

SPSO decision report

Case: 201601834, Lothian NHS Board - Acute Division
Sector: health
Subject: clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

Mr C complained that his late mother (Mrs A) did not receive appropriate physiotherapy and rehabilitation whilst she was a patient at Tippithill Hospital. He was also concerned that the consultant in charge of Mrs A's care had unreasonably refused consent for another doctor to examine her. Mr C also complained that the board's response to his complaint was inadequate.

We took independent advice from a consultant in old age psychiatry. We found that Mrs A had advanced dementia and that she did not have the potential for further rehabilitation as a result. We found that there had been appropriate referrals and assessments for physiotherapy, which took reasonable account of the risks involved in Mrs A's case. We did not uphold Mr C's complaint about physiotherapy and rehabilitation.

We also did not uphold Mr C's complaint that consent had been refused to allow a further doctor to examine Mrs A. We found no evidence that consent had been refused, although it was confirmed that an examination by the further doctor did not take place. The advice we received was that, in the particular circumstances of Mrs A's case, it was reasonable that this examination was not carried out. We found that the doctor in question had previously reviewed Mrs A and did not consider this to have been of any assistance to the management of her care.

Regarding the board's response to Mr C's concerns, we found that they had not directly addressed Mr C's complaint and that, when Mr C alerted them to this, they advised that they had nothing further to add. We considered this response to be inadequate and we upheld this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to adequately respond to his complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

In relation to complaints handling, we recommended:

- Complaints responses should address the key issues raised.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.