

SPSO decision report

Case: 201202382, Grampian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mrs C, who is an advocacy worker, complained on behalf of a client (Ms B) about the care and treatment that Ms B's late father-in-law (Mr A) received from a GP practice run by the board. Mrs C said they did not provide reasonable care and treatment to Mr A, did not discuss his intended treatment at a home visit and did not reasonably respond to Ms B's complaints.

We obtained independent advice on the complaint from one of our medical advisers, who is a GP. The adviser said that while the care and treatment from the practice was largely reasonable, he was concerned about the care and treatment a doctor provided during the home visit. Mr A's symptoms had deteriorated and the doctor should have examined him, assessed his pain (including the likely causes) and examined his abdomen before giving him an injection. As a result there was a failure to appropriately manage Mr A's pain and distress and to assess whether his care required re-prioritising, including whether he needed to be admitted to hospital.

The board had said that the doctor gave assurances that, to the best of his recollection, he had provided a full explanation to Mr A before giving him the injection. However, we found no evidence of this in the papers the board sent us, and it was not clear when a statement could have been made, as we could see no evidence that the board consulted the doctor after Ms B complained. The General Medical Council guidance on consent requires doctors to explain proposed treatment and check that their explanation has been understood. We found no evidence to support the board's assertion that either of these things happened.

The evidence also showed several failings by the board in handling the complaints. They did not treat an initial complaint made by Mr A's wife as a formal complaint, they did not update Ms B on the progress of their investigation of her complaints and they did not tell her that she had a right to bring her complaint to us. We also noted that the board's complaints handling procedure did not accurately reflect the current NHS Scotland guidance on acknowledgment letters, investigation reports or timescales.

Recommendations

We recommended that the board:

- bring our decisions to the attention of the doctor and ensure that he reflects on our adviser's conclusions at his next performance review meeting;
- ensure the practice provide Ms B and her family with a written apology for failing to adequately assess Mr A at the home visit;
- ensure the practice provide Ms B with a written apology for failing to ensure that Mr A was given an adequate explanation of his treatment at the home visit and consent obtained;
- review their complaints handling procedure to ensure it is compliant with current NHS Scotland Guidance 'Can I help you?'; and
- provide Ms B with a written apology for failing to properly handle and investigate her concerns.