

## SPSO decision report

**Case:** 201701087, A Dentist in the Highland NHS Board area  
**Sector:** health  
**Subject:** policy / administration  
**Decision:** not upheld, no recommendations

### Summary

Mr C complained to us that staff at the dental practice unreasonably informed him that he was exempt from NHS charges for dental treatment. Mr C said that, when he started a course of dental treatment at the practice, he told the staff that he was in receipt of carer's allowance and they completed a form and said that he would be exempt from NHS treatment costs. He was subsequently contacted by NHS Counter Fraud Services who said that he had fraudulently claimed exemption as he had completed the form stating that he was in receipt of income-based Jobseeker's Allowance, which was not the case. Mr C was asked to pay the costs of the NHS treatment along with a penalty charge. He maintained that while he had signed the form, he had not ticked the box which stated that he was in receipt of income-based Jobseeker's Allowance.

We took independent advice from an adviser in general dentistry and concluded that there would have been a discussion with staff about whether Mr C was exempt from charges. There was reference in his dental records that Mr C thought he was exempt from charges as he was a full time carer. We were unable to establish who had ticked the box to indicate that Mr C was in receipt of income-based Jobseeker's Allowance, but the form did contain Mr C's signature. The staff maintained that they would not have ticked the box as they do not know the patient's financial situation and that the onus was on the patient to ensure that they were signing a form which was accurate. It was noted that following Mr C's representations, NHS Counter Fraud Services had waived the penalty charge aspect and therefore he was only liable to pay the costs of the dental treatment. We did not uphold the complaint.