



# Ombudsman's Commentary

## JANUARY 2009 REPORTS

I laid eight investigation reports before the Scottish Parliament today. One relates to higher education, three to the health sector, three to the local government sector and one to the Scottish Government.

### case summaries

The reports are summarised below and the full reports are available on the SPSO website at <http://www.spsso.org.uk/reports/index.php>

#### Further and Higher Education

##### **Higher Education, Assessment, record-keeping** University of Edinburgh (200700040)

Mr C raised concerns about the way in which the University assessed his resubmitted dissertation for his masters degree. He also complained that the University did not properly update their records when he told them of his new address. I did not uphold his complaint that the University failed to independently mark the resubmitted dissertation or that he had previously made a complaint against one of the examiners who marked it. I did, however, recommend that in future the Appeals Sub-Committee use clear language in their reports; and that the University consider whether it would be appropriate to clarify in their Code of Practice that dissertations resubmitted after minor changes will not be independently marked. I upheld Mr C's complaint about failure to update records, and recommended that the University apologise to him for that failing.

#### Health

##### **Removal from Practice list** A Medical Practice, Fife NHS Board (200801411)

Ms C raised concerns that when her partner was removed from a medical practice's list because of abusive behaviour she and her two children were also inappropriately removed. I upheld the complaint as I found that the Practice failed to consider other options or to warn Ms C that she was at risk of removal. I recommended that the Practice ensure that their policy on the removal of patients from their list complies with the NHS (General Medical Services Contracts) (Scotland) Regulations 2004 and is within the spirit of the guidance available; that in future they have followed the Regulations and considered and followed alternative courses of action before removing a patient from their list; and that they apologise to Ms C for inappropriately removing her and her children from their list.

##### **Neurology, clinical treatment, staff attitude, complaint handling**

##### Western Isles NHS Board (200703044)

Mrs C was being investigated for symptoms that suggested a possible diagnosis of multiple sclerosis. Her husband raised a number of concerns about the level of treatment she received from a consultant

neurologist at Western Isles Hospital. Mr C also complained that the consultant behaved inappropriately after the complaint was made, and about the handling of the complaint. I did not uphold the complaint about the level of treatment, but I did uphold the complaints about the consultant's behaviour and the Board's complaint handling. I recommended that the consultant apologise to Mrs C (for his comments about her in a letter to her GP) and that the Board share my investigation report with the consultant's appraiser for discussion at his annual appraisal. I also recommended that the Board carry out an audit to ensure that complaints are being dealt with in accordance with the timescales stated in the NHS complaints procedure; remind staff who deal with complaints or are subject to complaints of their obligations to act in accordance with the guidance in the NHS complaints procedure; and apologise to Mr and Mrs C for the failings identified in my report.

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## case summaries

### Health

#### **Clinical treatment, referral** Greater Glasgow and Clyde NHS Board (200603262)

Mr C alleged that his prescription of Pramipexole medication was inappropriate in his care and treatment for Parkinson's disease. He also complained that there was a failure in the follow-up care provided for him. I did not uphold the complaint about inappropriate prescribing of medication, but partially upheld the complaint that there was a failure of appropriate support and monitoring of Mr C's condition (to the extent that it is possible alternative support services could have been considered as part of Mr C's care). I recommended that the Board ensure that clear agreements, in writing if possible, are made between patients, clinicians and, where appropriate, family members about the plan of care and a patient's responsibility regarding the information expected from them during treatment. I also recommended that they remind clinical colleagues of the potential referral opportunities which may be available to augment aspects of patient care and discuss these with colleagues and patients as appropriate.

### Local Government

#### **Planning, guidance, complaint handling** Fife Council (200601009)

Mr C raised a number of concerns about Fife Council's decision to approve his neighbour's planning application to build an extension and the way in which they responded to his enquiries. I did not uphold complaints that the Council breached their own planning guidelines for extensions or failed in their duty to protect Mr C. I did, however, uphold Mr C's complaint that the Council failed to give him timely responses and recommended that they write to him apologising for that failure.

