

SPSO decision report

Case: 201305061, Ayrshire and Arran NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, action taken by body to remedy, no recommendations

Summary

Miss C said that when her late mother (Mrs A) was admitted to University Hospital Crosshouse, she lay on a hospital trolley for over eight hours until she was admitted to a ward, which led to great pain and distress. She also complained that staff failed to properly assess Mrs A's capacity to make decisions and failed to consult Miss C in a reasonable way, given that she had welfare power of attorney (a legal document appointing someone to act or make decisions for another person) for her mother. Mrs A underwent several medical interventions, and Miss C said medical staff failed to properly obtain consent for these procedures. She also said that communication about these interventions was not reasonable, and that she and Mrs A were not told of the results of an electrocardiogram (a test that records the electrical activity of the heart) within a reasonable time.

Miss C also complained about the nursing treatment provided, including a lack of care and attention when Mrs A was waiting to be admitted to a ward and length of time left on a trolley, failure to treat Mrs A with respect and dignity in relation to her mobility problems and incontinence including failure to move Mrs A in a reasonable way, and failures in communication particularly around discharge. Miss C said Mrs A could not tolerate the physical, mental, psychological and emotional pain and abuse she was subjected to, and wanted her taken home. Medical advice, however, was that Mrs A should not be discharged and should receive further treatment in hospital, but after further discussion nursing staff arranged a patient transport ambulance.

We took independent advice from two advisers. Our medical adviser said that was no evidence Mrs A had impaired capacity and, in fact, there was evidence in the medical notes that Mrs A gave verbal consent for the medical interventions. Given the evidence that Mrs A had capacity to understand what was happening, Miss C was unable to invoke the welfare power of attorney and we found that the actions of the healthcare professionals in this respect were reasonable. There was also clear evidence that communication by clinical staff was reasonable, including the time taken to tell Miss C and Mrs A the results of the electrocardiogram. However, we upheld the complaint about Mrs A's care and treatment as our nursing adviser said that while the majority of nursing care was also reasonable, the length of time Mrs A waited before she was admitted to the ward from the emergency department was not. We made no recommendations, as the board had already acknowledged that this was not acceptable and had taken appropriate steps to address this.