

## SPSO decision report

**Case:** 201707502, Edinburgh Health and Social Care Partnership  
**Sector:** health and social care  
**Subject:** clinical treatment / diagnosis  
**Decision:** not upheld, no recommendations

### Summary

Ms C complained on behalf of her late mother (Mrs A) who died during her admission at a community hospital. Ms C's complaints were that:

the partnership did not provide reasonable care and treatment to Mrs A;

there was a lack of reasonable communication with Ms C about Mrs A's care and treatment, and the behaviour of staff towards Ms C was unreasonable;

the partnership unreasonably obtained a second clinical opinion on Mrs A's eligibility for hospital based NHS continuing healthcare;

the decision to discharge Mrs A from hospital, on the grounds that her healthcare needs - did not meet the eligibility criteria for hospital based NHS continuing healthcare was unreasonable;

and that the partnership's handling of and their response to Ms C's complaints was unreasonable.

We took independent advice from a consultant in geriatric (elderly) and general medicine, and from a senior nurse. We found that, overall, the care and treatment provided to Mrs A was reasonable. We were unable to find evidence of a lack of reasonable communication with Ms C about Mrs A's care and treatment, and that the behaviour of staff towards Ms C was unreasonable.

We were satisfied that, in terms of the NHS continuing healthcare guidance which was in place at the time, the partnership were entitled to carry out regular formal reviews of Mrs A's health care needs and to reassess her eligibility for NHS continuing health care. We found that the partnership were entitled to carry out the two clinical assessments of Mrs A's current healthcare needs at the time; that they agreed with the decisions reached that Mrs A did not require the provision of NHS continuing healthcare in line with the relevant guidance and that the decision to discharge Mrs A from hospital was reasonable. We were also satisfied that the partnership appropriately informed Ms C of her right of appeal and of her right to complain to this office. Therefore, we did not uphold these aspects of the complaint.

We also considered that the partnership took reasonable steps to try and address Ms C's concerns and complaints, both informally in the ward setting and at meetings with her, and also more formally by the patient experience team. A review highlighted no overall system failings but did identify areas for improvement which concurred with all of the review findings made. Given this, we did not uphold this complaint.