

## SPSO decision report

**Case:** 201204495, Lothian NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** upheld, recommendations

### Summary

Mr C, who is a prisoner, complained that on three separate occasions the prison health centre supplied his medication late. He was also unhappy with the way in which his complaint about this was handled.

We took independent advice on this complaint from one of our medical advisers. Our adviser said that, although he might potentially have suffered some pain, the delays would not have had a negative impact on Mr C's medical condition. We noted this, but decided that the overall delays he experienced were unreasonable. In addition, although Mr C was given an extra supply of medication in case this happened again, we made recommendations as we took the view that the board should take further action.

Our investigation also found that the board did not follow Scottish Government guidance on the NHS complaints procedure when handling Mr C's complaint. He was told he had to complete a feedback form before being allowed access to a complaints form. By not providing a complaints form on request, the board made Mr C go through an unnecessary additional stage before he could complain. In a separate complaint that we determined last year, we recommended that the board ensure that local complaints processes were in line with the Scottish Government guidance. The board provided us with evidence to show that they had since implemented this (from 1 November 2013) so we did not make a recommendation about that in this case.

### Recommendations

We recommended that the board:

- review their procedures for acquiring and supplying prescribed medications, to reduce the likelihood of delays occurring in the prison; and
- apologise to Mr C for failing to handle his complaints appropriately.