

## SPSO decision report

**Case:** 201306235, Highland NHS Board  
**Sector:** health  
**Subject:** continuing care  
**Outcome:** not upheld, no recommendations

### Summary

Mr C's father (Mr A) suffered from Parkinson's disease and was admitted to a care home, where he lived for the last few years of his life. A few years after Mr A's death, Mr C applied to the board for a retrospective award of funding for Mr A's care. In response to Mr C's application, the multi-disciplinary team involved in Mr A's care retrospectively undertook an assessment of his needs, and the board declined Mr C's application. Mr C appealed this decision. The appeal was considered first by the clinical director, who recommended granting the application. However, the appeal was decided by the medical director, who personally reviewed Mr A's records and chose not to accept the clinical director's recommendation, instead declining Mr C's application.

Mr C complained that the board's assessment of his application was unreasonable. He raised concerns that the multi-disciplinary team's assessment was unreasonable, that the board did not refer to relevant medical records, and that they did not take account of the fact that the decision not to transfer Mr A to a hospital was made on social, rather than medical, grounds. Mr C also said that the medical director gave no reasons for not accepting the clinical director's recommendation.

After taking independent advice on this complaint from one of our medical advisers, we did not uphold Mr C's complaint. The medical adviser said that the multi-disciplinary team's retrospective assessment of Mr A's needs was reasonable in the circumstances. There was no evidence that the medical records that Mr C thought had been overlooked existed, so we found that the board had not overlooked evidence in this regard. We also found that the medical director had taken account of the argument that the decision not to transfer Mr A to a hospital was based on social, not medical, grounds but had nevertheless decided not to uphold the appeal. Finally, we found that the medical director's decision not to accept the clinical director's recommendation was reasonable and that the reasons for this were set out in the decision letter. Although Mr C did not agree with the board's conclusions, we were satisfied that the assessment was conducted reasonably and in line with relevant guidance.