

SPSO decision report

Case: 201203601, Tayside NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mr C complained that, when he attended a hospital clinic appointment, the doctor carried out a procedure without Mr C's consent. He said that he told the doctor that he could look at the problem only, but not take any action. He said that the doctor ignored his wishes.

When we investigated this, the board explained that the doctor and the health care assistant who were present were of the opinion that Mr C had agreed to the procedure. We found, however, that the doctor had not strictly adhered to the board's informed consent policy and had not explained what the procedure entailed, or recorded that Mr C had agreed to the procedure. We upheld Mr C's complaint and made a recommendation about this.

Recommendations

We recommended that the board:

- apologise to Mr C for the failure to obtain his informed consent.