

## SPSO decision report

**Case:** 201205200, Lothian NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** some upheld, recommendations

### Summary

Ms C was a voluntary patient at the board's eating disorders unit. Some four months after she first attended there, the clinician responsible for her overall care told her that he intended to apply for a Compulsory Treatment Order (CTO - an order that allows professionals to treat a person's mental illness). A CTO can, however, only be implemented with the support of a Mental Health Officer (MHO), and they did not agree. A GP who knew Ms C agreed with the MHO and the application was dropped. Ms C was discharged from the unit and continued her treatment in the community.

Ms C complained that the period leading up to the application for the CTO was not managed responsibly, in that she was not provided with a proper explanation for the application. She said that she had been complying with her treatment programme and that there was no need for compulsory measures. Ms C also said that she was not provided with appropriate levels of support, that her family and other health professionals were not effectively communicated with and that her right to confidentiality was not respected.

Our investigation found that there was a failure to communicate effectively with staff as well as inappropriate wording in an anticipatory care plan, which meant that Ms C was effectively detained on the unit, despite being a voluntary patient, so we upheld that part of her complaint. We did not, however, find that Ms C was not provided with appropriate emotional or psychological support or that her confidentiality was breached.

### Recommendations

We recommended that the board:

- issue Ms C with an apology for the failings identified in this investigation;
- develop a policy to reflect the Mental Welfare Commission's guidance in relation to short term detention, for staff use and guidance and ensure this is distributed to all staff;
- remind medical staff of the need to ensure anticipatory care plans have sufficient flexibility to allow practitioners to exercise their clinical judgement; and
- ensure all staff are aware that communication with patients about a CTO application must comply with Mental Welfare Commission guidance.