

SPSO decision report



Case: 201803528, A Dentist in the Highland NHS Board area
Sector: health
Subject: policy / administration
Decision: upheld, recommendations

Summary

Mr C visited his dentist due to pain in one of his teeth and agreed to a proposed course of treatment with the dentist. Mr C believed this would be provided under the NHS. Mr C found the communication around the cost of the treatment confusing saying that the dentist had not properly explained the costs or what was required before the procedure, and Mr C was concerned that he was over-charged. Mr C also complained about the standard of treatment he received and that the dentist failed to handle his complaint reasonably.

We took independent advice from a dental adviser. We found that the dentist failed to communicate the treatment plan and options in a reasonable way and that Mr C was not in a position to give informed consent; the breakdown of treatment options (NHS and private/independent) were not in line with relevant regulations; unacceptable materials were used; the findings of x-rays were unreasonably reported on; there was an unreasonable standard of care especially periodontal (gum) care; there was an unreasonable standard of record-keeping; and there were discrepancies in what was charged. We also found that the dentist failed to deal with the complaint in line with the complaints handling procedure. We upheld all aspects of Mr C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to communicate with him in a reasonable way about the proposed treatment and costs, failing to provide Mr C with a reasonable standard of treatment and failing to handle his complaint reasonably. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.
- Reimburse Mr C for the costs of the dental treatment he underwent. The payment should be made by the date indicated: if payment is not made by that date, interest should be paid at the standard interest rate applied by the courts from that date to the date of payment.

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

- Ensure the dentist communicates with and obtains consent from patients in line with the relevant regulations and standards.
- Ensure all breakdown of treatment options are delivered in line with the relevant regulations.
- Ensure that only materials deemed acceptable under the regulations are used.
- Ensure x-rays are reported on in line with the relevant regulations.
- Ensure care is delivered to a reasonable standard.
- Ensure record-keeping is in line with the relevant standards and guidance.

In relation to complaints handling, we recommended:

- Ensure all complaints are dealt with in line with the complaints handling procedure.