

SPSO decision report

Case: 201201879, Tayside NHS Board
Sector: health
Subject: complaints handling
Outcome: upheld, with recommendations

Summary

Mr C, who is a prisoner, complained about the prison health centre's complaints handling. Mr C had submitted a formal complaint about the health care and treatment he had received. However, the health centre responded to the complaint under the feedback procedure, not the complaints procedure. The board said that this was in accordance with the approach for all informal complaints, which should be dealt with by local response. They said that any further complaints or feedback forms would be dealt with through the formal complaints procedure. They also commented that, where possible, complaints are addressed at the point of contact, unless the complainant wished to pursue their complaint through the formal complaints procedure.

We considered that as Mr C had submitted a formal complaint, it should have dealt with as such. We were concerned that the board were using the feedback procedure as an additional level to the NHS complaints procedure. This is restricting, and over-complicates prisoners' access to the NHS complaints procedure. It is clear that Scottish Government guidance does not require NHS users to complete the feedback procedure before accessing the complaints procedure. This should also apply to people receiving NHS care and treatment whilst in prison.

Mr C went on to make a further formal complaint to the health centre. However, he said that they returned the complaint form to him, and explained that it was not answered, along with several others, due to the fact that they met him to see if the issues could be dealt with. They said that during the meeting, Mr C withdrew the complaint after agreeing that the problems were resolved. However, we found no records to support this in the evidence we received from the board.

Mr C then submitted a further complaint to the health centre, but did not receive a response. The health centre should have sent this complaint to the board for response. Mr C contacted the board, who advised that they had not received it from the health centre. The board could provide no explanation as to why this complaint and the previous complaint were not submitted to them in line with their complaints procedure. In view of these failings, we upheld Mr C's complaint.

Recommendations

We recommended that the board:

consider our findings and review the handling of prison healthcare complaints to ensure that they are being dealt with in line with the good practice outlined in the Scottish Government Guidance 'Can I help you?'; and

issue a written apology for the failings identified.