

SPSO decision report

Case: 201804811, Tayside NHS Board
Sector: Health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Mr C complained about the care and treatment his partner (Mr A) received from the board. Mr A was diagnosed with Functional Neurological Disorder (FND, a condition in which patients experience neurological symptoms such as weakness, movement disorders, sensory symptoms and blackouts) and depression. Mr A was seen by a consultant neurologist (a specialist in the diagnosis and treatment of disorders of the nervous system) at a neurology clinic. Mr C complained about the length of time it took to arrange appointments for the joint Functional Neurological Clinic (the joint clinic); the communications surrounding these appointments; the changes in medication and the lack of subsequent review. Mr C also complained about the length of time it took the board to respond to the complaint.

We took independent advice from a consultant psychiatric adviser. We found that, whilst the clinic appointment waiting time was not ideal, there was no unreasonable delay in the circumstances. We also did not identify any unreasonable delays in Mr A's follow-up appointments being arranged. Whilst there was some communication shortcomings, we did not consider that these amounted to unreasonable failings. However, given there was no record of a discussion with Mr A about the potential adverse effects of increasing his medication, on balance, we upheld this complaint.

We also found that the board had accepted that the delay in responding to the complaint was excessive and that they had apologised accordingly. We upheld this aspect of the complaint but made no further recommendations.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for failing to demonstrate that discussion took place with him regarding the potential risks of adverse effects when increasing his medication dosage. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets

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

- The expected benefits as well as the potential burdens and risks of any proposed investigation or treatment should be explained to patients in line with General Medical Council guidance on consent.

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.