

## SPSO decision report

**Case:** 201200115, A Dentist in the Lothian NHS Board area  
**Sector:** health  
**Subject:** policy/administration  
**Outcome:** upheld, recommendations

### Summary

Mrs C complained about the orthodontic treatment that her son (Mr A) received. (Orthodontics is the branch of dentistry dealing with the prevention and correction of irregular teeth.) Mr A attended an appointment with the orthodontist and Mrs C completed an NHS form so he could be considered for NHS treatment. The orthodontist found that Mr A's teeth were not misaligned enough to qualify for NHS funding but carried out work privately on his front teeth. Mrs C complained that she was not told that Mr A would be treated privately. She said that she did not agree to this and that she only became aware of the decision when she relocated to England and found that the orthodontist had withheld Mr A's clinical records because the bills were unpaid.

We found that Mr A should not have been considered eligible for NHS treatment. However, the orthodontist should in that case have obtained written consent from Mrs C for private treatment to be carried out. The decision to provide the treatment was confirmed in writing to Mr A's dentist, and the orthodontist said that it was discussed with Mrs C during the appointment, along with the associated costs. However, we found no evidence in the records to show that this was discussed with Mrs C. Neither did we find evidence that consent was obtained, or that any payment was taken once treatment commenced. We also found that it was inappropriate for the orthodontist to withhold Mr A's clinical records. We made recommendations to address these failings.

### Recommendations

We recommended that the dentist:

- arrange for copies of Mr A's clinical records to be provided to his new dentist and/or orthodontist on request;
- waive any outstanding fees associated with Mr A's treatment; and
- apologise to Mrs C for the issues highlighted by our investigation.