

SPSO decision report

Case: 201701288, Mental Welfare Commission for Scotland
Sector: Scottish Government and devolved administration
Subject: other
Decision: some upheld, no recommendations

Summary

Mr C contacted the commission to raise concerns about the care and treatment his late mother (Mrs A) received while in hospital. Mrs A had advanced dementia and was elderly and frail. Mr C complained that the commission did not appropriately investigate his concerns about the care and treatment his mother received and also the circumstances of her death. He also complained that they failed to handle his complaint appropriately.

The commission advised Mr C that they visited Mrs A on two occasions, consulted with various professionals involved in Mrs A's care, and reviewed her records. The commission confirmed that they did not have any grounds to investigate Mr C's concerns any further and they referred him to the NHS complaints procedure. Mr C then brought his complaint to us.

We found that the commission took the appropriate steps to investigate Mr C's concerns by visiting Mrs A on two occasions and making various enquiries. The commission considered that the NHS decisions relating to Mrs A's care were based on thorough assessments and, therefore, we considered that it was reasonable for the Commission to conclude they had insufficient grounds to investigate further. As the care and treatment was found to be reasonable, it was also appropriate for the commission to decide they had no grounds to investigate the circumstances of Mrs A's death. We did not uphold this part of Mr C's complaint.

However, we did find that the commission failed to respond to an email of complaint sent by Mr C and that they failed to refer Mr C to our office in the correspondence which they later said was their final response. We upheld this part of Mr C's complaint. We noted that the commission have since attended complaints handling training, and we therefore made no further recommendations.