

SPSO decision report

Case: 201902783, Forth Valley NHS Board
Sector: Health
Subject: clinical treatment / diagnosis
Decision: not upheld, recommendations

Summary

Miss C complained about the care and treatment provided to her child (Child A) by the board. Child A was born by caesarean section. When Child A was older, they experienced a seizure and a scan showed right-sided ventricular enlargement (when the muscle on the right side of the heart becomes thickened and enlarged) and associated white matter loss, indicating brain damage or brain injury.

Miss C had concerns about how the brain damage occurred, when it occurred, and the delay in identifying this. She said that her view was that the board had caused the brain injury when Child A was born. She also complained that Child A had not received a brain scan earlier despite developmental difficulties.

We took independent advice from a paediatrician (doctor dealing with the medical care of infants, children and young people). We found that there was no indication in the medical records of any events which were likely to have caused brain injury in Child A during birth or during the neonatal period. We also found that Child A's early developmental course did not suggest the need for a scan and there did not appear to have been any delay in diagnosing the brain injury. We did not uphold Miss C's complaint.

However, we noted during our investigation that there were failings in the board's handling of Miss C's complaint in relation to updating Miss C, not responding to her questions, failing to refer to SPSO, and failing to acknowledge correspondence in a timely manner. Therefore, we made a recommendation to the board in light of this under section 16G of the SPSO Act 2002, which requires the Ombudsman to monitor and promote best practice in relation to complaints handling.

Recommendations

In relation to complaints handling, we recommended:

- Complaints should be handled in line with Model Complaint Handling Procedures.

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.