

## SPSO decision report

**Case:** 201602925, A Medical Practice in the Lanarkshire NHS Board area  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** not upheld, no recommendations

### Summary

Mrs C complained about the care and treatment provided to her late father (Mr A) by his medical practice. Mr A suffered from advanced dementia and was cared for at home by his daughters. Mrs C was concerned that a GP from the practice prescribed Mr A pain relief without consulting his welfare power of attorney (Mrs C's sister), even though they had agreed to consult her on any medication decisions. Mrs C also felt the medication prescribed resulted in Mr A being over-sedated and contributed to his deterioration in health.

The practice acknowledged that the GP had prescribed some medication without consulting the welfare power of attorney. The GP apologised for this and the practice said that the GP had reflected on the case and had undertaken reading on the Adult with Incapacity (Scotland) Act. The practice said the GP understood that the role of the welfare power of attorney is to act in the best interests of the patient and that they can consent to or decline any treatment, and must be involved in decisions. However, the practice considered the medication prescribed was appropriate.

After taking independent medical advice, we did not uphold Mrs C's complaints. We found that the medications prescribed by the GP were reasonable and the effects of the medication were appropriately monitored with regular visits and feedback from carers and district nurses. In relation to the GP's failure to consult the welfare power of attorney, we noted that the GP had apologised for this and had taken appropriate steps to improve.