

SPSO decision report

Case: 201201658, Tayside NHS Board
Sector: health
Subject: continuing care
Outcome: not upheld, recommendations

Summary

Mrs A lives in a care home and needs 24 hour nursing care as she has numerous medical conditions. Her son (Mr C) considered that her medical and nursing needs met the criteria for continuing care funding (funding provided by the NHS for specialist clinical or nursing treatment) set out in the Scottish Government's guidance document (CEL6). The board assessed Mrs A's needs, but did not consider that she met the criteria for continuing care funding. Mr C appealed this, but funding was again refused. He complained to us about the board's assessment of his mother's eligibility. He did not believe the assessment process had been followed correctly or that he and the professionals who directly care for his mother were sufficiently involved in it.

We found that, in terms of the assessment of Mrs A's clinical and nursing needs, the board took an appropriately multi-disciplinary approach, using a single assessor to gather information and comments from various professionals involved in Mrs A's care. We did not uphold the complaint, as we were satisfied that the board had suitable tools in place to properly assess Mrs A's eligibility for continuing care funding and that the assessor was able to reach a clear, reasoned and evidence-based conclusion. The overall assessment was appropriate and well-documented.

That said, we considered the board failed to properly involve Mr C and the care home in the initial assessment and made recommendations relating to this. We were also critical of their communication and explanations of the assessment process and the purpose of a meeting that Mr C attended. However, we noted that these issues were largely resolved at the appeal stage.

Recommendations

We recommended that the board:

- apologise to Mr C and Mrs A for failing to properly include them in the initial assessment; and
- consider adding a section to their decision-making tool, which records the views of relatives, carers and other stakeholders, such as care home staff.