

**Case 200502787: Lothian NHS Board - Lothian Primary and Community Division**

**Summary of Investigation**

***Category***

Health: Hospitals, clinical treatment

***Overview***

Mr C complained to our office that he was receiving depot injections against his will. On investigation it was found that Mr C was detained for treatment under the Mental Health (Scotland) Act 1984 and these injections were deemed necessary for medical reasons.

***Specific complaint and conclusion***

Forced depot injections by medical staff (*not upheld*)

***Redress and recommendation***

The Ombudsman has no recommendation to make.

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**Introduction**

1. On 13 January 2006 the Ombudsman received a complaint from a man (referred to in this report as Mr C) that he was being forced to receive depot injections (see glossary) against his will by medical staff and had been subjected to this for over a year.

**Investigation**

2. My investigation established that Mr C was being detained for treatment under the Mental Health (Scotland) Act 1984. As part of his care, medical staff decided that Mr C would require depot injections. This decision was taken within the relevant provisions of the Mental Health (Scotland) Act 1984, with all appropriate action taken in regards to continuing medication against a patient's request. As is necessary under the Act for the continuation of medication, a

second opinion was sought by the clinician who originally assessed and detained Mr C (Clinician 1). The clinician who provided the first, second opinion (Clinician 2) agreed that the continuation of depot injections was necessary. Mr C continued to state his disagreement with this view and as a result Clinician 1 requested another second opinion. Clinician 3 had the same opinion as Clinicians 1 and 2, therefore, the treatment continued. The process in place for continuation of medication under the Mental Health (Scotland) Act 1984 was followed correctly.

3. Mr C provided evidence that he had taken his complaint through the formal complaints procedure of Lothian NHS Board (the Board) and the complaint was, therefore, able to be taken up with the Scottish Public Services Ombudsman. I considered Mr C's complaint and requested documentation from the Board in relation to Mr C's treatment to enable me to decide whether or not the correct procedures had been followed in determining and administering Mr C's medication. The Board provided a most detailed response and included written evidence from Clinicians 1, 2 and 3 which detailed their assessment of Mr C's condition and suggested treatment. Clinicians 2 and 3 were recommended by the Mental Welfare Commission.

4. Both Mr C and the Board have had an opportunity to comment on a draft of this report. Neither have raised any significant objections or comments.

#### *Conclusion*

5. I fully appreciate that Mr C's treatment may have been extremely distressing for him. The fact that it has been deemed necessary to detain Mr C under the Mental Health (Scotland) Act 1984 demonstrates Mr C's resistance to treatment. The depot injections have been shown to have been administered lawfully and, therefore, I do not uphold the complaint.

6. I am satisfied that the action taken in administering the medication was completed correctly under the stipulations of the Mental Health (Scotland) Act 1984.

**Summary****Specific complaint and conclusion**

Forced injections by medical staff (*not upheld*)

**Redress and recommendation**

The Ombudsman has no recommendation to make.

25 July 2006

**Explanation of abbreviations used**

Mr C	The complainant
Clinician 1	Clinician who initially assessed and detained Mr C
Clinician 2	Clinician who provided the first second opinion on treatment
Clinician 3	Clinician who provided the second and final opinion on treatment
The Board	Lothian NHS Board

**Glossary of terms**

Depot Injection

An injection of a substance in a form that tends to keep it at the site of injection so that absorption occurs over a prolonged period.