

## SPSO decision report

**Case:** 201200035, Lothian NHS Board - Acute Division  
**Sector:** health  
**Subject:** complaints handling  
**Outcome:** not upheld, action taken by body to remedy, recommendations

### Summary

Mr and Mrs C's son is a young adult with severe learning difficulties and various complex medical issues. Mr and Mrs C complained to the board, through an advocacy worker, about the staff member responsible for the co-ordination of nursing care at home for their son. The board responded saying that many of the issues raised had happened outwith the time limit specified in the NHS complaints procedure, and so could not be investigated. Mr and Mrs C said that they were aware of the time limit, but explained that they thought there were exceptional circumstances in their case. They asked the board to give consideration to these, and to disregard the time limit.

Our investigation found that although the board was entitled to decide not to consider complaints outwith the time limit, there was no evidence that they had in fact considered the specific grounds raised by Mr and Mrs C, or explained why they did not consider the grounds to be relevant. Mr and Mrs C also said that they were misinformed about a communications book that was removed from their home, and that their complaint had been investigated by inappropriate staff members. However, we found the staff who had investigated were suitably impartial. We also found that the board made reasonable efforts to contact Mr and Mrs C's advocacy worker to discuss and clarify the outstanding issues. On balance, we did not uphold Mr and Mrs C's complaint, as we found that the board's complaints handling was generally reasonable overall, and that they proportionately responded to a number of complex and sensitive matters. However, as we did identify aspects that were not satisfactory, we made recommendations in relation to these.

### Recommendations

We recommended that the board:

- provide Mr and Mrs C with confirmation that the grounds they had put forward as exceptional circumstances were considered by the board, and provide an explanation for the decision reached;
- apologise to Mr and Mrs C for the initial statement that a communications book belonged to the board, and for not informing them of or involving them in the investigation regarding the book, nor the subsequent outcome; and
- consider alternative options for Mr and Mrs C's family's contact with the Complex Care Service.