

Case 200700008: Scottish Ambulance Service

Summary of Investigation

Category

Health: Scottish Ambulance Service\failure to send ambulance

Overview

The complainants (Mr and Mrs C) raised concerns on behalf of their son (Mr A) about the decision by the Scottish Ambulance Service (the Service) not to send an ambulance for their son and the way the Service handled their complaint.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the Service's decision not to send an ambulance jeopardised Mr A's safety (*upheld*); and
- (a) the Service mishandled the complaint (*upheld*).

Redress and recommendations

The Ombudsman recommends that the Service:

- (i) acknowledges to Mr and Mrs C that the wrong decision had been made and apologises for the distress the decision had caused;
- (ii) writes to her outlining the steps it has taken to implement the new guidance so that the assurances can be given to the Ombudsman that the relevant Service personnel, local authorities and organisers of private hire events are clear on the Service's role; and
- (iii) apologises to Mr and Mrs C for its handling of the complaint.

The Service have accepted the recommendations and will act on them accordingly.

Main Investigation Report

Introduction

1. On 10 April 2007, the Ombudsman received a complaint from the complainants (Mr and Mrs C) about the Scottish Ambulance Service (the Service)'s decision not to send an ambulance for their son (Mr A) and the way the Service had handled their complaint. Mr and Mrs C complained that on 15 October 2006, Mr A had become injured at a motor cross event but the Service decided not to send an ambulance because the event had private emergency cover. Mr A had to be transported to hospital in a people carrier by the first aid personnel at the event. Mr and Mrs C complained to the Service about this but remained dissatisfied with its responses, the time it took to respond and its failure to arrange a meeting with Mr and Mrs C as it had promised. Mr and Mrs C subsequently complained to the Ombudsman.

1. The complaints from Mr and Mrs C which I have investigated are that:
 - (a) the Service's decision not to send an ambulance jeopardised Mr A's safety; and
 - (b) the Service mishandled the complaint.

Investigation

2. In writing this report, I have had access to all the documentation relevant to Mr and Mrs C's case held by the Service, including a transcript of the telephone call to the Service requesting an ambulance and the complaint correspondence with the Service. I have reviewed the policy of the Service for attending private events (see Annex 2). A copy of the transcript of the telephone call is at Annex 3.

3. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr and Mrs C and the Service were given an opportunity to comment on a draft of this report.

(a) The Service's decision not to send an ambulance jeopardised Mr A's safety

4. The first aid personnel who had attended Mr A called the Service for an ambulance. The transcript of the telephone call showed that once the Service duty manager (the Duty Manager) had established medical cover at the event was provided privately, she decided not to send an ambulance. The Duty Manager spoke to five people from the event including officials running the

event and first aid personnel. They explained that the nature of Mr A's injuries meant he required an ambulance urgently and their ambulance was at another event. The Duty Manager responded repeatedly that an ambulance would not be sent because it was the responsibility of the organisation contracted to provide medical cover. The call lasted 13.46 minutes. Mr A had to be transported to hospital in a people carrier where he was treated for head and facial injuries. (He was subsequently transferred to another hospital for plastic surgery.) Mr and Mrs C said they had attended motor cross events for seven years and this was the first time the Service had refused to send an ambulance to an accident at such an event.

5. Guidance from the Service on ambulance attendance at private hire events in place at the time of the complaint is at Annex 2.

6. On 1 November 2006, an investigation by the Service into the complaint concluded that it should have provided an ambulance. It stated 'given the possible limitations of the personnel present and the lack of an on-site ambulance then [the Service] should have taken primacy over the situation and an ambulance provided'. However, the Service did not uphold the complaint and did not inform Mr and Mrs C of their conclusions. In December 2006, internal emails by Service officials outlined confusion in the Service about the policy on ambulance attendance at private hire events. An internal memo by the corporate affairs manager of the Service on 31 January 2007 referred to the guidance at Annex 2 and said there was a lack of understanding about what the Service's position was, which needed to be addressed.

