

## SPSO decision report

**Case:** 201606218, Tayside NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

Mrs C complained about the orthopaedic care and treatment provided to her by the board. She complained that she was given facet joint injections (injections of anaesthetic to relieve pain) into her spine without being examined by the consultant first, and that at her review appointment she again was not physically examined despite having ongoing pain. Mrs C was also concerned that she was not referred for an MRI scan or CT scan by the orthopaedic consultant. She also complained that the orthopaedic consultant failed to communicate reasonably with her after her review appointment, and that they did not refer her to the pain clinic when they said they would.

We took independent advice from an orthopaedic consultant. We found that it was reasonable that Mrs C was not referred for an MRI or CT scan, as this was in line with national guidance. However, we found that it was unreasonable that Mrs C was not physically examined before the anaesthetic injections were administered, or when she was reviewed at a later appointment. On balance, we upheld Mrs C's complaint about care and treatment.

We found that the communication from the orthopaedic adviser to Mrs C after her review appointment was reasonable and did not uphold this aspect of the complaint. However, we found that there was an unreasonable delay in referring her to the pain clinic and we upheld this aspect of the complaint.

Mrs C also complained about the board's response to her complaint. We found that when Mrs C initially made her complaint, she made it to the complaints department as well as to the individual clinician. Therefore, we considered there had been some confusion regarding who would respond to her complaint. We also found that there had been delays in the response being issued and that Mrs C had not been kept reasonably aware of these delays. The board confirmed that they had already taken action to address this failing. We upheld this complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for the failings in care and treatment, and complaints handling. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

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

- Orthopaedic consultants should carry out physical examinations before administering facet joint injections, and at review appointments if the patient is complaining of ongoing pain.
- When patients are informed that a referral will be made, this should be done promptly.

In relation to complaints handling, we recommended:

- When a complaint has been made directly to a clinician as well as to the complaints and feedback team, efforts should be made to clarify who will be investigating and responding.

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.