

## SPSO decision report

**Case:** 201204827, Grampian NHS Board  
**Sector:** health  
**Subject:** policy/administration  
**Outcome:** some upheld, recommendations

### Summary

Mrs C's mother (Mrs A) has a long history of various mental health illnesses, including dementia. In August 2008, Mrs A was detained in the Royal Cornhill Hospital under the Mental Health Act. She was there until January 2010, although planning for her discharge began in early 2009. Mrs A was initially discharged to a care home for respite care with a view to going to live with one of her daughters, but this turned out not to be possible, and she was transferred to another care home, where she currently resides.

Mrs C complained that the board failed to carry out appropriate assessments on Mrs A's eligibility for funding for NHS continuing health care (continuing care). She also complained that when she lodged an appeal about the decision not to grant funding, the board unreasonably failed to provide evidence to support their decision.

Our investigation, which included taking independent advice from a specialist adviser on continuing care, found that appropriate assessments of Mrs A's physical and psychiatric conditions were undertaken while she was in hospital and before her discharge, and we did not uphold this complaint. The adviser said that the assessments were used to inform the decision-making process, in line with national guidance on the application of decisions on funding for continuing care, and that there was no evidence that the decision-making process was not properly carried out.

We did, however, uphold the complaint about the information provided to Mrs C after the appeal decision, as we found that insufficient information was provided to Mrs C at both the initial decision-making stage, and the appeals stage. The adviser said that the lack of information provided to Mrs C meant that the process had not been clear and open as required by the national guidance.

### Recommendations

We recommended that the board:

- review their NHS continuing health care decision-making process to ensure that it complies with the guidance, in particular in relation to the information provided to patients, carers, and relatives;
- provide Mrs C with all the relevant supporting information upon which the initial decision and the appeal decision were based; and
- issue a written apology for the failings identified during this investigation.