7. In a letter to Mr and Mrs C, the Service said that historically the Service would not respond to 999 calls from privately arranged events where medical cover has been provided by private contractors. However, it had become concerned recently about the standard of the cover provided. It had, therefore, reviewed its procedures and, in the interests of public safety, decided to respond to 999 calls to such events. This may result in a charge to the event organiser. A document outlining the Service's policy had been completed and circulated to local authorities who granted licences for such events.

8. In response to enquiries made by the Ombudsman's office about guidance at the time of the complaint to duty managers on how they should exercise their discretion on whether to send an ambulance, the Service said the duty manager would have to make a judgement call based on the merits of the emergency

which may depend upon the medical personnel and the presence of on-site medical resource. If there was any doubt, the call should be processed as normal.

(a) *Conclusion*

9. Mr and Mrs C complained about the decision by the Service not to send an ambulance for Mr A who had become injured at a private hire event, which had jeopardised his safety. There was guidance in place on ambulance attendance at private hired events at the time of the complaint and the questions I have to consider are whether the Duty Manager followed the guidance when she decided not to send an ambulance and whether the guidance itself was reasonable.

10. Under the guidance, the Duty Manager had the discretion to send an ambulance to an event where a company had been contracted to provide medical cover. In making her decision, the Duty Manager had to take into account the circumstances of that particular call. I am unable to consider discretionary decisions unless there was maladministration in the decision-making, for example if the decision was made without taking all relevant information into account. It is clear from the telephone transcript that the Duty Manager did not consider the clinical condition of Mr A. Her decision was based solely on the provision of private medical cover despite being aware of the difficulties the on-site first aid personnel were having and that their company's ambulance was at another site. Indeed, the Service itself concluded that an ambulance should have been provided (see paragraph 7). The Duty Manager did not consider using her discretion and, in particular, failed to consider the clinical needs of Mr A thus jeopardising his safety. However, I also note that there was confusion in the Service about the meaning of the guidance (I address this in the next paragraph) and in these circumstances I am not surprised that the Duty Manager did not exercise her discretion.

11. I turn now to whether the guidance itself was reasonable. Whilst the guidance stated that any private medical/ambulance resources on scene should deal with the call, it also stated that each call must be judged on its merits and if there was any doubt, calls should be responded to normally. Did it provide a clear and unambiguous direction to Service personnel? Given the evidence of confusion and lack of understanding within the Service about its position, it did not (see paragraph 7). I understand why this confusion arose given the tension in the guidance between its prescriptive form and the overriding discretion it

gave to duty managers. This tension, together with the Service's historical and constrictive position not to respond to 999 calls from private hire events, led to an unacceptable situation for both staff and public. Indeed, it put the members of the public who attended such events at risk. In the interests of public safety, the Service amended its guidance and practice to respond to all 999 calls from private hire events (see paragraph 8). I welcome this.

12. Taking into account all the circumstances outlined above, I uphold the complaint.

(a) Recommendations

13. The Ombudsman recommends that the Service acknowledges to Mr and Mrs C that the wrong decision had been made and apologises for the distress the decision had caused.

14. The Ombudsman also recommends the Service writes to her outlining the steps it has taken to implement the new guidance so that the assurances can be given to the Ombudsman that the relevant Service personnel, local authorities and organisers of private hire events are clear on the Service's role.

(b) The Service mishandled the complaint

15. Mr and Mrs C complained that the Service failed to provide a full and clear explanation about its decision not to send an ambulance for Mr A on 15 October 2006. They also complained that the Service failed to respond timeously and to meet with them as promised.

16. On 20 October 2006, Mr and Mrs C complained to the Service and received a response on 14 November 2006. In their response, the Service outlined its policy for attending private events at that time. When the Service provided cover at private hire events, it secured additional resources from the event organisers to prevent depleting the local community of their ambulance. It was not its role to transport patients following other medical interventions and providers of private medical cover should have the resources to transfer patients to hospitals. In reference to Mr A, the Service told Mr and Mrs C an investigation by the Service into the complaint showed it had declined the request to provide an emergency ambulance to transport Mr A because of the presence of private ambulance cover. However, the Duty Manager did have discretion to send an ambulance if the situation warranted it. In Mr A's case,

such a decision could have been made. Each situation must be judged on its merits with the final decision resting with the duty manager.

