

SPSO decision report

Case: 201801882, Tayside NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Ms C complained about the way in which the board handled her complaint and what she considered to be inaccurate information in their response. Ms C highlighted a section of the response where the board detailed two tests they claimed were previously carried out. Ms C stated that these tests did not, in fact, take place. We reviewed the relevant medical records and were satisfied it was reasonable for the board to state that one of the tests took place. However, there was no evidence of the other test taking place and we concluded that the evidence provided by Ms C supported her account of cancelling the appointment for this test before it took place. It was not clear to us why this inaccurate information was included in the board's response, along with a statement that the results were normal. Therefore, we upheld this aspect of the complaint.

Ms C also complained that the board's response contained inaccurate information about whether she had been diagnosed with a type of anaemia (a condition in which there is a deficiency of red cells in the blood). We found that Ms C had previously received the diagnosis. The diagnosis was subsequently questioned by other medical professionals. However, there was no evidence to confirm that this had ever been fully clarified to Ms C. Furthermore, the medical records show that the initial diagnosis, whether correct or not, continued to inform subsequent consultations. In light of this, we upheld this aspect of the complaint.

Finally, Ms C complained about the board's failure to respond to her correspondence within an appropriate timescale. We considered her complaint itself to have been handled appropriately. However, we considered the board's handling of her post-complaint correspondence to be unreasonable. Although we considered that the board's complaint and feedback team were not the most appropriate place for Ms C to direct some of her enquiries, it still would have been reasonable to expect the board to respond in a clear and timely fashion. Therefore, we upheld this complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms C for providing inaccurate information in their stage two response about a test being carried out; providing an inaccurate or incomplete account of Ms C's diagnosis history in relation to pernicious anaemia in their stage two response; and for failing to respond to Ms C's correspondence within an appropriate timescale after they issued their stage two response. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Provide clarification, as far as is possible, about whether or not Ms C's symptoms and test results support a diagnosis of pernicious anaemia. If necessary, carry out appropriate tests to allow such clarification to be provided.

In relation to complaints handling, we recommended:

- Stage two complaint responses should contain accurate information and establish all the facts relevant to

the points made in the complaint. The board should explore how and why the stage two response contained inaccurate information.

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.