

SPSO decision report

Case: 201805658, Highland NHS Board
Sector: health
Subject: nurses / nursing care
Decision: some upheld, no recommendations

Summary

Miss C complained on behalf of her brother (Mr A) about the care and treatment he received while he was a day patient at a psychiatric hospital. Miss C complained that the hospital wrongly decided to not detain Mr A under the Mental Health (Care and Treatment) Act (Scotland) 2003 (MHA) and that they failed to appropriately supervise him. Miss C also complained that the board unreasonably delayed in responding to her complaint.

As part of their investigation of Miss C's complaint, the board carried out a Significant Adverse Event Review (SAER). The SAER concluded that Mr A did not meet the legal criteria for detention under the MHA as he was capable of making decisions, he consented to treatment, and they were satisfied that Mr A was under the usual levels of supervision. The board acknowledged there was a delay in completing the SAER and subsequently in providing the final response to the complaint. Miss C was unhappy with this response and brought her complaint to us.

We took independent psychiatric advice. We found that it was appropriate that Mr A was not detained under the MHA as he did not meet the legal criteria. We also found that appropriate assessments were carried out on Mr A's mental health and that he received an appropriate level of supervision. We did not uphold this aspect of Miss C's complaint.

In relation to complaint handling, we concluded that the board unreasonably delayed in responding to Miss C's complaint due to the delay in completing the SAER. Therefore we upheld this aspect of Miss C's complaint. The board have acknowledged this failing and have taken action to address this.