17. Mr and Mrs C replied on 26 November 2006 asking why: the Service had attended to another injured person at a different event but not Mr A; they and motor cross event organisers were not aware of the Service's policy; and an official of the Service had failed to contact them as he had promised. Mr and Mrs C emailed the Service on 10 December 2006 asking for a response to their letter of 26 November 2006.

18. The Service responded on 13 December 2006 apologising for the delay and said their concerns were being investigated and a manager's visit arranged. On 19 December 2006, the Service said it had responded to the other event cited by Mr and Mrs C because there was no specialised medical provision in place. A manager was being organised to visit them in January 2007.

19. On 23 January 2007, Mr and Mrs C emailed the Service saying they were disappointed with its response and lack of communication. They wanted to know the difference between the two events as there was sufficient first aid cover at both and they had not received the promised visit from a manager of the Service. The Service emailed Mr and Mrs C on 29 January 2007 apologising for the delay and said it was reviewing its procedures to ensure organisers of such events had clear and unambiguous guidance regarding their obligations to provide medical cover and fully understood the Service's role. The promised visit by a manager could be arranged once this review was completed.

20. Mr and Mrs C emailed the Service again on 12 March and 25 March 2007 seeking a response to their outstanding queries. The Service responded on 23 April 2007 saying it would now respond to 999 call requests from privately arranged events (see paragraph 8) and a visit from a manager would be arranged if Mr and Mrs C still wanted one.

21. In response to enquiries by the Ombudsman's office about the delay by the Service in dealing with the complaint, the Service accepted correspondence with Mr and Mrs C was not as timeous as it should have been and its handling of the case should and could have been better. The staff involved were being made aware of the complaints procedures to prevent a re-occurrence.

(b) Conclusion

22. Mr and Mrs C complained about the way the Service had handled their complaint; its explanations were not clear, there were delays and it had failed to meet them as promised. Complaint (a) showed the confusion within the Service on its role at the time of the complaint and this was reflected in its responses to Mr and Mrs C. The Service also failed to inform Mr and Mrs C that its investigation into the complaint concluded that an ambulance should have been sent, for which I criticise the Service. The Service has acknowledged that its complaint handling should have been better. I uphold the complaint.

(b) Recommendation

23. This investigation has highlighted the inadequacy of the Service's complaint handling. The Ombudsman recommends that the Service apologises to Mr and Mrs C for the inadequacies and meet them if they so wish.

24. The Service has accepted the recommendations and will act on them accordingly. The Ombudsman asks that the Service notify her when the recommendations have been implemented.

Explanation of abbreviations used

Mr and Mrs C	The complainants
The Service	The Scottish Ambulance Service
Mr A	The complainants' son
The Duty Manager	The duty manager employed by the Service who took the 999 call about Mr A
EMDC	Emergency Medical Dispatch Centre

List of legislation and policies considered

Scottish Ambulance Service - Guidance Regarding Ambulance Attendance at Private Hired Events (implemented 1 August 2005)

'[Emergency Medical Dispatch Centres (EMDC)] will judge each call on its merits. On receipt of an emergency, urgent or planned call to a private hired event which *does not* have [the Service] Operational Order or [the Service] Ambulance Attendance the EMDC call taker must first of all establish the following:

- Whether or not private ambulance and/or medical resources are in attendance. Where there is no private ambulance and/or medical resources in attendance the EMDC will categorise the call and deploy the most appropriate resource to the incident. They should then notify the local A&E Area Manager of the details.
- Where there is private ambulance and/or medical resources on scene the EMDC manager must liaise with the event organiser and advise that the private medical/resources on scene should deal with the call. All details must be logged in the command and control system and the local A&E Area Service Manager notified of the details.

If the EMDC are in any doubt whatsoever they should take details of the call and respond as per normal procedures. They should then notify the local A&E Area Service Manager of the details.'

Transcript of telephone call to the Service on 15 October 2006 requesting an ambulance

'CALL TAKER: What is the address of the emergency?

