

SPSO decision report



Case: 202100914, A Dental Practice in the Grampian NHS Board area
Sector: Health
Subject: Clinical treatment / Diagnosis
Decision: upheld, recommendations

Summary

C complained about the orthodontic care (dentistry dealing with the prevention and correction of irregular teeth) provided to their child (A), particularly that A's treatment had been unreasonably discontinued. The dental practice's decision to discontinue was based on a failure to comply with the requirements of the orthodontic treatment. C complained that the orthodontist had not raised any significant concerns previously, and that there had been a lengthy period without review due to Covid-19 restrictions.

We took independent clinical advice from an orthodontic adviser. We found that the records evidenced only intermittent or periodic poor oral hygiene, as opposed to the consistently poor oral hygiene noted by the orthodontist. We also found that there was evidence of valid clinical grounds to support the stoppage of A's treatment. However, we also found that there were significant failings regarding the way the decision was communicated.

At the last appointment A attended, the records give the expectation that treatment was continuing. C tried to contact the orthodontic practice following this appointment to find out when the next review appointment would take place. When they did not receive a reply they submitted a complaint, the response to which communicated the decision to discontinue treatment. This was several months after A had last been seen. The orthodontist failed to clarify in the response why they had not replied to C's communication after the last appointment, and it was not made clear specifically when it had been decided A's treatment should be discontinued. We found that the orthodontist's actions were not compliant with General Dental Council standards for communicating with patients. We found that the orthodontist's decision to discontinue A's treatment was unreasonable, particularly in relation to the way it was communicated. As such, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C and A for the failings identified. 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:

- Communication with patients and/or their guardians should be carried out and documented in line with the relevant standards (Standards for the Dental Team, GDC).
- The orthodontist needs to ensure that complaints are handled in line with the NHS Complaints Handling Policy. This requires a response to be issued within twenty working days of receipt of a complaint, addressing all the issues raised and showing that they have been fully and fairly investigated.

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.