

## SPSO decision report

**Case:** 201502348, Forth Valley NHS Board

**Sector:** health

**Subject:** policy / administration

**Outcome:** not upheld, no recommendations

### Summary

Mrs C complained that her brother (Mr A), who has mental health problems, was able to access alcohol and/or illicit drugs while he was a patient in the Forth Valley Royal Hospital. Mr A did not give his consent for Mrs C to pursue her complaint on his behalf with the board or us, so we were unable to investigate her specific concerns. However, we did investigate the matter in general terms to ensure that the board had sufficiently robust policies and procedures in place to address the types of concerns Mrs C was raising.

We took independent advice from a mental health nursing adviser. We reviewed the relevant national legislation, the Mental Health (Care and Treatment)(Scotland) Act 2003 and the Mental Health (Safety and Security)(Scotland) Regulations 2005. The adviser was satisfied that the board's policies and procedures complied with the legislation and were practical, clear and reasonable. In these specific circumstances, we were unable to determine if the policies and procedures had been followed in Mr A's case. However, we were satisfied that the policies and procedures were sufficiently robust to ensure patient safety if used appropriately.