CALLER: [venue and location].

CALL TAKER: What's the name of the [venue], sorry?

CALLER: [venue] (*spells it out for the call taker*)

CALL TAKER: And it's near [location]?

CALLER: It's near [location].

CALL TAKER: Can you tell me the mobile number you're calling from?

CALLER: I can't it's not my phone I'm afraid.

CALL TAKER: That's all right. [venue and location], yeh?

CALLER: Sorry? That's correct. You asked me that before.

CALL TAKER: Can you tell me exactly what's happened?

CALLER: A motor cross rider has come off his bike. He was unconscious, is now conscious and agitated. He hit his head and we suspect head and neck injuries.

CALL TAKER: I'm just going to take you through some questions. It's not going to delay any help at all. Okay?

CALLER: Certainly.

CALL TAKER: Are you with him just now?

CALLER: I am.

CALL TAKER: How old is he approximately?

(How old is he? How old is he?) Asked in the background

CALLER: 15 years old.

CALL TAKER: And is he conscious?

CALLER: He is, and agitated.

CALL TAKER: Is he breathing?

CALLER: He is breathing.

CALL TAKER: Is there any first aiders in attendance with him just now?

CALLER: He has an Emergency Medical Technician and two emergency 1st Responders.

CALL TAKER: Is it possible to speak to one of them?

CALLER: Aye, I'm one of them.

CALL TAKER: You are one of them?

CALLER: I am.

CALL TAKER: Okay, bear with me one second please.

CALLER: Certainly.

CALL TAKER: Are you getting paid to work this event?

CALLER: We are.

CALL TAKER: You are, bear with me one second please.

(Pause)

SHIFT MANAGER: Hello There.

CALLER: Hi.

SHIFT MANAGER: Hello I'm the shift Manager, are you working for a private ambulance service?

CALLER: We are.

SHIFT MANAGER: Okay what company is it you're working for?

CALLER: [company name].

SHIFT MANAGER: Okay, well I can't send you an ambulance I'm afraid.

CALLER: We don't have an ambulance on-site and we cannot transport as we cannot leave the event.

SHIFT MANAGER: Well I'm sorry, I'm not sending an NHS resource, I'm sorry. When you guys put in the business case that should all be addressed and I can't send an ambulance and deprive the local community of an NHS resource, to transfer a patient.

CALLER: I'm sorry this patient is seriously ill here. He has suspected head and neck injuries and we do not have a vehicle to transport.

SHIFT MANAGER: I'm sorry you're the paramedic who's in attendance, you should....

CALLER: I'm not a paramedic.

SHIFT MANAGER: You just said you were.

CALLER: No I said I was an emergency 1st Responder. I'm not a paramedic.

SHIFT MANAGER: Okay, so you're an emergency 1st Responder and you're getting paid to attend this event?

CALLER: Yeh.

SHIFT MANAGER: Well, right okay, is there any paramedics in attendance then?

CALLER: No paramedics, no.

SHIFT MANAGER: Right, is it a private ambulance service?

CALLER: It is.

SHIFT MANAGER: Right, well you'll have to get your private ambulance service to transport the patient then I'm afraid.

CALLER: Sorry we do not have the vehicle.

SHIFT MANAGER: Well I'm sorry that's not my problem, that is your problem.

CALLER: So you're going to let this patient be seriously injured?

SHIFT MANAGER: No, I'm not you are. You're there and you're getting paid at a private hire and you don't have an ambulance. I have an ambulance for people in the community who are the NHS ambulance service who need an ambulance because of a medical condition. I'm not here to provide an ambulance so that the event can continue because you don't have an ambulance to transfer the patient.

CALLER: Well you're going to have to speak to my manager.

SHIFT MANAGER: Okay, I'll speak to your manager.

(30 second pause while the caller speaks to others in the background)

The shift manager says hello to try to get someone to speak on the other end

SHIFT MANAGER: Hello,

2nd CALLER: Hello, listen we need an ambulance here.

SHIFT MANAGER: Sorry, sorry, hold on a second who are you?

2nd CALLER: I'm part of this committee that runs this club.

