

Policy Guidelines, Second Opinion  
Version 1.1  
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## **QUESTA POLICY GUIDELINES FOR SEEKING A SECOND OPINION**

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## Introduction

This policy outlines how Questa responds to requests and its responsibilities under the Mental Health Act 1983 (amended 2007) to refer patients or assist them to seek a second opinion. A second opinion is an independent expert assessment of a clinical problem where the patient or parent/carer would like confirmation by another consultant or other options to be explored.

Any patient may ask for a second opinion at any time, and should not hesitate to do so if they feel that it would be helpful. Ethical clinicians welcome the opinions of other professionals and will not be offended.

Occasionally, clinicians may themselves recommend a request for a second opinion. They may recommend this if a case is complex and there is doubt about diagnosis or treatment, and will often have someone with particular expertise in mind for this purpose.

We operate within the ethical framework of the Health and Care Professions Council (HCPC), see link in Appendix. One of these standards is to be open and transparent with our patients if something has gone wrong and to support them if they want to raise a concern about the services they have received.

The General Medical Council states that all doctors must 'respect the patient's right to seek a second opinion' and we align with this guidance. Whilst patients do not have a legal right to a second opinion, a reasonable request from a patient for a second opinion should always be considered carefully and would not ordinarily be refused.

A patient may request a second opinion if there is uncertainty or disagreement over a diagnosis or if a patient wishes another clinician to be involved. In such cases, which in our experience are rare, Questa would always treat the request with empathy and respect and do our utmost to assist the patient in reaching an outcome they can accept.

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## Scope

This applies to all clinicians and patients; for patients under 16 years of age this policy will apply to their parent or guardian, however every effort will be made to involve the patient in the decision making. In determining whether a patient lacks capacity the legal requirements as set out in the Mental Capacity Act 2005 should be adhered to and the

process for determining best interest should also be followed. A request made under this policy can be in relation to any opinion provided by a clinician within Questa.

The Mental Health Act 1983 (amended 2007) (MHA) sets out circumstances where a second opinion is a statutory (legal) requirement with specific reference to second opinions in relation to treatment of detained patients.

This policy refers to requests for second opinions outside the terms of the MHA.

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## Statement of policy

We would not refuse a 'reasonable' request from a patient for a second opinion. What is reasonable should be considered on an individual basis with consideration of the circumstances of the individual case. This will require the exercise of clinical judgement in a spirit of openness and respect for patient dignity and choice.

Requests can be made by the patient or parent/carer on their behalf. They may be verbal or in writing. Where requests are not made by the patient themselves, every effort will be made to respect the patient's right to be heard and to have involvement in decisions made in their interests with reference to their age, circumstances and capacity.

In determining whether a patient lacks capacity the legal requirements as set out in the Mental Capacity Act 2005 should be adhered to. Questa will make every effort to ensure that the patient is able to communicate their wishes clearly, are heard, validated and are aware of advocacy options.

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## Procedure

1. In the first instance, the request will be noted, discussed with the Clinical Director and the clinician would meet with the patient to understand the nature of the dissatisfaction and why a review is being sought. The patient will always be listened to with respect and empathy. The aim is to understand if there is anything they or Questa can do to answer their questions and to resolve the matter. If the patient is unwilling to meet with the clinician a meeting with one of the Directors will be offered. This should be fully documented in case notes.
2. Following this, the clinician/Director will discuss the request with the Clinical Director and evaluate whether the circumstances would indicate that a case review by a

second clinician would be reasonable. This should be fully explained to the patient and documented in the case notes.

3. If the patient wishes to pursue a case review and second opinion (and Questa concurs that this would be helpful), we will offer an internal clinician of appropriate qualification and professional experience to undertake a review of the case.
4. If the patient wishes to seek their own clinician to offer a second opinion Questa will do all it can to provide case information and facilitate this in line with the patients' wishes; with the appropriate consents for information sharing documented. In this case, the patient will be responsible for their own costs.
5. Following the internal review and second opinion Questa would meet with the patient to discuss the result.
6. Every effort will be made to give the patient an outcome they are satisfied with, however, if the patient is still dissatisfied then they will be advised how to make a complaint if they wish to do so.

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## Time scale

The internal case review would be provided within a reasonable time frame, typically 4-6 weeks unless there is urgency.

Date

Author

Updated

## APPENDIX

*HCPC Standards of conduct, performance and ethics*

<https://www.hcpc-uk.org/standards/standards-of-conduct-performance-and-ethics/>