

SPSO decision report

Case: 201202534, Lothian NHS Board
Sector: health
Subject: communication, staff attitude, dignity, confidentiality
Outcome: some upheld, recommendations

Summary

Mr C's elderly mother is cared for in hospital. He told us that one day when he was visiting her, the nurse in charge spoke to him in an inappropriate way. He was unhappy because when he complained to the board about the incident, he said they did not investigate or handle his complaint properly. He said that the board did not ask a witness for information and that there was an unexplained delay in passing his complaint to the board's complaints team.

We upheld his complaint about the investigation. We found that the board did the correct thing by interviewing the nurse involved, and we were satisfied that they did so as soon as they could after the complaint reached the complaints team. We could reach no conclusion about whether all the correct witnesses were interviewed, as accounts of who was there were different. We were, however, concerned that two witness statements appeared to have been taken after the date on which the board responded to Mr C's complaint, and made recommendations to address this.

We did not uphold his concerns about the complaints handling. Our investigation found that Mr C initially asked for his complaint to be handled on the ward, but later decided that he did not want to meet the member of staff who was handling it. Although there were typing errors in the board's letters and we identified a minor issue about the time it took to provide a final reply to his complaint, we noted the board's policy that staff made aware of a complaint should handle the matter locally as far as possible. We, therefore, found that the reasons for the delay in passing the complaint from the ward to the complaints team were understandable. We also noted that, as Mr C and his family had repeatedly expressed concerns about his mother's care, the board had appropriately arranged for reviews of her nursing and medical care.

Recommendations

We recommended that the board:

- remind staff to ensure that, in future, relevant witnesses to events are interviewed or asked to provide a statement as soon as possible after the event, and in any case, during the investigation of the complaint;
- provide specific guidance on obtaining witness information (in their advice to staff about operating the complaints policy); and
- review their practice for checking draft letters to be issued by the complaints team, with the aim of minimising the chance of typing errors. The board should let the Ombudsman know the steps that they put in place as a result.