

## SPSO decision report

**Case:** 201401611, Lothian NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** some upheld, recommendations

### Summary

Mr C complained that there was an unreasonable delay in the prison health centre providing appropriate treatment for his chest infection. He said he submitted a number of referral forms to see a nurse but despite this, no one saw him. In addition, Mr C complained about the board's handling of his complaints.

The evidence available confirmed that nursing staff attempted to see Mr C regularly in response to his referral forms but because he was not always in the hall at those times, it was not always possible to see him. In addition, the prison health centre took sputum (mucus from the lower airways) samples from Mr C and sent them away for analysis. They also prescribed an antibiotic.

In response to Mr C's complaint, the board indicated that he should have remained in his hall to be seen by a nurse. We asked the Scottish Prison Service (SPS) if it was acceptable for a prisoner to do that and they advised us that prisoners are required to attend work or education each day and they would only be allowed to remain in the hall if they were clearly unfit to report for work or education. In addition, we took independent clinical advice from our medical adviser for their view on the treatment provided to Mr C. They noted that he had been reporting a persistent cough for some time, and because Mr C was an ex-smoker, our adviser questioned the appropriateness of the health centre only taking sputum samples instead of considering whether an x-ray of his chest was needed as outlined by national guidelines.

We were satisfied that appropriate attempts were made by nursing staff to see Mr C in response to his referral forms but in light of the comments we received from the SPS, we did ask the board to ensure that everyone was clear on the process in place. In addition, because Mr C continued to report a persistent cough, and because of our adviser's comments, we upheld Mr C's complaint about the treatment he received.

In looking at the way the board handled Mr C's complaints, we were satisfied it was reasonable and so we did not uphold this aspect of his complaint.

### Recommendations

We recommended that the board:

- ensure healthcare staff and prisoners are aware of the process that has been agreed with the SPS in relation to self-referral forms; and
- reflect on this case in light of our adviser's comments and provide feedback to us.