

SPSO decision report

Case: 201508063, Forth Valley NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: not upheld, recommendations

Summary

A firm of solicitors (company C) complained that their client (Mr A) did not receive a reasonable standard of care and treatment from the board for his mental health while in prison. Their concerns included that the board failed to provide Mr A with one-to-one appointments with a psychiatrist when this had been provided for him in a previous prison. They were also concerned that the board incorrectly suggested that Mr A failed to attend appointments, when his disengagement was as a direct consequence of him being unable to participate properly. Mr A died during our investigation of the complaint and his mother (Ms B) gave us her consent to continue the investigation.

We obtained independent medical advice from a consultant psychiatrist. The evidence showed that Mr A attended joint assessment appointments with a psychiatrist and a mental health nurse on two occasions. At the first appointment, Mr A voiced his concerns about joint assessment. However, after explanation from the psychiatrist, he appeared to accept this approach and the board then arranged a further joint assessment. The adviser said that when Mr A expressed further concern at the second assessment, it was not reasonable for the board to have attempted to continue joint assessment that day. The evidence also showed that for the period under consideration in this complaint, Mr A only failed to attend one appointment (for a self-referral clinic) and that the board's statement about his attendance was, therefore, incorrect.

Whilst noting that it was not reasonable for the board to attempt to continue with the second joint assessment after Mr A had expressed further concern, the adviser said that overall, Mr A received a reasonable standard of care and treatment from the board for his mental health. We therefore did not uphold company C's complaint. However, we made recommendations to address aspects of the board's complaints handling.

Recommendations

We recommended that the board:

- feed back our decision on this complaint to the health and complaints staff involved;
- ensure that, in future, complaints are forwarded to the complaints team in a timely fashion and are acknowledged in accordance with the board's complaints procedure; and
- apologise to company C and Ms B for the failings identified.