

## SPSO decision report

**Case:** 201201202, Borders NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** not upheld, recommendations

### Summary

Mr C complained that the board had failed to return his in-the-ear hearing aids to him after they were repaired and told him they must have been lost in the post. He said they then decided not to provide the same type as a replacement, and told him he would be given behind the ear aids instead. When Mr C complained about this, he said the board failed to fully evidence or explain why he could no longer have in-the-ear hearing aids.

We took independent advice from one of our medical advisers on this case and she said that the board's guidelines for hearing aid provision were arrived at properly, were ones they were entitled to apply and that the decision-making process was appropriate and in accordance with the guidance. She said that Mr C did not meet the criteria for in-the-ear hearing aids set out in the guidance.

In terms of their response to Mr C's complaint, we considered that the board had provided a full and reasoned explanation of why Mr C no longer qualified for in-the-ear hearing aids, that their letters had been detailed and noted that they had offered to meet with Mr C to discuss his concerns.

However, we accepted that had Mr C's original hearing aids not been lost in the post then he would not be in his current position. We also noted that he had said that the board had previously lost his hearing aids and moulds and we did not see any evidence that the board disputed this. Although, therefore, we did not uphold Mr C's complaints, we considered it reasonable that the board could and should have provided a more secure and reliable means of returning Mr C's repaired hearing aids and because of this we made a recommendation.

### Recommendations

We recommended that the board:

- provide Mr C with replacement in-the-ear hearing aids.