

## SPSO decision report

**Case:** 201900513, Dumfries and Galloway NHS Board  
**Sector:** Health  
**Subject:** clinical treatment / diagnosis  
**Decision:** not upheld, no recommendations

### Summary

Ms C was admitted to hospital due to increased suicidal ideation and an overdose. She remained there for a period of around three weeks where she underwent electroconvulsive therapy (ECT, a type of brain stimulation sometimes used to treat depression) as a treatment.

In her complaint to the board, Ms C was particularly concerned about whether she had capacity to consent to the ECT treatment given her presentation at her time of admission to hospital and during her stay. Ms C was also unhappy that the hospital did not involve her sister in decision-making. The board explained that whilst Ms C was experiencing moderately severe depressive illness at the time of her admission to hospital, she was assessed as having capacity to consent which was taken by the hospital in an appropriately informed manner. The board agreed that they could be more active in offering patients who are unwell the opportunity to include family members in discussions about significant treatment decisions and took steps to implement this. Ms C was unhappy with this response and brought her complaint to us.

We took independent advice from a mental health adviser. We noted that although Ms C experienced undesirable after-effects from the treatment, they were not uncommon or out of the ordinary. There was nothing to indicate a potential loss of capacity to make decisions regarding medical treatment in Ms C's case. We considered that Ms C was properly assessed as having capacity to make treatment decisions and she was provided with appropriate information in relation to the risks and benefits of the ECT treatment to enable her to make an informed decision. The evidence showed consent was re-checked prior to each of the treatments. When Ms C clearly withdrew consent, her treatment was stopped. We concluded that the issue of consent was handled appropriately by the board in Ms C's case. We did not uphold this complaint.