

Case 200600213: Scottish Ambulance Service

Summary of Investigation

Category

Health: Ambulance; complaint handling

Overview

The complainant (Mrs C) had concerns about the way the Scottish Ambulance Service (the Service) responded to enquiries and complaints she made about their response to a request to take her husband, Mr C, to hospital in September 2004. Specifically, Mrs C complained about the Service's request that a disclosure of information form be completed in response to a letter from her Member of Parliament (MP), that the Service failed to make arrangements for a meeting with Mrs C that they advised had been made, that the Service unreasonably expected Mrs C to make arrangements for a meeting, that the Corporate Affairs Manager of the Service inaccurately represented the contents of a letter from the Head of Service (Accident and Emergency – South West) (Head of Service 1) and that the Head of Service (Accident and Emergency – West Central) (Head of Service 2) was unreasonably unable to answer Mrs C's questions during a meeting.

Specific complaints and conclusions

The complaints which have been investigated are that:

- (a) the Service incorrectly requested a disclosure of information form to be completed in response to a letter from Mrs C's MP (*not upheld*);
- (b) the Service failed to make arrangements for a meeting with Mrs C that they advised had been made (*upheld*);
- (c) the Service unreasonably expected Mrs C to make arrangements for a meeting (*no finding*);
- (d) the Corporate Affairs Manager of the Service inaccurately represented the contents of Head of Service 1's letter of 9 November 2004 (*not upheld*);
and
- (e) Head of Service 2 was unreasonably unable to answer Mrs C's questions during a meeting (*no finding*).

Redress and recommendations

The Ombudsman recommends that the Service reminds all staff of the importance of ensuring the factual accuracy of communications.

The Service have accepted the Ombudsman's recommendation and will act on it accordingly.

Main Investigation Report

Introduction

1. On 21 April 2006 the Ombudsman received a complaint from a woman, referred to in this report as Mrs C. Mrs C had concerns about the way the Scottish Ambulance Service (the Service) responded to enquiries and complaints she made about their response to a request to take her husband, Mr C, to hospital in September 2004. Specifically, Mrs C complained that the Service incorrectly requested a disclosure of information form to be completed in response to a letter from Mrs C's Member of Parliament (MP), that the Service failed to make arrangements for a meeting with Mrs C that they advised had been made, that the Service unreasonably expected Mrs C to make arrangements for a meeting, that the Corporate Affairs Manager of the Service inaccurately represented the contents of the Head of Service (Accident and Emergency – South West) (Head of Service 1)'s letter of 9 November 2004 and that the Head of Service (Accident and Emergency – West Central) (Head of Service 2) was unreasonably unable to answer Mrs C's questions during a meeting.

2. The complaints from Mr C which I have investigated are that:
- (a) the Service incorrectly requested a disclosure of information form to be completed in response to a letter from Mrs C's MP;
 - (b) the Service failed to make arrangements for a meeting with Mrs C that they advised had been made;
 - (c) the Service unreasonably expected Mrs C to make arrangements for a meeting;
 - (d) the Corporate Affairs Manager of the Service inaccurately represented the contents of Head of Service 1's letter of 9 November 2004; and
 - (e) Head of Service 2 was unreasonably unable to answer Mrs C's questions during a meeting.

Investigation

3. The investigation of this complaint involved obtaining and reading all the relevant information, including correspondence between Mrs C and the Service and the Service's file on Mrs C's complaint. I have set out my findings of fact and conclusions. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mrs C and the Service were given an opportunity to comment on a draft of this report.

Background

4. In 2004 Mr C was undergoing chemotherapy and on 1 September 2004 tests revealed that he had developed an infection. His GP requested an ambulance to take him to hospital. The GP requested that the ambulance collect Mr C at around 16:30. Shortly after advising Mrs C of this by telephone, the GP called again to advise that the ambulance would not be available until around 18:00 and suggested that Mrs C could, if she wished, drive Mr C to hospital herself. Mrs C considered this but was concerned that her husband, who was suffering from diarrhoea and nausea, may become more unwell during the journey.

5. By 18:15 no ambulance had arrived and Mrs C called the GP's surgery. The surgery followed up Mrs C's call with the Service and advised her that the ambulance crew, who had come on duty at 18:00, had not been advised of the request to take Mr C to hospital. The Service told the surgery that the ambulance was now on its way to collect Mr C.

