

## SPSO decision report

**Case:** 201902298, Fife NHS Board  
**Sector:** Health  
**Subject:** clinical treatment / diagnosis  
**Decision:** upheld, no recommendations

### Summary

C complained on behalf of the child (A) about the care and treatment received by the board. A was referred to neurology (the branch of medicine concerned with the diagnosis and treatment of disorders of the nervous system) after reporting that they were experiencing upper body jerks and involuntary twitching. A review was undertaken by a private healthcare provider on behalf of the board as part of a neurology waiting list initiative. The neurologist agreed that an MRI scan and an EEG (electroencephalogram - a test used to evaluate the electrical activity in the brain) would be carried out. Some years later, A was admitted to hospital after a seizure. It was noted that the earlier EEG referral was not progressed. Another EEG was arranged and following that, A was diagnosed with epilepsy (a condition that affects the brain and causes frequent seizures).

C said that they considered the failure to carry out the EEG meant there was a delay in diagnosing A's epilepsy. The board said it was the neurologist's intention to have the scan carried out. An apology was given for the lack of follow-up in A's case.

The evidence available confirmed that the neurologist appropriately considered the possibility that A was suffering from myoclonic epilepsy (brief shock-like jerks of a muscle or group of muscles), and intended to order appropriate investigations. However, there was no evidence available to confirm that the request for the EEG was actioned or followed up. The relevant paperwork was not available to reflect back on what may have happened.

We took independent advice from an appropriately qualified adviser. We found that an EEG should have been carried out in A's case. The relevant guidance indicates the significance of arranging an EEG in cases of suspected myoclonic epilepsy.

We upheld the complaint but did not recommend any further action because the board had already apologised for not actioning the EEG. In addition, the board also told us they no longer used the services of the provider.