

SPSO decision report

Case: 201507639, Fife NHS Board
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: not upheld, no recommendations

Summary

Ms C complained on behalf of her mother (Mrs A) who had been a patient in Victoria Hospital. Ms C felt that her mother should not have been asked if she agreed to Do Not Attempt Cardiopulmonary Resuscitation (DNACPR) being put on her notes, as her mother was in a state of delirium. Ms C said that she, as next of kin, should make the decision, not hospital staff.

We looked at Mrs A's medical records and we took independent advice from an consultant geriatrician. We found that hospital staff had documented their consideration of Mrs A's situation and their actions to a reasonable standard, and they had acted in accordance with the relevant guidance on resuscitation and DNACPR. The guidance is clear that a patient with capacity can consent to or refuse CPR, and if they lack capacity the decision rests not with the next of kin, but with a legally appointed proxy or with the lead clinician. In general terms, overall responsibility for making a decision about CPR rests with the lead clinician. In the circumstances, we did not uphold Ms C's complaint.