

SPSO decision report

Case: 201808032, Highland NHS Board
Sector: Health
Subject: policy / administration
Decision: upheld, recommendations

Summary

Mr C complained about the board's actions regarding his access to overnight accommodation at a facility provided by them, whilst Mr C was attending New Craig Psychiatric Hospital for treatment. Mr C said that the board unreasonably failed to provide him with overnight accommodation when he attended the hospital. He said that when he questioned this, he was initially advised that the accommodation was fully booked, but was subsequently informed that he would not be provided with accommodation as there had also been complaints about his behaviour there on a previous occasion. Mr C also complained that the board failed to investigate the complaints made about his conduct at the accommodation appropriately.

We found that the board had failed to make a written record of the complaints made about Mr C during a previous stay at the accommodation; did not notify Mr C about the complaints; failed to give Mr C an opportunity to respond to the complaints; and failed to make a written record of their assessment of the situation and their decision to no longer offer Mr C accommodation. As the board decided to act based on the complaints they received about Mr C, we considered that the board should have carried out some form of investigation. Therefore, we upheld these aspects of Mr C's complaint.

Mr C also said that the board failed to respond appropriately to his concerns and complaint about their handling of the complaints. We found that when MSPs first contacted the board on Mr C's behalf, the board failed to classify this as a first stage complaint under the NHS Model Complaints Handling Procedure (MCHP) and that the board failed to look into matters for Mr C and respond to him, as agreed in an email to him. We found that it was unreasonable for the member of staff to investigate Mr C's complaint to the board, when they were the subject (in part) of the complaint. We also found that the board failed to address all of the issues raised in Mr C's complaint to them and failed to demonstrate that each element had been fully investigated, in accordance with the NHS MCHP. Therefore, we upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to deal appropriately with the accommodation complaints and the complaints made by him and MSPs about this. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Complaints about residents at the residential accommodation should be appropriately investigated and recorded by the board's staff.

In relation to complaints handling, we recommended:

- Complaints from patients should be appropriately recognised, investigated and responded to in accordance with the NHS MCHP and the SPSO guidance on MCHPs.

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.