

## SPSO decision report

**Case:** 201507715, Forth Valley NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** upheld, recommendations

### Summary

Mr C complained that he was being required to work in the prison work-sheds despite it being a source of anxiety for him and causing him to suffer panic attacks. He considered that the prison health centre should have supported him in being excused from work on health grounds. He noted that a mental health nurse had briefly declared him unfit for work but that this decision was reversed following a multi-disciplinary review of his case.

The board told us that the decision to declare Mr C unfit for work had been reversed on the basis that it was considered his anxieties were being managed appropriately. They noted that a care plan had been devised to reflect this.

We took independent advice from a senior mental health nurse. They noted that the clinical reasoning behind the initial decision to declare Mr C unfit for work, and the content and conclusions reached at the subsequent meeting, were not documented. They were critical of this and the lack of evidence of a comprehensive and structured assessment of Mr C's mental health needs having been carried out. They did not, therefore, consider that Mr C's mental health and fitness to work were adequately assessed prior to the meeting and on this basis we upheld Mr C's complaint.

However, the adviser noted that the care plan that was subsequently put in place took a reasonable approach in seeking to support Mr C's continued attendance at work.

### Recommendations

We recommended that the board:

- provide evidence of the steps taken to ensure that, where appropriate, structured mental health assessments are carried out by prison healthcare staff;
- provide evidence of the steps taken to ensure that nurse record-keeping within the prison health centre complies with the Nursing and Midwifery Council standards; and
- apologise to Mr C for the failings this investigation has identified.