

SPSO decision report

Case: 201401774, Lothian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Mr C complained about the medical treatment he had received in prison and, in particular, about delays he had faced in getting medication. We took independent advice from one of our medical advisers, who is an experienced GP. Although there was no evidence that there was a three-week delay in prescribing his medication when he first arrived in the prison, the doctor failed to discuss with Mr C his decision at that time not to prescribe medication Mr C had previously been receiving on repeat prescription before entering prison. We found that this had been unreasonable, although, the doctor did subsequently decide to prescribe the relevant medication to Mr C. However, there were then delays in giving Mr C some of his medication due to staff shortages. Mr C was subsequently found to be stockpiling the medication. We found that it had been reasonable for staff to remove Mr C's stockpile of the medication, however, it was unreasonable that this medication was then stopped without a discussion about putting an alternative in place. In view of these failings, we upheld this aspect of Mr C's complaint.

Mr C also complained that the prison health centre had failed to appropriately maintain his medical records. We found that his records had been well-maintained and we did not uphold this aspect of his complaint.

In addition, Mr C said that the board's response had failed to address his complaint appropriately. We found that the board's response failed to indicate that an adequate investigation had taken place and that it failed to address the issues Mr C had raised. We also upheld this aspect of his complaint.

Recommendations

We recommended that the board:

- review the prison's processes for repeat prescriptions in order to try to ensure that all patients receive their repeat prescriptions in a timely fashion;
- remind the GP in the prison health centre that he should discuss changes in prescriptions directly with patients;
- provide evidence to confirm that steps have been taken to ensure that complaints from prisoners are investigated and responded to in line with the Scottish Government's guidance; and
- issue a written apology to Mr C for the failings identified.