

SPSO decision report

Case: 202301105, Forth Valley NHS Board
Sector: Health
Subject: Clinical treatment / diagnosis
Decision: not upheld, recommendations

Summary

C complained that the board failed to reasonably assess their mental health condition. C had been receiving treatment for a number of years in England, before returning to Scotland. C said that the board's assessment questioned C's existing diagnosis and sought to remove this. C asked for a second opinion and a different consultant reviewed their notes. C felt that they should have been seen face-to-face and complained that the board failed to offer an independent second opinion.

We took independent advice from a consultant psychiatrist. We initially upheld the complaint. However, in response to our provisional decision, the board provided evidence showing that they had not sought to remove C's diagnosis. We found that if C's existing diagnosis was not being removed, then there was no need for a second opinion. Rather the board should offer C an opportunity to work with a different clinician to repair the therapeutic relationship. As C's diagnosis was not being removed, the basis for C's complaints no longer applied. Therefore, we did not uphold C's complaints. However, we recommended that the board apologise to C given the extent of the misunderstanding, which was not clarified early enough by the board.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the misunderstanding arising from the assessment of their condition. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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.