

Case: 201101523, Lothian NHS Board
Sector: health
Subject: policy/administration/communication
Outcome: not upheld, action taken by body to remedy, no recommendations

Summary

Mr C's son was an in-patient at a clinic. Mr C raised concerns about staff accusations that he and his partner made inappropriate and/or racial comments about or to nursing staff. Mr C claimed that when he challenged the accusations, staff refused to detail what comments had caused offence or who had reported them. The accusations resulted in visits to Mr C's son being restricted and supervised.

As this complaint centred on matters of communication it was difficult for our investigation to establish exactly what had been said. Mr C denied that any of his remarks were offensive or racist. However, some of the staff had found them to be so. Without commenting on whether or not Mr C had made racist or offensive remarks, our investigation found that the action taken by the board was reasonable. This is because they have a responsibility to protect staff, patients and other visitors from behaviours that some may find offensive. It was emphasised to Mr C that in such cases the definition of whether or not a comment is offensive rests with the perception of the recipient rather than the intention of the speaker.

Our investigation also looked at whether or not it was reasonable for the board to decline to tell Mr C who had reported his comments. Our view was that the board had a duty to protect the confidentiality of those making the complaints and it was, therefore, reasonable of the board not to give this information to Mr C. We also looked at whether the board's investigation of the matter was appropriate and found that they had taken reasonable, appropriate and timely action to investigate the complaints and inform Mr C of their findings.