

SPSO decision report



Case: 201906476, A Medical Practice in the Lanarkshire NHS Board area
Sector: Health
Subject: policy / administration
Decision: not upheld, no recommendations

Summary

C underwent knee surgery, following which the hospital provided them with a sick note. At the end of that sickness period, they were told that they required two more weeks of recovery before they could return to work. When C approached the practice, they were told they should be given a sick note by the hospital. C then went back and forth between the practice and the board. C said they were told by the board's complaints team that it was the practice's responsibility and that if the practice refused to provide a sick note, they would be in breach of their NHS contract.

C said the process was very stressful and at one point they were without a sick note. While they were issued with one by the hospital, it was reiterated to C that this should have been the practice's responsibility.

The practice told us they had taken advice on whether it was their responsibility to provide a sick note for C. They said that the Lanarkshire Local Medical Committee (LLMC) had told them it was the responsibility of the hospital who had operated on C. They said that the LLMC was taking the matter up with the board more generally. The practice said that they would have provided C with a sick note, but by that time, the hospital had done this.

We took independent advice from an appropriately qualified adviser. We found that records stated that C was the responsibility of the hospital until they were fully discharged. This meant that whilst C still had out-patient appointments to attend, the practice were correct to state that they were not responsible. We did not uphold C's complaint.