

## SPSO decision report



**Case:** 201810366, Borders NHS Board  
**Sector:** Health  
**Subject:** Clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

Ms C was admitted as an in-patient under the Mental Health (Care & Treatment) (Scotland) Act 2003. At this time, Ms C was prescribed an anti-psychotic medication. Following discharge, Ms C continued to take the medication until she stopped the following year. Ms C complained to the board about the dose of the medication and reported that she experienced multiple significant side effects. Ms C also had concerns about the way the board had handled her complaint about her previous Community Psychiatric Nurse (CPN).

We took independent advice from a consultant psychiatrist. We found that treatment had been provided to Ms C in accordance with the relevant clinical guidelines. We did not identify failings in relation to the management of Ms C's medication. For this reason, we did not uphold this complaint.

We also considered the board's handling of Ms C's complaint about a previous CPN. By the time Ms C complained to the board, the CPN had retired, whilst the complaint was also complicated by the fact that it related to a third party. We found that there was a lack of clarity in the reasons the board provided for not investigating Ms C's complaint. We noted that it appeared that the board could have investigated the complaint, even if only to a limited extent. We upheld the complaint and asked the board to provide a further response to Ms C.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for not appropriately handling her complaint about her previous CPN having a conflict of interest. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets).

In relation to complaints handling, we recommended:

- In line with the NHS Scotland Complaints Handling Procedure, complaint handling staff should support people to decide whether a matter is a complaint or not and explain how complaints are handled. Clear and consistent reasons should be provided where it is considered that an investigation is not possible under the procedure.
- Investigate Ms C's complaint about her previous CPN having a conflict of interest in line with the NHS Scotland Complaints Handling Procedure and provide Ms C with a response to the extent possible in accordance with data protection legislation.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.