

Case: 201101412, Lothian NHS Board
Sector: health
Subject: policy/administration
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Mr C is the carer for his son who has a severe and enduring mental illness. Following a reorganisation of the board's mental health services, the consultant psychiatrists became either in-patient or community focused. This led to a change in consultant for many patients, including Mr C's son. The board consulted a number of representative groups about the changes.

Mr C complained that the board failed to consult with patients and carers and that consultation with the groups was not a substitute for this. He said that the board failed to comply with the Mental Health (Care and Treatment) (Scotland) Act 2003, Scottish Government guidance and the board's strategy on consulting and involving people. He also complained about the board's complaints handling.

We found that the board did not fail in their duties under the relevant legislation when they reorganised mental health consultant services and so we did not uphold Mr C's complaint about that. We also found that when the board consulted with the representative groups, they complied with the guidance.

However, we upheld Mr C's remaining three complaints as we found that the board failed to adhere to their strategy and that it would have been reasonable and proportionate if they had sought to discuss the planned changes directly with patients and carers. We also found failures in the board's complaints handling. We made no recommendations as the board had already taken action to address the failings identified.