

SPSO decision report

Case: 201606201, Greater Glasgow and Clyde NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Mr C complained that the board unreasonably failed to provide him with appropriate dental treatment when he was held on remand in prison. He said that the board failed to x-ray his tooth and should have tried to save his tooth, rather than only offering tooth extraction. Mr C was concerned that the board advised him that, as an untried prisoner, he did not qualify for the same dental treatment as a convicted prisoner or a person who was not in prison.

We took independent advice from a dental practitioner. The adviser said that the board should have carried out an x-ray of Mr C's tooth as part of his dental treatment. They said that the board failed to discuss the risks and benefits of all treatment options with Mr C and record the discussion in the dental records. The adviser also said that the board should have offered to provide root canal treatment for Mr C's affected tooth, in accordance with the NHS Guidance. As a result of these failings, Mr C suffered intermittent pain from his affected tooth for a considerable period.

The adviser explained that the board were correct in their view that Mr C did not qualify for the same dental treatment as a convicted prisoner or a person who was not in prison. This was because the NHS Guidance indicated that an untried prisoner was entitled to some, but not all, of the NHS treatments available to a convicted prisoner or someone who was not in prison. However, we were concerned that it appeared that the board were not aware of the full range of treatment available to prisoners on remand. Given the failings identified, we upheld Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for:
- failing to x-ray his tooth
- failing to discuss the risks and benefits of all treatment options with Mr C and record this discussion in the dental records
- failing to offer root canal treatment, in accordance with NHS Guidance.
- The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

What we said should change to put things right in future:

- In circumstances such as Mr C's, the board should x-ray patients' teeth.
- The risks and benefits of all treatment options should be discussed with patients and these discussions should be recorded in the dental records.
- Root canal treatment should be offered in cases such as Mr C's, in accordance with the NHS 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.