

SPSO decision report

Case: 201202705, A Dentist in the Lanarkshire NHS Board area
Sector: health
Subject: clinical treatment / diagnosis
Outcome: not upheld, no recommendations

Summary

Mr A's dentist gave him a filling in autumn 2011. This was a very large restoration and Mr A was treated for minor pain over the next few weeks. In early 2012 he returned to the practice with further pain associated with the tooth. The practice told him that the dentist who treated him had left, and had in fact practiced there under his own NHS contract. They offered treatment but told Mr A that they would charge for this. Mr A recalled that his previous dentist had told him that any follow-up treatment required on the tooth would be free of charge, and declined the offer of paid treatment. He returned to the practice the next month and again said that he would only consent to treatment if it was provided free of charge. He refused to sign forms consenting to paid treatment or a medical history form.

Mr A complained about this to the practice, who explained their position and advised that they had taken steps to remove him from their treatment list on the basis that Mr A had lost confidence in them.

Ms C, who is an advice worker, wrote to the local health board on Mr A's behalf and this was passed to the practice for a response. The practice repeated the information they had given Mr A about his treatment and his removal from their practice list. They also offered him the cost of the treatment he had experienced problems with, but noted this was not the full amount he had paid at that time, as that had included treatment for another matter.

Mr A remained dissatisfied and Ms C complained to us on his behalf. We did not, however, uphold the complaint as we decided that there was no evidence of service failure. This was because the practice were correct in saying that the responsibility for treatment lay with the dentist who provided it and not themselves, now that he had left the practice.