

SPSO decision report

Case: 201700486, A Medical Practice in the Western Isles NHS Board area
Sector: health
Subject: clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

Mr C suffers from post-traumatic stress disorder and has a longstanding difficulty leaving his house as a consequence. Mr C complained that the practice unreasonably decided that he was not housebound. Mr C's psychiatrist wrote to the practice noting their view that his longstanding mental health difficulties effectively rendered him housebound. The practice had previously refused a request from Mr C for a home visit on the basis that he had managed to attend the surgery in the preceding months. Mr C contacted the practice to ask them to clarify their position in light of his psychiatrist's letter, and they maintained that he is not housebound.

We took independent advice from a GP, who considered that the practice's home visit policy was overly rigid in that it appeared to require a purely physical inability to travel and did not give due regard to Mr C's mental disability. Therefore, we upheld this complaint.

Mr C also complained that the practice failed to disclose relevant information to his psychiatrist when discussing his situation over the phone. This pre-dated the psychiatrist's letter and the psychiatrist appeared to agree with the practice at that time that Mr C was not housebound. Mr C considered that the conclusions drawn by his psychiatrist would have been altered if the long standing nature of his condition and its symptoms had been discussed. However, we noted that the psychiatrist was already aware of Mr C's long term symptoms and medical history from previous assessments by them. The purpose of the call was to find out if there were any current issues that they needed to be aware of. We found that it was reasonable for the practice not to refer to more details of Mr C's past medical history during the phone call. Therefore, we did not uphold this complaint.

In addition, Mr C complained that the practice did not advise him of his right to approach us on completion of their complaints process. The practice complaints policy and NHS complaints handling procedure states that complainants must be notified of their right to approach our office at the end of their internal complaints procedure. Therefore, we upheld this complaint. However, we noted that the practice accepted this failing and they proposed changes to the way they do things to prevent this happening again, therefore we did not make any further recommendations in relation to this.

Recommendations

What we asked the organisation to do in this case:

- The practice should apologise to Mr C for the fact that their policy on home visits did not give appropriate weight to the nature of his mental health disability. The apology should meet the standards set out in the SPSO guidelines on apology available at: <https://www.spsso.org.uk/leaflets-and-guidance>.

What we said should change to put things right in future:

- The practice should review their home visit policy and ensure that it has due regard to mental health as well as physical health disability, as defined by the Equalities Act 2010.

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.