

## SPSO decision report

**Case:** 201203034, Borders NHS Board  
**Sector:** health  
**Subject:** appointments/admissions (delay, cancellation, waiting lists)  
**Outcome:** some upheld, recommendations

### Summary

Mr C was under the care of a specialist pain physiotherapist in the board's pain clinic service. He was also referred to, and awaiting treatment from, a specialist pain psychologist there. However, the physiotherapist left her post and later, after two periods of sickness absence, the psychologist did likewise. Mr C complained about the delay in filling these posts and the resultant gap in service provision. During our investigation, we took independent advice from one of our medical advisers, who said that the board took reasonable steps to explain the position to Mr C, to make alternative treatment options available to him, and continue to provide a service in the face of challenging circumstances. We also saw evidence that Mr C had not always fully engaged with his treatment plan, and in the circumstances we did not uphold the complaint. However, although we acknowledged the difficulties the board faced in filling these specialist positions, we considered that they could have acted more promptly in advertising the physiotherapist post.

Mr C also complained about the way in which the board handled his complaint. In particular, he was unhappy that he was told that the psychologist would be returning to work, only to later find that she had resigned. We found that the information shared with Mr C was accurate when it was provided and we did not consider that the board could reasonably have foreseen that the post would later be vacated. We saw no evidence of a deliberate attempt to mislead Mr C, as he alleged. Mr C also complained that the board failed to respond to an email he sent them and to address all the complaint points he raised. The board accepted that an administrative error had led to a response not being sent and apologised for this. We also noted that the board had agreed four points of complaint for investigation with Mr C, but did not appear to have responded to all of them so, in the circumstances, we upheld Mr C's complaint about their complaints handling.

### Recommendations

We recommended that the board:

- highlight to relevant staff the importance of timely recruitment to specialist posts in order to minimise disruption to patients' therapeutic programmes; and
- remind complaints handling staff to ensure they respond to all complaint points that have been agreed with the complainant.