

SPSO decision report

Case: 201400888, Lanarkshire NHS Board
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Outcome: upheld, recommendations

Summary

Ms C, who is an advice worker, complained on behalf of her client (Ms A) about the actions of a health visitor in relation to a burn to Ms A's child's arm. The burn was treated at the time by the child's grandmother, who is a healthcare professional. Some weeks later, the child's GP noticed the burn during a routine visit, and asked the health visitor to visit Ms A. During the visit, Ms A explained that the burn had been caused by an accident with a pair of hair straighteners: she had left the hair straighteners on, thinking they were out of reach of the child, but the child had pulled on the cord, causing the straighteners to fall onto the child's arm. The health visitor was not satisfied with this description and, after consulting with the child's GP, the child protection adviser and the duty social worker, she submitted a Notification of Concern to social work.

Ms C complained that the health visitor acted inappropriately by insisting that social work take action, despite being advised by the child protection adviser and the duty social worker that the child was not at risk. Ms C raised concerns that the health visitor failed to assess the situation appropriately and did not obtain additional information from the previous health visitor or the child's medical practice; that the description of the burn given to social work by the health visitor was inaccurate; and that the health visitor acted unreasonably by failing to inform Ms A before making the referral.

We investigated Ms C's complaint and took independent nursing advice from one of our advisers. We found that the health visitor had followed the appropriate procedures in making the referral to social work, including by appropriately discussing her concerns with the child's GP, the child protection adviser and the duty social worker. Although the health visitor did not follow the advice provided by the duty social worker that a referral was not necessary, we accepted that the decision whether to make the referral was a matter for the health visitor's professional judgment, and we were not critical of this. We also found that the description of the burn which the health visitor gave social work was reasonable in the circumstances. However, we found that the health visitor failed to comply with the relevant policy by not discussing her decision to share information with social work with Ms A, before making the referral. On balance, we upheld Ms C's complaint.

Recommendations

We recommended that the board:

- issue a written apology to Ms A for the failings our investigation found;
- review their guidance on child protection referrals, including both internal and national guidance, to ensure that there are clear and consistent steps for healthcare professionals to follow when considering a child protection concern; and
- raise the findings of our investigation with the health visitor for reflection.