

SPSO decision report

Case: 201401305, A Dentist in the Lothian NHS Board area
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: upheld, recommendations

Summary

Mrs C complained that part of her dental work was provided on a private basis without her prior knowledge or consent. She said that she was not given a written treatment plan or cost comparison before the treatment was carried out. The dentist said that Mrs C was given a verbal explanation of the treatment options available to her, together with details of the costs, and that fee information was also clearly displayed in the practice reception and on the practice's website. He indicated that Mrs C had provided consent, having been told that part of the treatment was not available on the NHS, and a written treatment plan was not provided as Mrs C had not yet made a firm decision on all the treatment to be carried out.

We took independent advice on this complaint from one of our advisers, who is a general dental surgeon. He said that it was not sufficient for patients to receive information relating to treatment costs verbally and through notices displayed in the practice and online. The relevant regulations and guidance require that a written treatment plan, including an estimate of costs, is provided to the patient before treatment starts, and it can be revised later if the treatment plan changes. As Mrs C was not provided with a written treatment plan, we upheld her complaint and made some recommendations.

We also found some failings in the dentist's handling of Mrs C's complaint. We were critical that he suggested to Mrs C that no further treatment would be provided until her complaint was resolved or withdrawn. Complaints handling guidance and regulations require that a practitioner's first responsibility is to ensure that the patient's immediate health care needs are being met, if relevant at the time the complaint is made. We did not consider that the dentist's actions were in keeping with the spirit of this requirement. We also identified other areas where the dental practice's complaints procedure was not compliant with regulations and guidance, particularly with regards to information that should be provided within a written acknowledgement of a complaint, and in respect of their duty to signpost complainants to us. We, therefore, made some further recommendations about this.

Recommendations

We recommended that the dentist:

- arrange for the practice's policies and procedures in respect of treatment plans to be reviewed, ensuring that such plans are provided in line with the relevant regulations and guidance;
- issue Mrs C with a refund for the private element of her treatment;
- apologise to Mrs C for failing to provide her with a written treatment plan;
- arrange for the practice's complaints handling policy to be reviewed to ensure compliance with their statutory responsibilities, as set out in the Can I Help You? guidance: in particular, ensuring that complaints do not adversely impact on patients' immediate health care needs; when acknowledging complaints, the practice ensures that all required information is provided to complainants; and complainants are appropriately signposted to the SPSO in the practice's final response to complaints; and
- apologise to Mrs C for failing to respond appropriately to her complaint.