

## SPSO decision report

**Case:** 201800823, A Medical Practice in the Borders NHS Board area  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

Mr C complained about the care and treatment provided to his late mother (Miss A) by the practice. He complained that the decision to initiate end of life care for Miss A was unreasonable and that she should have been moved to a more appropriate facility for active treatment.

We took independent advice from a GP. We found that the decision to commence Miss A on end of life care was reasonable as she was no longer responding to treatment. We further found that it would not have been appropriate to transfer Miss A to a different facility. We did not uphold this aspect of Mr C's complaint.

Mr C also raised concerns about the practice's handling of his complaint, as they had declined to release any information to him due to him not being Miss A's recorded next of kin and them having no information regarding his position to make a complaint. We found that whilst it was not unreasonable for the practice to take this position, it would have been helpful for them to acknowledge Mr C's complaint in a timely manner and seek further information from Mr C regarding Miss A's personal representative. We also found that the practice failed to respond to Mr C within 20 working days and did not signpost him to this office. We upheld this aspect of Mr C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to handle his complaint in a reasonable manner. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

In relation to complaints handling, we recommended:

- Complaints should be handled in line with the model Complaints Handling Procedure.