SHIFT MANAGER: Hello hold on a second before we go any further. You're part of the committee. Have you organised, have you paid for this emergency medical technician to attend this event today?

2nd CALLER: Yes we have.

SHIFT MANAGER: Right okay, well they'll have to provide an ambulance for you then, I'm sorry, they're your cover for your riders.

2nd CALLER: Yeh I know but listen, this guy is lying in the middle of the track.

SHIFT MANAGER: I'm sorry,

2nd CALLER: You're not bothered, you're not bothered.

SHIFT MANAGER: Excuse me I think you're being unfair.

2nd CALLER: I'm not being unfair, we have a guy who is bleeding from the mouth, he's agitated, we've got oxygen on him, we need an ambulance.

SHIFT MANAGER: No.

2nd CALLER: He's been knocked out.

SHIFT MANAGER: Listen you've got an ambulance, you've paid for an ambulance company to attend this event.

2nd CALLER: But there's not an ambulance.

SHIFT MANAGER: But that's their problem, you have to take it up with them, you'll have to get that patient to hospital.

2nd CALLER: You want us to leave this person lying in a field till we can get an ambulance? Is that what you're saying?

SHIFT MANAGER: Excuse me, do you want me to leave a person with chest pain who are paying the NHS to get ambulance provision.

2nd CALLER: But equally so we all pay our stamp.

SHIFT MANAGER: Well you've got paramedics there in attendance, they should have a vehicle to transfer your patient.

2nd CALLER: I understands what you're saying. He's Joe Public, he's here, we need an ambulance.

SHIFT MANAGER: No he's not Jo Public,

2nd CALLER: If you want to charge us for...

SHIFT MANAGER: No listen, I'm not, I'm sorry, can I speak to the person in charge of this incident please?

(More background noise and people talking)

3rd CALLER: Hello.

SHIFT MANAGER: Hello, who am I speaking to now please?

3rd CALLER: The clerk of the course that's at this meeting.

SHIFT MANAGER: Right okay I've tried to explain to this lady and the emergency medical technician at this event that. They have paid for a private ambulance company to come in and provide emergency cover for your event. Okay? Now when this business case went out and came to your guys as clerk of course of your committee surely they would have accounted for the fact that this was a private hire somebody may be injured because it's highly likely being a motor cross event and that they would provide an ambulance to transfer somebody who was sick to hospital.

3rd CALLER: So every meeting we have run for about the last 10 years, when we've asked for an ambulance to come on-site, they've come on-site. This is the first time I've heard of anything like this.

SHIFT MANAGER: Right but the emergency medical technician who I've just spoken to dialled treble nine, saying he was getting paid to cover this event for emergencies. This is what I need to clarify because if that's the case they should transport the patient as well ... That's what I need to clarify.

3rd CALLER: Who am I speaking to, what position are you please?

SHIFT MANAGER: I'm the Shift Manager in ambulance control.

3rd CALLER: Right well I don't understand this at all.

SHIFT MANAGER: Right, well neither do I sir and you've got a patient there and I need to establish what's going on. The problem I'm facing in the Scottish Ambulance Service is that we have numerous companies being paid to attend private hire events and they're undercutting the ambulance service, but they're not providing transport should a patient be injured. They're expecting the NHS resource to come and uplift the patient.

3rd CALLER: We've been arguing for 10 minutes and this kid could be...

SHIFT MANAGER: I know but anything could happen to a member of the community in [location] and I don't have an ambulance because the company that's covering your event don't have an ambulance to uplift the patient because they've not charged you for an ambulance. This is what I'm trying to establish because I've got a duty of care to the public. This is a private event and this is why I'm trying to clarify these issues.

3rd CALLER: I'm just demanding that the ambulance has to come over here.

SHIFT MANAGER: Could you let me speak to the manager of the private ambulance service that's attending this event please? Is that possible?

3rd CALLER: Sorry do you want to speak to them?

4th CALLER: Good afternoon this is [name] speaking.

SHIFT MANAGER: Who are you [name]?

4th CALLER: I'm with [company name].

