

SPSO decision report

Case: 201204084, Dumfries and Galloway NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mr C complained on behalf of his son (Mr A). Mr A had mental health problems but although he was twice on the waiting list for treatment for this, the board removed him from the list because he was either being investigated by the police or was awaiting trial. Mr C complained to the board, who confirmed that as there were outstanding charges against Mr A, his name had been removed. They said that this was in accordance with their usual protocol.

As part of our investigation we obtained independent advice from one of our medical advisers, a consultant forensic psychiatrist. Our adviser said that the board's protocol was contrary to the NHS policy of individualised care according to need. Mr A had been removed from the waiting list without due consideration for his needs and circumstances. We upheld the complaint as Mr A had received no treatment, and had significant psychological needs that went unmet.

Recommendations

We recommended that the board:

- formally apologise to both Mr C and Mr A for failings in this matter;
- look again at their protocol in terms of the Healthcare Quality Strategy for NHS Scotland 2010; and
- assure themselves that any outstanding mental health needs for Mr A are now addressed.