

## SPSO decision report



**Case:** 201805190, Lothian NHS Board  
**Sector:** Health  
**Subject:** complaints handling  
**Decision:** upheld, recommendations

### Summary

Mrs C complained that the board failed to deal with her complaint in a reasonable way. Mrs C made a complaint and received an acknowledgement but did not hear anything back for seven months. Mrs C asked for an explanation about the delay in keeping her informed and when the health board expected to be in a position to respond to the complaint. In all emails, Mrs C asked to be contacted by email. The health board responded the following month by letter saying that the matters raised were not new (as Mrs C had made several complaints previously) and they were handling the complaint under their unacceptable actions procedure.

In reaching our decision, we did not reach a judgement on whether the issues raised were new, but considered whether the health board handled the complaint in a reasonable way and whether their actions were in line with their unacceptable actions procedure.

During our investigation, the health board acknowledged their response to Mrs C was insufficiently clear about why they had determined that no further response to the complaint was required and that there was an unacceptable delay in responding to her complaint. Moreover, whilst we appreciated the health board did not email because of concerns about security, we considered that as long as complainants are made aware of any data protection concerns when receiving confidential information by email, then staff should respect a complainant's preferred method of contact. In addition, we found that staff should have signposted Mrs C to this office in their response in line with the NHS Model Complaints Handling Procedure (MCHP). Furthermore, there was no evidence that the health board complied with their unacceptable actions procedure in a number of respects. Overall, we found that the health board did not deal with Mrs C or her complaint in line with their procedure and we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to deal with her complaint in a reasonable way. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/information-leaflets>.

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

- Complaints should be dealt with in line with the MCHP and, where appropriate, the board's unacceptable actions procedure. The MCHP and guidance can be found here: [www.spsso.org.uk/the-model-complaints-handling-procedures](http://www.spsso.org.uk/the-model-complaints-handling-procedures).

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.