### **Related complaints against two Councils**

Ms C, who has a neurological condition, requires assistance at home for certain personal tasks and household chores. When she relocated from Renfrewshire to North Lanarkshire she experienced difficulties with the transfer of information and with her care package during and after her relocation, and complained to the Councils about the following:

#### **Social work, policy/administration** Renfrewshire Council (200701327)

Ms C complained that Renfrewshire Council failed to follow their procedures when transferring her social work case file to North Lanarkshire Council. She felt that they delayed the transfer process unnecessarily and failed to provide complete information to North Lanarkshire Council, disrupting her transition into her new area. I upheld both complaints and recommended that Renfrewshire Council formally apologise to Ms C for the anxiety and disruption caused by their handling of her social work case transfer and introduce procedures to ensure that any requests for action on a service user's case file are proactively pursued to completion.

#### **Social work, policy/administration, assessment, care package** North Lanarkshire Council (200700656)

Ms C complained that North Lanarkshire Council failed to follow their procedures when they took over her care and that poor administration and communication on their part led to the introduction of inadequate care services and the subsequent cancellation of her care package. I did not uphold Ms C's complaints and could not reach a finding on the complaint that the Council withdrew her personal care package against her wishes. I did, however, make a number of recommendations to the Council as a result of Ms C's experiences, namely that the Council prioritise the completion of Ms C's care plan; and review Ms C's case and

identify ways of introducing basic care quickly, whilst needs assessments are carried out. I also recommended that the Council consider introducing formal guidance to social work staff on inter-authority case transfers and communication with incoming service users; introduce a policy of requesting written confirmation of a service user's intent to cancel their care in cases where the need for care remains; consider ways of formally recording service users' acceptance and understanding of any proposals before finalising care plans; and consider ways to record service users' non-acceptance of proposals and to escalate matters through the formal complaints procedure.

### Scottish Government and Devolved Administration

#### **Handling of application, policy/administration** Scottish Government Environment Directorate (formerly Scottish Executive Environment and Rural Affairs Department) (200502842)

Mr C complained on behalf of his wife that the Scottish Executive Environment and Rural Affairs Department (now the Scottish Government Environment Directorate) mislaid a form relating to an application under the Single Farm Payment Scheme – National Reserve 2005 and mishandled the application. I partially upheld the complaint because although I found that they had not directly caused her any loss of subsidy I found some shortcomings in the way in which the Directorate handled the application. I recommended that the Directorate remind staff of the importance of both apologising for mistakes and ensuring they provide consistent responses to correspondence; apologise to Mrs C for losing an application; and ensure that advice on agricultural scheme requirements is explicit in all literature.

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### Compliance & Follow-up

In line with SPSO practice, my Office will follow up with the organisations to ensure that they implement the actions to which they have agreed.



**Professor Alice Brown, Ombudsman** 21 January 2009

The compendium of reports can be found on our website, [www.spsso.org.uk](http://www.spsso.org.uk)

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The Scottish Public Services Ombudsman (SPSO) provides a 'one-stop-shop' for individuals making complaints about organisations providing public services in Scotland. Our service is **independent, impartial** and **free**.

We are the final stage in handling complaints about councils, housing associations, the National Health Service, the Scottish Government and its agencies and departments, the Scottish Parliamentary Corporate Body, colleges and universities and most Scottish public authorities.

We normally consider complaints only after they have been through the formal complaints process of the organisation concerned. Members of the public can then bring a complaint to us by visiting our office, calling or texting us, writing to us, or filling out our online complaint form.

The Scottish Public Services Ombudsman was set up in 2002, replacing three previous offices – the Scottish Parliamentary and Health Service Ombudsman, the Local Government Ombudsman for Scotland and the Housing Association Ombudsman for Scotland. Our role was also extended to include other bodies delivering public services.

We aim not only to provide justice for the individual, but also to share the learning from our work in order to improve the delivery of public services in Scotland. We have a programme of outreach activities that raise awareness of our service among the general public and promote good complaint handling in bodies under our jurisdiction.

Further details on our website at: [www.spsso.org.uk](http://www.spsso.org.uk)

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