

SPSO decision report

Case: 201504192, Grampian NHS Board
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: upheld, recommendations

Summary

Mr C complained about the board after they shared a letter containing sensitive information about him with his school. He said that he had made it very clear that he was not comfortable with information being shared in this way and felt that his confidentiality had been breached.

Mr C then wrote to his doctor, outlining his concerns and explaining that these circumstances had caused him a great deal of distress and anxiety. His doctor responded, apologising if she had misunderstood but had thought that consent had been given by him for this to happen. Mr C remained dissatisfied with this response, as he did not feel that his complaint had been taken seriously.

We found that Mr C's complaint had not been formally investigated through the board's complaints procedure. His doctor had also noted in her records that she intended to seek consent from Mr C at their next appointment. However, the notes for the appointment in question did not contain clarification on whether or not consent had been asked for or given. We took independent advice from an adviser, who stated that they did not consider it to be reasonable to share sensitive information without consent being clearly given and recorded. We accepted this advice and, as such, upheld the complaint.

Recommendations

We recommended that the board:

- apologise to Mr C both for breaching his confidentiality and for the on-going distress and anxiety that this breach has caused him; and
- apologise to Mr C for not properly escalating his concerns and investigating them through their complaints procedure.