6. By 19:00 the ambulance had not arrived and Mrs C called the surgery again. After following up with the Service again, the surgery advised Mrs C that the ambulance had been diverted to an emergency and would not be able to take Mr C to hospital until at least 21:00. Mrs C decided that she would take her husband to the hospital in her own car. Her husband's condition had deteriorated and the journey to the hospital was difficult. Mr C passed away the following day.

7. Mrs C was concerned about the events that led to what she considered was the Service's declining of the request to take her husband to the hospital and she approached her MP and he wrote to the Service on her behalf on 29 September 2004.

8. Mrs C also advised a Member of the Scottish Parliament (MSP - MSP 1) of the situation and her concerns. On 18 October 2004 MSP 1 wrote to the Scottish Executive¹ Minister for Health and Community Care, asking him to look into the circumstances Mrs C raised.

¹ On 3 September 2007 Scottish Ministers formally adopted the title Scottish Government to replace the term Scottish Executive. The latter term is used in this report as it applied at the time of the events to which the report relates.

9. On 5 November 2004 the Service responded Mrs C's MP. In their letter they requested that Mrs C complete a disclosure of information form before they could release personal information about her late husband to her MP. The MP wrote to the Service on 6 November 2004 explaining that section 6(e)(i) of The Data Protection (Processing of Sensitive Personal Data) (Elected Representatives) Order 2002 permitted the disclosure of such personal information to an MP without the need for any form to be completed.

10. On 9 November 2004 Head of Service 1 discussed the matter with Mrs C's MP and wrote to him later that day apologising for the confusion surrounding the request that a form be completed and explaining that a response to the enquiries in his letter of 29 September 2004 was being prepared.

11. Head of Service 1 wrote another letter to Mrs C's MP dated 9 November 2004. In this letter Head of Service 1 explained that the ambulance crew on duty at 16:30 would not have been able to take Mr C to the hospital and return to their base before their shift ended at 18:00. For information, the most direct route from Mr C's house to the hospital involved a short ferry crossing. As the request to take Mr C to the hospital was not categorised as an 'emergency', the Service declined to fulfil the request until the new crew came on-shift at 18:00. At 18:30, while on their way to collect Mr C, the crew were diverted to an emergency call. Head of Service 1 gave further information about the circumstances surrounding the request to take Mr C to the hospital and, near the end of the letter, wrote 'In conclusion, I will of course be more than happy to arrange for an officer to visit [Mrs C]. To this end, I have already requested that arrangements be made to achieve this'. Mrs C's MP sent a copy of this letter to Mrs C and, on 10 December 2004, wrote to her again and told her that he had spoken to Head of Service 1 and had been promised that someone would contact Mrs C very soon to arrange a visit to her.

12. On 7 December 2004 the Minister for Health and Community Care (the Minister) wrote to MSP 1. The Minister outlined the report he had received from the Service relating to Mr C's transportation to the hospital and said that the Service had advised they would be happy to meet with Mrs C to discuss the matter. The Minister said that if Mrs C wished to take up this offer she should contact the Service's South West Division General Manager.

13. Mrs C did not make contact with the South West Division General Manager and as she had not heard anything further from the Service, she

contacted another MSP (MSP 2) and a solicitor in early 2005. On 24 January 2005 Mrs C's solicitors wrote to the Service enquiring about the events of 1 September 2004 and the contents of the various subsequent letters from the Service and the Minister. At the letter's conclusion the solicitors wrote 'From correspondence it would appear that our client has been offered a meeting with someone from your Service in order to discuss the shortcomings. Before taking up that offer could you please respond to the various points raised in this letter'. This letter was acknowledged by the Corporate Affairs Manager.

14. On 10 February 2005 MSP 2 wrote to the Service highlighting the fact that Mrs C had not been contacted as Head of Service 1 had promised she would be.

15. On 15 March 2005 the Corporate Affairs Manager wrote to MSP 2. He told MSP 2 that Head of Service 1 had made the offer of a visit to Mrs C via her MP, but that the MP 'did not come back to ask for this'. He also brought the content of the final paragraph of the letter from Mrs C's solicitors to MSP 2's attention and explained that Head of Service 1 was in the process of finalising a response to this. MSP 2 sent a copy of this letter to Mrs C.

16. Mrs C advised MSP 2 of the discrepancy between the 15 March 2005 letter from the Corporate Affairs Manager and the 9 November 2004 letter from Head of Service 1. MSP 2 wrote to the Service to highlight this.

