

## **CASE SUSTAINED**

**CS/587**

### **COMPLAINT AGAINST THE GIBRALTAR HEALTH AUTHORITY FOR NOT RETURNING THE COMPLAINANT'S MOTHER TO KING GEORGE V HOSPITAL AND FOR KEEPING HER IN INHUMAN CONDITIONS AT ST BERNARD'S HOSPITAL**

The Complainant's elderly mother suffered from Alzheimers and was a resident of KGV Hospital.

In the second week of June 2004, she and apparently five other residents of KGV Hospital contracted salmonella. She was conveyed to St Bernard's Hospital for treatment and since she was mobile and given her mental condition and the possible disruption to the ward, the Complainant's permission was sought, to have her restrained whilst at the ward.

The Complainant gave his permission pointing out that he realised that this was for her own safety. He stressed though that salmonella is usually treated in a matter of days and that he gave his permission on the assumption that it would not be for long.

Her treatment for salmonella was apparently completed on or about 1 July 2004 and she was then ready to be transferred back to KGV. However, to the Complainant's astonishment, anguish and anger, his mother was kept at St Bernard's on the basis that her bed at the KGV Hospital had been allocated to a new admission.

The Complainant complained that his mother's prolonged stay at St Bernard's was allegedly having a detrimental effect on her health and the conditions in which she was being kept were unsuitable and inhumane. Due to her continued restraint and consequent lack of exercise for a period of over six weeks her legs and feet were swollen and the back of her upper legs showed unwelcome signs of lack of circulation.

In their response to the Ombudsman's enquiry the Gibraltar Health Authority explained that in circumstances where a KGV patient is admitted to St Bernard's Hospital the patient's bed in KGV is always kept as booked. However in this instance the St Bernard's Hospital Bed Manager, who was under enormous pressure to accommodate an acute admission, believed that her only solution was to transfer another patient from St Bernard's to the mother's bed in KGV, thus freeing up a bed in St Bernard's. This she did with the resultant difficulty in returning the mother to KGV when her treatment was complete. The GHA accepted that it was not acceptable in normal circumstances to transfer a patient into a booked bed at KGV, however in this case there were two beds for one patient (one in KGV and one occupied by her in St Bernard's) and the Bed Manager had had no option but to act the way she did.

In his considerations the Ombudsman wondered how it came to be that she and five other residents of KGV got Salmonella food poisoning. Furthermore, the Complainant alleged that a doctor only saw his mother five days after she became sick and this only as a result of his insistence. The Complainant did not press this point and the Ombudsman decided not to pursue it however, if these allegations were true, this was a most worrying state of affairs.

As pointed out above, the Complainant's mother was restrained for her own safety. The Ombudsman pointed out that from the signs of lack of circulation on her legs and feet it was evident she was restrained to an armchair all day and the staff at the ward had apparently not found the time to exercise her.

The Ombudsman condemned this treatment of an Alzheimer's patient as an unnecessary, degrading, and inhuman breach of the lady's human rights. The Ombudsman understood that St Bernard's Hospital was not a geriatric hospital and the ward might possibly not have the staff to deal with patients such as the lady in question however this did not detract from the fact that the lady's human rights had been breached in a most serious manner.

At the time of writing these lines the Complainant's mother had already been transferred back to KGV. The GHA disagreed with the Ombudsman's statement that this had only been done due to his intervention, pointing out that she was transferred as soon as a bed became available. This would obviously have been the case, retorted the Ombudsman however, he wondered how long this would have taken had the Complainant not lodged a formal complaint.

The Ombudsman welcomed the GHA's undertaking that in the future a St Bernard's patient would not be transferred to a booked bed in KGV Hospital however; he sustained the complaint pointing out that in this day and age it was unacceptable for the hospital authorities to have tolerated such a treatment to one of their vulnerable patients.