

## SPSO decision report

**Case:** 202111275, Highland NHS Board  
**Sector:** Health  
**Subject:** Communication / staff attitude / dignity / confidentiality  
**Decision:** not upheld, no recommendations

### Summary

C complained about the level of supervision that their spouse (A) was provided with while they were detained in hospital under the Mental Health (Care and Treatment) (Scotland) Act 2003. A was diagnosed with bipolar affective disorder (a condition that affects a person's mood) and was noted to be disinhibited. A later told C that A had entered a patient's room and had sexual intercourse with them. C acknowledged that this could not be corroborated by the board, but considered that the board had failed to address their concerns regarding the known issues of A's disinhibited behaviour and them entering other patient's rooms.

On the basis that there was no available evidence to establish the circumstances surrounding the alleged incident and whether there was any failure by ward staff to monitor A at that time, our consideration of this complaint was limited to reviewing whether the observation arrangements in place were reasonable and appropriate for minimising the risk of such an incident.

We took independent advice from a psychiatry adviser. We found that appropriate risk assessments were carried out throughout A's admission. We were satisfied that A was given a level of supervision that was in-keeping with national guidance and their assessed risks at that time. In the circumstances, we did not uphold this complaint.