17. On 11 April 2005 the Corporate Affairs Manager of the Service wrote to MSP 2. He told MSP 2 that he regretted that Mrs C was still awaiting a visit and that he had copied the earlier letters to the South West Division General Manager and asked him to arrange for Head of Service 1 to contact Mrs C as soon as possible.

18. At an open surgery held by the Service in her area on 12 May 2005, Mrs C raised her concerns with the Service's General Manager (South West Region) and Head of Service 2. Head of Service 2 told Mrs C that he would arrange a meeting between them to discuss her concerns.

19. On 27 June 2005 a meeting was held between Mrs C and Head of Service 2 in Mrs C's home. At the meeting, Mrs C was unhappy that Head of Service 2 brought along information related to an ambulance other than the one that had been requested to take Mr C to the hospital. Mrs C told me that, when

asked, Head of Service 2 stated that the ambulance that had been requested to take Mr C to the hospital had not been available when the request was made. Mrs C showed Head of Service 2 the letter from Head of Service 1 dated 9 November 2004 which stated that the ambulance was available, but it had not been sent as the crew would be unable to take Mr C to the hospital and return to their base before their shift ended at 18:00. Mrs C told me that Head of Service 2 said that he would check the records again. The Service told me that Head of Service 2 acknowledged during the meeting that the ambulance had been available and that the request for Mr C to be taken to the hospital could have been dealt with much more satisfactorily.

20. On 11 July 2005 Head of Service 2 wrote to Mrs C. He confirmed that the ambulance had been available when the request to take her husband to the hospital had been received on 1 September 2004 and gave his opinion that the request should have been fulfilled or, failing that, the crew should have collected Mr C and transferred him to the care of another crew to complete the journey to the hospital. He explained that, in the time since September 2004, new procedures had been put in place to ensure that there is adequate ambulance coverage in the area. He apologised that he had had to discuss the events of 1 September 2004 with Mrs C again because he was aware of how much revisiting these events upset her.

21. On 17 October 2005 Mrs C raised her complaints with the Service. Following an acknowledgement from the Corporate Affairs Manager, Mrs C was concerned that the Service had not understood the point of her complaint and wrote to them again to clarify this. In response to this the Corporate Affairs Manager told Mrs C that he had referred all the correspondence on Mrs C's complaints to the Director of Operations who would review the actions of the Service.

22. On 9 March 2006, the Director of Operations wrote to Mrs C with the Service's response to her complaints. The Director of Operations acknowledged that the information Mrs C had been provided with could have been clearer and that scheduled meetings should have been proceeded with. She expressed her regret that the Service's handling of her concerns had caused Mrs C further regret and offered her apologies on behalf of the Service.

23. On 21 April 2006 Mrs C brought her complaint to the Ombudsman.

(a) The Service incorrectly requested a disclosure of information form to be completed in response to a letter from Mrs C's MP

24. As noted in paragraph 10, prior to the Ombudsman's involvement, the Service acknowledged that there was no need for the disclosure of information form to be completed in response to the letter from Mrs C's MP, and apologised for making the request.

(a) Conclusion

25. It is the practice of the Ombudsman not to uphold complaints where it is clear that, before the involvement of the Ombudsman's office, the body complained of has accepted any maladministration or service failure and taken appropriate steps to remedy this. Given this, I do not uphold the complaint.

(b) The Service failed to make arrangements for a meeting with Mrs C that they had advised had been made

26. Mrs C complained that Head of Service 1 told her MP, in a letter of 9 November 2004, that he had requested that arrangements be made for a representative of the Service to meet with Mrs C (see paragraph 11), but she had never been contacted in connection with this.

27. As part of the information I requested from the Service in investigating this complaint I received a copy of an email from Head of Service 1 to the Corporate Affairs Manager related to the information contained in his letter of 9 November 2004. In the email, dated 2 March 2005, Head of Service 1 said:

'I stated that I would be more than happy to arrange a visit to Mrs C to explain the background to the responses provided to questions raised in [the MP]'s letter. I actually indicated that I had already made some preparatory work towards such an undertaking. However, I expected [the MP] to either decline or take up this offer and facilitate any subsequent meeting with Mrs C.'

28. In a subsequent email, dated 13 April 2005, Head of Service 1 also told the Corporate Affairs Manager that any plans to arrange a visit to Mrs C were aborted following the receipt of the letter from her solicitors on 24 January 2005.

29. I asked the Service whether there was any evidence that Head of Service 1 had made any request that arrangements for a meeting with Mrs C be undertaken. They told me that Head of Service 1 believed that he had

requested that these arrangements be made, but that this was likely to have been in the form of a telephone call and no record of this had been kept.

