Fitness to Practise Committee. However, this will depend on how much preparation is involved.

The Fitness to Practise Committee hearing the inquiry is normally made up of three people: two non-medical and one medical. A legal adviser, known as a Legal Assessor, sits with the Committee. The Legal Assessor does not take part in making decisions, but he or she advises and informs the Committee and the other people involved about the law and procedure.

Inquiries can be held in public. This means that members of the public, including journalists, can attend. A stenographer will also be there to record the evidence and to produce a written record of everything said at the inquiry.

All or part of the inquiry may be held in private if the Fitness to Practise Committee believes that this would be appropriate. Any witness attending the inquiry to give evidence or the doctor involved can apply to hold some or all of the inquiry in private.

A solicitor or counsel representing the Chief Executive Officer of the Medical Council will normally open the inquiry by presenting the evidence and calling witnesses, including the person who made the complaint, to give evidence. The doctor or their legal representative may question the witnesses on their evidence. The Committee may also ask some questions. After the solicitor or counsel acting for the Chief Executive Officer has finished presenting the case, the doctor or their legal representative may call witnesses or make statements to the Committee.

At the end of the inquiry, the Committee will normally leave the room to decide whether the allegations have been proven. The Committee will usually return to the room to give its findings, and will write a report of the findings and the reasons for them.

When do I have to make a statement and give evidence?

When you make a complaint about a doctor and the Preliminary Proceedings Committee (PPC) decides to refer the case for an inquiry, we will need to meet with you and take a witness statement. You will have a chance to look at your statement and make any changes before the inquiry starts.

It is likely that you will need to give evidence at the inquiry. The Fitness to Practise Committee can issue witness summons to make the person who made the complaint and other witnesses give evidence at an inquiry. The Fitness to Practise Committee also has the power to get any documents it needs for the inquiry.

What powers does the Medical Council have?

The Medical Council usually looks at the Fitness to Practise Committee's report within eight weeks of the end of the inquiry. If the Committee finds that the allegations against the doctor have been proven, the Council may impose one or more of these sanctions on the doctor:

- advise, admonish (warn/caution) or censure (reprimand) the doctor in writing;
- censure the doctor in writing and fine him or her up to €5,000;
- attach conditions to the doctor's registration;
- transfer the doctor's name to another division of the register;
- suspend the doctor's registration for a specific length of time;
- cancel the doctor's registration;
- not allow the doctor to apply to put their name back on the register for a specific length of time after their registration has been cancelled.

What can the Medical Council not do?

The Medical Council can only look into complaints about individual doctors. We cannot:

- look into complaints about any other healthcare staff such as nurses, dentists, social workers;
- give legal or professional advice or representation to people making complaints;
- look into complaints about hospitals, clinics or other healthcare organisations;
- help you make a claim for compensation;
- give or arrange medical treatment or counselling for you;
- contact a doctor for you and ask him or her to do something such as forward a medical report or write a prescription;
- make a doctor apologise to you; **or**
- give you a detailed explanation of what happened to you. This can only come from the doctor or the relevant healthcare organisation.

Is my information confidential?

We understand that making a complaint can be stressful. When we are looking at your complaint, we have to tell the doctor or doctors that you have made a complaint and we have to give them a copy of your complaint.

If you want to talk about any part of the complaints procedure, you can contact the Professional Standards Department on the telephone number or e-mail address below:

Phone: 01 498 3112
Email: complaints@mcirl.ie

Glossary

You may not be familiar with some of the terms used in this leaflet. We have explained these below.

Admonish – to reprimand firmly

Advise – to recommend something

Censure- to criticise strongly

Evidence – what a witness says at the inquiry and documentary evidence, including photographs, that are brought before an inquiry

Inquiry – a hearing similar to a hearing before a court or tribunal

Legal assessor – a Senior Counsel who advises the Fitness to Practise Committee

Fitness to Practise Committee – a group of committee members, comprising at least one medical and two non-medical people

Poor professional performance – a failure by the doctor to meet the standards of competence (whether in knowledge and skill, the application of knowledge and skill or both) that can reasonably be expected of doctors practising the kind of medicine practised by the doctor

Preliminary Proceedings Committee – committee that considers complaints and gives its opinion to the Medical Council about what action should be taken

Professional misconduct – conduct that experienced, competent and reputable doctors consider disgraceful or dishonorable; conduct that falls short of the standards of conduct expected of doctors

Relevant medical disability – a physical or mental disability (including addiction to alcohol or drugs) that may impair the doctor's ability to practise medicine or a particular aspect of medicine

Sanction – the type of penalty that the Medical Council can put on a doctor

Other organisations that regulate healthcare staff

Here is a list of organisations that can look into complaints about other healthcare staff.

Complaints about dentists

Dental Council

57 Merrion Square
Dublin 2

Tel: 01 676 2069
Web: www.dentalcouncil.ie

Complaints about pharmacists

Pharmaceutical Society of Ireland

18 Shrewsbury Road
Ballsbridge
Dublin 4

Tel: 01 218 4000
Web: www.pharmaceuticalsociety.ie

Complaints about nurses and midwives

An Bord Altranais

18/20 Carysfort Avenue
Blackrock
Co. Dublin

Tel: 01 639 8500
Web: www.nursingboard.ie

Complaints about healthcare services

Health Service Executive

Oak House
Millenium Park
Naas
Co Kildare

Tel: 1890 424 555
Web: www.hse.ie

Complaints about clinical biochemists, medical scientists, psychologists, chiropodists and podiatrists, dieticians, orthoptists, physiotherapists, radiographers, speech and language therapists, occupational therapists, social care workers and social workers

The Health and Social Care Professions Council
C/O NSWQB
8-11 Lower Baggot St
Dublin 2

Tel: 01 661 9318
Web: www.hscpc.ie

Medical Council
Kingram House, Kingram Place, Dublin 2.
Tel: +353 1 4983100. Fax: +353 1 4983102.
Email: info@mcirl.ie

www.medicalcouncil.ie