

SPSO decision report

Case: 201508551, Greater Glasgow and Clyde NHS Board
Sector: health
Subject: admission / discharge / transfer procedures
Outcome: not upheld, recommendations

Summary

Mrs C complained to us that her daughter (Miss A) had been detained unreasonably under an emergency detention certificate (a 72-hour emergency section) after displaying symptoms of a mental disorder. We are normally unable to consider complaints about detention under the Mental Health Act, as there is a right of appeal to a mental health tribunal. However, there is no right of appeal against an emergency detention certificate and we were able to consider this aspect of Mrs C's complaint. We took independent advice on Mrs C's complaint from a psychiatric adviser. We found that Miss A had met the criteria for detention and it was reasonable that she was detained under an emergency detention certificate. We did not uphold this aspect of Mrs C's complaint.

Mrs C also complained that nursing staff at Parkhead Hospital had restrained Miss A unreasonably around the time she was detained. We found that the restraint used by staff had been reasonable and was consistent with normal practice at that time.

Miss A had been discharged and the emergency detention certificate had been revoked when she saw a consultant on the day after she had been detained. Mrs C complained that appropriate medical staff were unavailable until the day after Miss A was detained. She said that if an appropriate doctor had been available at the time Miss A was admitted, she would not have had to be detained in hospital overnight. We found that it is common, accepted practice that there was no consultant on the ward when Miss A had been admitted to hospital out-of-hours. We also found that it was reasonable that Miss A's detention was reviewed and revoked within 24 hours. We did not uphold this aspect of Mrs C's complaint. That said, we found that the board had failed to issue an adequate response to Miss A's complaint to them and we made a recommendation in relation to this.

Recommendations

We recommended that the board:

- issue a written apology to Miss A for the failure to respond to the matters raised in her complaint.