

SPSO decision report

Case: 201900770, Highland NHS Board
Sector: Health
Subject: clinical treatment / diagnosis
Decision: not upheld, no recommendations

Summary

C complained about their detention under an emergency detention order under the Mental Health (Care and Treatment) (Scotland) Act 2003. C stated that the detention was unnecessary and that the board failed to inform them about it. C also complained that there was a failure to offer support and signposting to advocacy services.

We took independent advice from a consultant psychiatrist (a medical practitioner who specialises in the diagnosis and treatment of mental illness). We found that the detention was appropriate from both a clinical and legal perspective under the Mental Health (Care and Treatment) (Scotland) Act 2003. We found that it was considered to be in C's best interests to detain them because of legitimate concerns about their mental health. The documentation was signed by a medical practitioner with full General Medical Council (GMC) registration and with the consent of a mental health officer, in accordance with the requirements of the act. We did not uphold this aspect of C's complaint.

We also found that C was informed of their detention within a reasonable period of time. We noted that prioritisation was given to addressing C's mental and physical health. The clinical team sought the views of C's relatives to inform their ongoing clinical management of C. Under the circumstances, this was an appropriate and reasonable action which then resulted in C's detention being revoked early. We did not uphold this aspect of the complaints.