

SPSO decision report

Case: 201401586, Lanarkshire NHS Board
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: some upheld, no recommendations

Summary

Mrs C was unhappy with a phone consultation she had with an out-of-hours GP. Specifically, Mrs C complained that the GP failed to visit her at home or arrange a visit by another GP, and that the GP terminated the phone consultation and gave an inaccurate account of the phone consultation. In addition, Mrs C complained about the board's handling of her complaint.

We looked at Mrs C's medical records, and took independent advice from one of our medical advisers. We concluded that the service Mrs C received was below a standard that could have been reasonably expected. We found that the GP should have agreed an outcome of the consultation with Mrs C and communicated this to her; in particular, that Mrs C should have been referred for a home visit as she felt unable to travel to the local hospital. In terms of how the board dealt with Mrs C's complaint, we found that their initial responses were in line with their process, and that it was reasonable of them to offer an opportunity to meet with staff to discuss the complaint. However, a delay in concluding the complaint was unreasonable, and it was only after Mrs C had prompted the board that a promised update was provided. We upheld these aspects of Mrs C's complaint. However, given the actions already taken by the board to resolve these matters, we did not make any recommendations.

In relation to Mrs C's complaints about what happened during the phone consultation, we found that there was no audio recording of the call. Where there are differing accounts of what was said or what happened in a particular situation, it can be difficult to prove what actually happened. In such cases, we primarily base our findings on written records. As there was no audio recording in this case, there was no way to determine what was said, or how the call was ended. Even then, it would have been difficult to ascertain exactly what caused the call to end. We could not resolve these aspects of Mrs C's complaint given the differing accounts. However, that did not mean we believed one account over another. Given there was insufficient evidence to allow us to reach a finding, we did not uphold these aspects of Mrs C's complaint.