

## SPSO decision report

**Case:** 201406593, Tayside NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** not upheld, no recommendations

### Summary

Mr C complained that when he called the out-of-hours (OOH) service, the first GP he spoke to did not provide proper care or treatment. Mr C said the GP had been unable to access his medical records and had refused to admit him to hospital, offering an appointment at the OOH centre, which Mr C could not attend because of the level of pain he was suffering. When Mr C had called the OOH service the following morning, a second GP arranged for an ambulance to take him to hospital, where his knee was then treated. Mr C said the second GP had told him that the first GP would have been able to access his medical records and that hospital admission was the only appropriate treatment for his knee.

We took independent advice from one of our GP advisers. They said that Mr C did not constitute an emergency case, and that the first GP had acted appropriately by not admitting him to hospital. The second GP had not followed procedure in arranging Mr C's admission for treatment which meant that Mr C had an unreasonable expectation of what the first GP should have done. We found that the first GP had acted reasonably and in line with the board's policies in the care and treatment he had provided. Therefore, we did not uphold Mr C's complaint.