

SPSO decision report

Case: 201802490, Tayside NHS Board
Sector: Health
Subject: clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

Mr C, an MSP, complained on behalf of his constituents Ms B and Ms A (Ms B's daughter) about the service provided by a community mental health team (CMHT). Ms A was a young adult with Asperger's Syndrome (a form of autism, in which people may find difficulty in social relationships and in communicating) and she received treatment for obsessive compulsive disorder (OCD, a common mental health condition where a person has obsessive thoughts and compulsive behaviours) and depression.

During our investigation of Mr C's complaint, we considered the evidence provided by Mr C and the board. We also received independent advice from a consultant psychiatrist.

Mr C raised concern that the CMHT did not provide Ms A with reasonable mental health care and treatment. We considered that the doctors involved in Ms A's care appropriately took into account her Asperger's Syndrome and we found that the treatment provided for Ms A's OCD and depression was reasonable. We did not uphold this complaint.

Mr C complained that the CMHT failed to provide Ms B with reasonable advice and information to support her as a carer for Ms A. We found that Ms B and Ms A were given details of support organisations and Ms B was offered a carer's assessment. However, we did not find sufficient evidence that general information about management of conditions was provided to Ms B. On balance, we upheld this complaint.

Finally, we considered whether the board provided a reasonable response to Mr C's complaint. We found that the board had accurately identified and responded to many of the complaints raised. However, we noted that the board did not address all the points that Ms B raised separately. We were unable to conclude that the board provided a full response to the points Ms B raised in line with the requirements of the NHS Scotland Complaints Handling Procedure. On balance, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms B for failing to provide general information about management of conditions and treatments, and not responding to a number of points raised in her complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets"](http://www.spsso.org.uk/information-leaflets) www.spsso.org.uk/information-leaflets .

What we said should change to put things right in future:

- Family members supporting the care of a patient should receive general information about management of conditions and treatments, whilst maintaining a patient's right to confidentiality.

In relation to complaints handling, we recommended:

- Under the NHS Scotland Complaints Handling Procedure an investigation should establish all the facts relevant to the points made in the complaint and to give the person making the complaint a full, objective and proportionate response that represents the final position.

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.