

SPSO decision report

Case: 201508096, An NHS Board
Sector: health
Subject: policy / administration
Outcome: upheld, recommendations

Summary

Mrs C, an advocacy and advice worker, complained on behalf of Mr and Mrs A regarding a child protection referral which was raised by a children's physiotherapist in relation to their daughter (Miss B). The physiotherapist raised concerns in the referral that Mr and Mrs A were fabricating injury and illness in Miss B and were refusing to engage with physiotherapy. This was not taken forward by social services as Miss B was subsequently diagnosed with a genetic condition.

We took independent clinical advice from a senior nurse director, who noted that those raising child protection concerns have a duty to be as sure of their grounds for suspicion as is practicable. It was noted that Miss B had indeed sustained an injury but that there appeared to have been a misunderstanding as to the nature of this. It was also noted that while a formal diagnosis of Miss B's illness had not yet been received, there was evidence that she was undergoing genetic testing at the time. The adviser considered that, in both instances, the physiotherapist could reasonably have attempted to clarify matters by speaking to Mr and Mrs A and medical staff.

There were conflicting accounts as to whether Mr and Mrs A were refusing to engage with all physiotherapy, or just the physiotherapist in question. However, it was clear that relations between Mr and Mrs A and the physiotherapist were already difficult and the adviser considered that the board might reasonably have taken earlier steps to offer Miss B the opportunity to see a different therapist. The adviser also noted that the physiotherapist did not inform Mr and Mrs A about the referral, despite there being no record of any decision having been taken that this would not have been in Miss B's best interests. We therefore concluded that the physiotherapist did not act in line with the board's child protection procedures. We therefore upheld this complaint.

Mrs C also complained about a delay in providing Mr and Mrs A with copies of their children's medical records when they requested access to these. We noted that there had been a lengthy delay which the board had acknowledged and apologised for. However, while the board had undertaken to review their process to avoid a similar future delay, we noted that no action appeared to have been taken in this regard until after we sent an enquiry to them. We were critical that the board had not progressed action they had promised to take in response to a complaint. We therefore upheld this complaint.

Recommendations

We recommended that the board:

- apologise to Mr and Mrs A for the failings this investigation has identified;
- inform us of the steps they have taken to ensure that staff adhere to their child protection procedures, particularly in relation to the involvement of parents/carers;
- take steps to ensure that staff are aware of the importance of taking any action reasonably available to them to clarify the validity of any child protection concerns they have;
- apologise to Mr and Mrs A for the delay in taking forward the promised action to look at their process for

responding to requests for access to medical records; and

- inform Mr and Mrs A of the outcome of their policy review and, particularly, any process changes that have been made to prevent a recurrence of the problems they experienced obtaining access to their children's medical records.