(b) Conclusion

30. It is understandable that Mrs C believed that Head of Service 1 had not made any request that arrangements for a meeting be made, as two months after the date of the letter in which she was advised this had been done, she had not been contacted by the Service in this regard. The contents of his email of 2 March 2005 also suggest that Head of Service 1 had expected Mrs C's MP would actually facilitate such a meeting. In response to my request for information the Service told me that Head of Service 1 believed that he had requested that the arrangements be made but that, also understandably, there was no record of this. I do not accept the suggestion, in Head of Service 1's 13 April 2005 email to the Corporate Affairs Manager, that the request for arrangements to be made was aborted by the receipt of the letter from Mrs C's solicitors. This letter was sent over two months after Head of Service 1 had told the MP that the request had been made and, in my opinion, it is very unlikely that, had the request been made, Mrs C would not have been contacted within that time. I am also not convinced by the Head of Service 1's argument that he assumed the MP would decline or accept the offer to meet and facilitate this. Head of Service 1's letter did not offer this suggestion or invite a response. It was, rather, a clear statement that actions had been taken to facilitate a meeting, therefore, I uphold the complaint.

(b) Recommendation

31. The Ombudsman notes that the Service's letter of 9 March 2006 appropriately acknowledged that Mrs C should have received clearer information and apologised that this had caused her further distress. However, as minor factual errors such as this can be exponentially concerning in the overall context of a complaint, the Ombudsman also recommends that the Service reminds all staff of the importance of ensuring the factual accuracy of communications.

(c) The Service unreasonably expected Mrs C to make arrangements for a meeting

32. Mrs C complained that the Service advised the Minister that she should contact the Service's South West Division General Manager if she wished to take up the offer of a meeting (see paragraph 12).

33. I asked the Service what information was provided to the Minister that led to his giving this information to Mrs C. Due to the lapse in time since the events enquired of, the Service were unable to provide me with any information.

(c) Conclusion

34. In the absence of any evidence of what information was provided to the Minister, I cannot reach a finding on this complaint.

(d) The Corporate Affairs Manager of the Service inaccurately represented the contents of the Head of Service 1's letter of 9 November 2004

35. Mrs C complained that the Corporate Affairs Manager's letter of 15 March 2005 inaccurately suggested that it was because Mrs C's MP had not responded to Head of Service 1's letter of 9 November 2004 that arrangements for a meeting between a representative of the Service and Mrs C had not been made.

(d) Conclusion

36. Head of Service 1's letter of 9 November 2004 was clear that he had 'already requested that arrangements be made to' arrange for an officer to meet with Mrs C (see paragraph 11) There is no suggestion that the MP required to confirm this or respond in any way to ensure this happened. However, in my view, the Director of Operations, in her letter of 9 March 2006, appropriately apologised to Mrs C for the way this information was given to her and, therefore, I do not uphold the complaint.

(e) Head of Service 2 was unreasonably unable to answer Mrs C's questions during a meeting

37. Mrs C complained that it was unreasonable that, at the meeting on 27 June 2005, Head of Service 2 had not been able to give a definitive answer to her questions about the availability of the ambulance on 1 September 2004.

(e) Conclusion

38. As noted in paragraph 19, the accounts of Mrs C and the Service of the meeting of 27 June 2005 differ in that Mrs C believed that Head of Service 2 had not been able to give a definitive answer to her questions about the availability of the ambulance while the Service believed that he had acknowledged that the ambulance was available and the request to take Mr C to the hospital should have been dealt with more satisfactorily. In the light of

two such conflicting views, and in the absence of any objective evidence, I have not been able to reach a finding on this complaint.

39. The Service have accepted the recommendation and will act on it accordingly. The Ombudsman asks that the Service notify her when the recommendations have been implemented.

Explanation of abbreviations used

Mrs C	The complainant
Mr C	Mrs C's husband
The Service	Scottish Ambulance Service
MP	Member of Parliament
Head of Service 1	Head of Service (Accident and Emergency – South West)
Head of Service 2	Head of Service (Accident and Emergency – West Central)
MSP 1	Member of the Scottish Parliament
The Minister	The Minister for Health and Community Care
MSP 2	Member of the Scottish Parliament

List of legislation and policies considered

Section 6(e)(i) of The Data Protection (Processing of Sensitive Personal Data)
(Elected Representatives) Order 2002