

SPSO decision report

Case: 201608355, Ayrshire and Arran NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Mrs C complained about the care and treatment she had received from the board. However, during our investigation we were advised that Mrs C had commenced legal action against the board. We must not investigate any matter which has been, or is being, considered in a court of law. Therefore we did not take these aspects of Mrs C's complaint forwards.

Mrs C also raised concern about the board's handling of her complaint. We found that the board failed to provide updates and delayed in advising Mrs C that her complaint was out of time and would not be investigated, in line with the complaints procedure. We upheld this aspect of Mrs C's complaint.

Recommendations

In relation to complaints handling, we recommended:

- The board should review their arrangements for assessing new complaints to ensure that, where a complaint is out of time, this is identified in line with the model complaints handling procedure. Guidance and standards for good investigations are set out in the SPSO Investigations toolkit, available at <http://www.valuingcomplaints.org.uk/learning-and-improvement/best-practice-resources/decision-making-tool>.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.