

SPSO decision report

Case: 201700734, Fife NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

Mr C complained about the care provided to his late father (Mr A) during his admission to Victoria Hospital. Mr A lacked capacity and had appointed Mr C as power of attorney for his care. In particular, Mr C complained that the board failed to give Mr A appropriate treatment for his heart attack and questioned why more invasive treatment was not considered in Mr A's case. Mr C also complained about a lack of communication with him about the care and treatment Mr A was given, despite having power of attorney. In their response to the complaint, the board accepted that Mr A lacked capacity and that there were failings in their communication with Mr C.

We took independent advice from a consultant geriatrician (a doctor who specialises in medicine of the elderly). The adviser considered that it was reasonable that more invasive treatment was not considered appropriate for Mr A, given his age and pre-existing health conditions. We considered that the care provided to Mr A was reasonable, and we did not uphold this aspect of Mr C's complaint.

The adviser considered that there was an unreasonable failure to discuss Mr A's care and treatment with Mr C, as power of attorney. The adviser also said that there was a failure to follow the required Adults with Incapacity process after Mr A's admission, as an Adult with Incapacity certificate and treatment plan were not prepared. We accepted this advice, and upheld this aspect of Mr C's complaint. In light of our findings, we made some recommendations.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failure to communicate appropriately with him. The apology should comply with the SPSO guidelines on making an apology, available at: www.spsso.org.uk/leaflets-and-guidance.

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

- Decisions about care and treatment should be discussed with a welfare power of attorney, in the same detail they would be discussed with a patient who has capacity to understand the decision themselves.
- An Adult with Incapacity certificate and treatment plan should be prepared for all patients who lack capacity.

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.