

SPSO decision report

Case: 201403778, Highland NHS Board
Sector: health
Subject: complaints handling
Outcome: not upheld, no recommendations

Summary

Ms C, who is an advocate, complained to us on behalf of her client (Mr A) that the board's response to his complaint was inadequate.

Mr A had complained to the board about the conduct of a nurse. The board investigated Mr A's complaint and, in their written response, acknowledged that his experience was distressing and they apologised. The board explained to Mr A that their investigation had been conducted in line with their Management of Employee Conduct Policy, and that they were unable to share any actions arising from the investigation due to the confidentiality of employee matters. In a further letter to Mr A, the board confirmed that he would not be notified of the outcome of any internal board process.

We concluded that it was reasonable in the circumstances that the board did not tell Mr A whether his complaint was or was not upheld. This was because the standard complaints procedure, under which Mr A submitted his complaint to the board, was superseded by the Management of Employee Conduct Policy due to the nature of the allegations made in Mr A's complaint. This was why the board decided they could not tell Mr A whether his complaint about the nurse had or had not been upheld, as to have done so would breach employee confidentiality. Although we thought that they could have explained the sequence of events more clearly, we considered that the board's response to Mr A's complaint provided relevant information that they were able to share with him in the circumstances, and we did not uphold the complaint.