

SPSO decision report

Case: 201200722, Lothian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Mrs C complained that the board failed to provide her with appropriate care and treatment when she attended a hospital accident and emergency department (A&E). Mrs C said she had gone to hospital a number of weeks after injuring her ankle. She said she was told that she had a bad sprain, but that she did not need an x-ray as the pain would ease itself. A week later Mrs C went back to hospital in severe pain. A number of x-rays were taken and she was told that her foot was fractured. Mrs C complained that the staff nurse who dealt with her on her first visit to hospital did not check on her while she was waiting and treated her with contempt, as if she should not have been there.

During our investigation, we took independent advice from a medical adviser. He explained that the treatment Mrs C received when she first went to A&E was appropriate, and in accordance with internationally validated and recognised clinical guidelines. He said it was clearly recorded that there was no evidence of bone pain and that Mrs C was able to put weight on her foot. He explained that the absence of bone pain suggested that an x-ray was not required. We did not, therefore, uphold Mrs C's complaint about her care and treatment.

On the matter of the nurse's conduct, although the board said they had discussed this with her during their investigation of the complaint, they had not recorded what was said, and had taken no statement from her. In response to our enquiries, they obtained an account from the nurse in which they said she accepted that her conduct towards Mrs C had been inappropriate. Although it would have been more appropriate for a statement to have been taken at the time rather than eleven months later, we upheld this element of Mrs C's complaint, as the evidence supported her view that the nurse did not deal with her appropriately.

Recommendations

We recommended that the board:

- apologise to Mrs C for the staff nurse's conduct towards her; and
- provide the Ombudsman with a copy of the change to their procedure for investigation of complaints.