

SPSO decision report

Case: 201703672, Western Isles NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Mrs C complained on behalf of her daughter (Miss A), who suffers from quadriplegic cerebral palsy (a condition which results in severe or complete loss of motor function in all four limbs) and other complex additional support needs. Mrs C complained that the board unreasonably withdrew Miss A's physiotherapy.

We took independent advice from a physiotherapist. We found that it could have been deemed appropriate for the board to stop Miss A's physiotherapy. However, we found that this was done without any appropriate assessment documented in the notes and without any documented consultation and discussion with Mrs C and her husband (Mr C). This is contrary to the Scottish Government Getting it Right for Every Child guidance. We upheld this aspect of Mrs C's complaint.

Mrs C also complained that, when asked, the board unreasonably failed to show her that their decision to withdraw Miss A's physiotherapy was based on clinical need. We noted that, while the board referred to the progress Miss A had made, they did not explain why improvement in Miss A's physical abilities affected her need for physiotherapy. In view of this, it was unclear why the specific physiotherapy was withdrawn. There was also a delay in the board providing this complaint response to Mrs C. We upheld this aspect of the complaint.

Mrs C also complained that the board unreasonably failed to carry out a paediatric physiotherapy review of Miss A's physiotherapy requirements, as had been agreed at a meeting with Mrs C and Mr C. We were unable to confirm if a review took place at the time the board said that it would. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr and Mrs C and Miss A for the failings in Miss A's physiotherapy care and their response to the complaint. 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 a similar situation, parents should be consulted prior to making changes to their children's physiotherapy treatment. The clinical reasoning for making changes should be documented and explained prior to them taking place, in accordance with Scottish and UK legislation and advice.
- Actions agreed at meetings regarding physiotherapy complaints should be completed and formally documented.

In relation to complaints handling, we recommended:

- Respond to complaints within a reasonable time and provide full responses, in accordance with the

board's complaints procedure.