SHIFT MANAGER: Right are you a private hire company?

4th CALLER: See before we go further with this conversation, we actually need an ambulance now, we can discuss this later.

SHIFT MANAGER: Excuse me, I'm sorry, I'm not willing to discuss this later, I understand and I appreciate there is a patient in attendance here who is sick okay but by the same token I have one ambulance in [location] and there is a member of the community who could be ill, so have you guys put a business case forward to accept responsibility within this Motor Cross Event?

4th CALLER: Yep Right just hold on I'll try and get hold of our head, but unfortunately she's very busy, she's dealing with a patient at the moment.

SHIFT MANAGER: Well I'm sorry, but I'm not sending an ambulance until I clarify exactly what's going on here because....

4th CALLER: Right okay.

SHIFT MANAGER: I'm sorry about this...

([name] she wants to clarify ... I can't hear the rest of the background conversation)

5th CALLER: Hello.

SHIFT MANAGER: Hello, who am I speaking to please?

4th [5th] CALLER: [name].

SHIFT MANAGER: [name]?

4th [5th] CALLER: Yes..

SHIFT MANAGER: There's a problem with listening to you, there's a lot going on I can hardly hear you. I'm terribly Sorry about this you're the fifth person I've had to explain to. Could you tell me are you a private ambulance service providing cover at this event?

4th [5th] CALLER: Well' we're providing cover at it we don't have an ambulance at it.

SHIFT MANAGER: But why don't you have an ambulance though?

4th [5th] CALLER: Because it was taken away to another event.

SHIFT MANAGER: Well right I'm sorry you can't have a Scottish ambulance because you should have a vehicle there to transport your patient.

4th [5th] CALLER: Right well obviously things have changed, we've never had problems with this before.

SHIFT MANAGER: Sorry, but you're not getting an ambulance....

4th [5th] CALLER: This is an emergency.

SHIFT MANAGER: Listen of course, if you put forward a business case to cover an event you should cover with enough resources and vehicles should an incident happen.

4th [5th] CALLER: We do have the resources.

SHIFT MANAGER: Well you've not because you don't have an ambulance to transfer the patient.

4th [5th] CALLER: That's not my fault.

SHIFT MANAGER: Well it is if you are the director of the company.

4th [5th] CALLER: I'm not.

SHIFT MANAGER: Well you're in attendance at this incident and you don't have an ambulance. Why should I compromise an NHS resource for a private ambulance company to transfer a patient because you can't facilitate a transfer. You see where I'm coming from?

4th [5th] CALLER: Well, that's not my fault.

SHIFT MANAGER: Well okay, who's... Can I speak to the person whose fault it is then?

4th [5th] CALLER: Well they're not here.

SHIFT MANAGER: Well if you're the manager at this event I'm sorry it stops at you then. I've put my point across to five various people so far. At the end of the day we've got a patient here and he needs attention and you can't give him the attention.

4th [5th] CALLER: We're not aware of this ruling. We don't know when this changed.

SHIFT MANAGER: Its always been the case.

(Lots of noise and talking over each other in the background)

4th [5th] CALLER: That's okay. We've got a.....we've actually got a car, we'll get it in there, we'll take him.

(Again lots of noise)

4th [5th] CALLER: It's okay everything's been settled (What's her name) What's your name?

SHIFT MANAGER: My name's [name]. Can I just confirm then that you work for [company name]?

4th [5th] CALLER: Listen they're too busy dealing with an injury. At the end of the day there's somebody hurt and needs an ambulance, needs a paramedic attention.

SHIFT MANAGER: Yes, but I'm of the understanding that there's an emergency medical service attending...

4th [5th] CALLER: No, no one sufficiently trained to deal with this. And there's no ambulance there.

SHIFT MANAGER: They're 1st Aiders?

4th [5th] CALLER: Yes, they're first aiders.

SHIFT MANAGER: But they're getting paid at this event?

4th [5th] CALLER: I'm not going to argue, I'm going to put the phone down.
What's your name?

SHIFT MANAGER: It's [name]....

The phone is put down (13.46 minutes later)

[name of scribe]

22 August 2007'