

SPSO decision report

Case: 201302514, A Medical Practice in the Ayrshire and Arran NHS Board area
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: some upheld, recommendations

Summary

Ms C, who is an independent advocate, complained on behalf of her client (Miss A) that the medical practice did not respect Miss A's wish to use an advocacy service. She also complained that the quality of communication from the practice was poor, and that they unreasonably removed Miss A from their patient list.

We took independent advice from a medical adviser and a mental health adviser. The mental health adviser said that Miss A had a right to use an advocacy service and that the evidence showed that, although the practice had tried to engage with Ms C, they had not properly understood the role of the advocacy service and had not respected Miss A's wishes. The medical adviser said that the standard of correspondence fell below a reasonable standard. Letters from the practice were emotive and unprofessional and the practice failed to maintain a professional level of distance. The mental health adviser said that in his view they had not taken enough account of Miss A's mental health issues. We, therefore, upheld the complaints about the practice's engagement with the advocacy service and that the standard of their communication was below that which Miss A had a right to expect. We also found that they failed to direct correspondence to Ms C, despite Miss A's clearly stated wish that this should happen.

We took the view, however, that the practice's decision to remove Miss A from their patient list was reasonable, noting that they had complied with the terms of the standard general medical service contract, by giving written warning to Miss A that they intended to take this action unless she provided them with an emergency contact phone number. We did not find this unreasonable, and did not uphold the complaint as we found that they acted in accordance with national guidelines.

Recommendations

We recommended that the practice:

- provide evidence that all staff have been reminded of the role of independent advocates;
- remind all staff of the need to use appropriate language when communicating in writing with patients;
- review their complaints handling procedure to ensure that complaint correspondence is clearly identified and that it signposts complainants to SPSO at the appropriate stage; and
- apologise for the failings that our investigation identified.