

SPSO decision report

Case: 201300155, Lothian NHS Board
Sector: health
Subject: complaints handling
Outcome: not upheld, recommendations

Summary

Mr C, who is a prisoner, complained that his confidentiality was unreasonably breached, as he was given medication in the sight of other people. In their response to our enquiries, the board said that healthcare staff try as far as possible to issue medication in pharmacy bags. However, they said that prison officers are present when medication is given out, as they are needed to escort the prisoners to and from the dispensing hatch. They said that this is a security matter and that the prison officers are necessary as security for nursing and healthcare assistants whilst they dispense medication. The board said that there are other prisoners in the same area who are waiting for their names to be called and their movements are controlled by the prison officers. Our investigation found that there are clearly some practical issues about ensuring confidentiality in a prison setting. Staff in the prison health centre have to ensure that the correct medication is prescribed at the right time to a large number of prisoners whilst maintaining confidentiality. At the same time, prison officers have to ensure that security is maintained. In the circumstances, we considered that the board's response was reasonable.

Mr C also complained that his request for a review of his glasses was unreasonably refused. We found that the board had in fact arranged for him to see an optician but there was a delay, because the optician left without prior notice. The board then arranged for Mr C to see an optician from another prison. We found that this was reasonable.

Finally, Mr C complained that the board failed to provide chiropody treatment. There is no longer a chiropodist service in the prison. When Mr C asked to see a chiropodist, he was told that he could obtain nail clippers from officers to cut his nails. The board told us that when he complained about this, they asked a nurse to assess his feet. The nurse then ordered a pumice stone for Mr C, as he had hard skin on his feet. Again, we found that this was reasonable.

That said, we found that in their response to Mr C's complaint the board said that the first stage of the complaints process is to raise the matter directly with the healthcare team, who will do their best to resolve it. They also said that the second stage is to complete a feedback form, which the local healthcare team will respond to within seven days. The board said that only then should prisoners complete a complaint form. Although the board dealt with Mr C's letter as a complaint, they said that they would appreciate it if he would follow this process in the future. We have previously raised concerns that NHS boards are using their feedback system as an additional stage in the complaints process. There is no requirement to complete a feedback form, or to raise the issue with staff for that matter, before submitting a complaint to NHS boards. The Scottish Government have written to NHS boards to highlight our concerns about this, and in view of this, we made a recommendation.

Recommendations

We recommended that the board:

- ensure that the local process in place for the management of prison health care complaints is in line with the good practice outlined in the Scottish Government Guidance 'Can I help you?'