

SPSO decision report

Case: 201604294, A Medical Practice in an NHS Board area
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Decision: some upheld, recommendations

Summary

Mr C, who is a transgender man, complained to us that a GP practice that he was about to register with had discussed his transgender status before he had even registered there. We took independent advice on the complaint from an equalities adviser. We found that, under the Gender Recognition (Disclosure of Information) (Scotland) Order 2005, the practice should have sought consent from Mr C before discussing his transgender status. We upheld this aspect of his complaint.

Mr C also complained that a GP from the practice withdrew the offer of a meeting prior to his registration at the practice. The practice confirmed to us that they did originally agree to a meeting, but this offer was withdrawn when Mr C's previous GP said that this might take approximately 40 minutes. We considered that ideally the practice should have been able to meet Mr C before he joined the practice. However, we did not consider that their actions in cancelling this meeting were unreasonable. On balance, we did not uphold this aspect of Mr C's complaint.

Mr C complained that the practice had logged his address incorrectly. We found that his address had been recorded incorrectly on the practice's computer system and upheld the complaint. However, we considered that the explanation provided by the practice about this had been reasonable. In addition, they had apologised for the error.

Mr C also complained that the practice had failed to provide him with a reasonable standard of care, as they had told him that he was not able to have a flu vaccine, despite the fact he had ME (Myalgic Encephalopathy) / Chronic Fatigue Syndrome. We took independent advice on this complaint from a GP adviser. We found that the actions of the practice in relation to this matter had been reasonable and we did not uphold this aspect of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for discussing his transgender status without his consent, prior to his registration at the practice. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.