

SPSO decision report

Case: 201400820, Lothian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: not upheld, recommendations

Summary

Ms C, whose first language is not English, complained that she did not receive appropriate treatment for an injury to her left knee at the Royal Infirmary of Edinburgh after she suffered a fall.

We took independent advice from one of our medical advisers, who found that there was a lack of evidence of a physical examination of Ms C's knee at one of the out-patient clinic appointments she attended and there was an initial failure to diagnose that Ms C had sustained an anterior cruciate ligament injury to her knee. However, our adviser considered the delay in diagnosis was not unreasonable and did not adversely affect the eventual outcome and that, overall, the management and treatment of Ms C's knee injury was appropriate and in keeping with accepted medical practice. Furthermore, there was no evidence that an interpreter not being present at Ms C's clinic appointments adversely affected the treatment she received. We accepted this advice and we did not uphold Ms C's complaint.

However, when Ms C complained to the board about her treatment, she had asked the board for the reply to her complaint to be translated into her first language and also for a meeting to discuss her complaint with an interpreter being present, which the board declined to do. While there was no requirement on the board to meet with Ms C to discuss her complaint, we were of the view that declining Ms C's requests was not in keeping with the principles of the board's interpretation and translation guidelines, so we made some recommendations about this.

Recommendations

We recommended that the board:

- apologise to Ms C for the failures in the way they dealt with her complaint;
- draw to the attention of the relevant clinical staff our adviser's comments regarding the lack of evidence of a physical examination of Ms C's knee at her clinic appointment;
- draw their interpretation and translation guidelines to the attention of the clinical staff Ms C saw; and
- ensure that their interpretation and translation guidelines are taken into account by staff when they are dealing with a complaint from a patient whose first language is not English.