

SPSO decision report

Case: 201303073, Lothian NHS Board
Sector: health
Subject: continuing care
Outcome: upheld, recommendations

Summary

Mrs C, who has power of attorney for her father (Mr A), complained that she had not been involved in assessments to establish whether he met the criteria for NHS continuing care funding (funding provided by the NHS for specialist clinical or nursing treatment).

We found that, although the assessment is essentially a clinical one, the input of the patient or carers is crucial in the overall process. When Mrs C told the staff about her concerns they assumed this to be an appeal request on their decision, and they instructed an independent clinician to assess Mr A. We found that, from a clinical perspective, the staff acted in an appropriate manner. However, national guidance is quite clear that the views of the patient or their carers are an important part of the process and so we upheld the complaint. We were pleased to note that the board are now involving Mrs C in discussions about Mr A's care and treatment.

Recommendations

We recommended that the board:

- formally apologise to Mrs C for the failings identified in our investigation; and
- remind staff who deal with NHS continuing healthcare applications of the requirement to involve patients and their carers in the process.