

Borders NHS Board



SCOTTISH PUBLIC SERVICES OMBUDSMAN REPORTS (SPSO)

Aim

To update the Board with regard to recent Scottish Public Services Ombudsman (SPSO) decisions related to NHS Borders.

Background

Usually when the SPSO investigate a complaint their findings and conclusions are reported in a decision letter. Cases that meet the SPSO criteria for full investigation and publication, the SPSO lay the full report of the investigation before the Scottish Parliament and publish it on their website.

Investigation reports

Investigation reports are shared with the complainant and the organisation complained about and are reported in full to the Scottish Parliament. The Ombudsman decides whether an investigation should be reported to the Scottish Parliament. He will do this if he considers that the matter is in the public interest. This can include:

- significant personal injustice complaints
- systemic failure cases
- precedent and test cases
- cases where there has been significant failure in the local complaints procedure.

Both the organisation and the complainant receive a draft of the investigation report to comment on factual accuracy before the final report is laid before Parliament.

Decision letters

The SPSO usually send a decision letter if:

- the organisation accept there were failings, apologise and take action to prevent the problem from happening again
- from the evidence, it appears that the organisation did not do anything wrong (to use formal language, there is no evidence of 'maladministration or service failure' by the organisation)
- the Ombudsman has decided that the substance of the complaint and our decision on it do not raise public interest considerations.

Once the SPSO have made the decision on a case, they send the letter to the person who made the complaint and the organisation they complained about. Neither the organisation nor the complainant is sent a draft of the decision letter to comment on before it is issued.

A report of decision letters is laid before the Parliament and they are published on the SPSO website.

Summary

SPSO Case 201105481 – Decision Letter Dated 13 February 2013

Summary of Complaint

Mrs X complained that the Board:-

- Failed to carry out reasonable investigations to establish whether her husband had suffered any additional injury, including vertebral artery injury following his spinal injury (*not upheld*)
- Failed to deal with her complaint in a reasonable manner (*not upheld*)
- A radiographer unreasonably failed to respond to her, as agreed with details of his review of whether the Boards' protocols for image scanning were in line with routine codes of practice (*upheld*).

Upheld by the SPSO

The SPSO upheld the complaint that a radiographer unreasonably failed to respond to her, as agreed with details of his review of whether the Boards' protocols for image scanning were in line with routine codes of practice.

SPSO Recommendations

Recommendation	Completion Date
Feedback the learning from the complaint to all staff to ensure such an evolving communication failure will not recur; and	28 March 2013
Apologise to Mrs X for this failure and the upset it has caused.	28 February 2013

SPSO Case 201201464 – Investigation Report Laid before Parliament on 20 February 2013

Summary of complaint:-

Mrs C questioned the care and treatment given to her late husband (Mr C) on 3 October 2011. Mr C died early the next day.

Upheld by the SPSO

The complaints which were investigated were that staff at the Accident and Emergency (A&E) Department of Borders General Hospital (the Hospital):

- Failed to thoroughly assess and treat Mr C during his first attendance on 3 October 2011 (*upheld*); and
- Unreasonably discharged Mr C home on 3 October 2011 (*upheld*)

SPSO Recommendations

Recommendation	Completion Date
Apologise sincerely to Mrs C for their failures concerning the care and treatment given to Mr C	20 March 2013
Apologise to Mrs C for unreasonable discharging Mr C on the evening of 3 October 2011	20 March 2013

SPSO Case 201200871 - Decision Letter Dated 14 January 2013

Summary of Complaint

Mr X complained that:-

It was unreasonable that the Borders General Hospital did not refer him to a neurologist in September 2010, instead of discharging him from their care, and that they did not diagnose the problem in his leg (*not upheld*).

The SPSO did not uphold the complaint.

Recommendation

The Board is asked to **note** the update.

Policy/Strategy Implications	Reputation management. For briefing and information.
Consultation	Not applicable
Consultation with Professional Committees	As detailed in the paper in relation to Action plans.
Risk Assessment	As detailed in the paper.
Compliance with Board Policy requirements on Equality and Diversity	Compliant where appropriate
Resource/Staffing Implications	As detailed in the paper.

Approved by

Name	Designation	Name	Designation
Calum Campbell	Chief Executive		

Author(s)

Name	Designation	Name	Designation
Iris Bishop	Board Secretary		