

SPSO decision report



Case: 201801514, Ayrshire and Arran NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

Mrs C complained about the care of her child (Child A) in Ayrshire Central Hospital. In particular, she complained that Child A was prescribed antihistamine medication as a sleep aid, without proper instruction or explanation of potential side effects. A meeting was held but Mrs C did not consider that the board's subsequent written response reflected the detail of what was discussed. The full findings and decision outcome were not detailed or explained in the response. Neither was the action plan that the board had put in place. The response did not comply with the requirements of the NHS Complaint Handling Procedure and we referred the matter back to the board for further work.

Following the board's further response we investigated whether the actions in prescribing medication were reasonable and whether the board's handling of the complaint was unreasonable or not.

We took independent advice from a consultant paediatrician (consultant specialising in the medical care of children) and concluded that clinicians acted reasonably in assessing Child A for prescription medication. We did not uphold this aspect of the complaint, however, we provided feedback to the board that medical records should reflect all discussions regarding a patient's care and that those records should be legible.

With respect to the handling of the complaint, we found that the board unreasonably failed to respond to Mrs C's initial complaint, and also failed to provide adequate detail in their response following the involvement of our office. We identified that the board had failed to produce a report of their investigations, communicate whether the complaint was upheld or not, and did not keep Mrs C adequately updated as to their progress. We upheld the complaint and made recommendations with respect to ensuring that the board take actions to implement recommendations from a previous case we investigated.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to adequately respond to the points of complaint originally raised, or those outlined in the complaint to our office, and for not updating Mrs C regarding the delays in responding. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/informationleaflets" www.spsso.org.uk/informationleaflets](http://www.spsso.org.uk/informationleaflets) .

In relation to complaints handling, we recommended:

- The board should ensure the recommendations with respect to a previous complaint to our office, have been properly implemented and complaints handling is now compliant with their statutory responsibilities.

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.