

SPSO decision report

Case: 202103259, Dumfries and Galloway NHS Board
Sector: Health
Subject: Admission / discharge / transfer procedures
Decision: upheld, recommendations

Summary

C complained that their late parent (A) was allowed to discharge themselves against medical advice. C considered that A was not fit to make this decision and that A's mental capacity had not been appropriately assessed.

We took independent advice from a consultant geriatrician (a specialty that focuses on the health care of elderly people). We found that no formal assessment of A's capacity was carried out when they were noted to be agitated, confused or not-orientated during their admission. We found that a senior doctor did not review A's decision-making capacity at the time that A expressed the wish to discharge themselves.

Therefore, we upheld C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to carry out a formal assessment of A's capacity when they were noted to be agitated, confused or not-orientated during their admission and for failing to ensure a senior doctor reviewed A's decision-making capacity at the time that they expressed the wish to discharge themselves. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Patient decision-making capacity should be kept under review and if their clinical condition changes (such as agitation, confusion, disorientation) this should prompt further review in line with the Adults with Incapacity (Scotland) Act 2000.
- Where there is evidence that the patient has experienced confusion and agitation during their admission, as in this case, senior doctors should take steps to assess the patient's decision-making capacity at the time they express the wish to discharge themselves.

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.