

## SPSO decision report

**Case:** 201104364, Fife NHS Board  
**Sector:** health  
**Subject:** clinical treatment; diagnosis  
**Outcome:** not upheld, action taken by body to remedy, no recommendations

### Summary

Mr C had a gastric band fitted to help him lose weight. However, he felt that he would be able to lose more weight if he had a gastric bypass (a procedure that involves the creation of a small pouch at the top of the stomach with staples). As he had gallstones and was due to have his gallbladder removed, the board decided that they would carry out a sleeve gastrectomy (surgery to decrease the size of his stomach) at the same time as the gallbladder operation. However, in a letter to Mr C about this, the surgeon incorrectly said that he was to have a gastric bypass. Mr C said that he only found out 20 minutes before the operation that he was to have a sleeve gastrectomy and not a gastric bypass. He complained to us about the board's decision not to let him have gastric bypass surgery at the time of the operation.

Having taken independent advice from our medical adviser, it was clear from the medical records that the board had decided to carry out a sleeve gastrectomy. However, we found that their communication with Mr C before the operation was inadequate. They incorrectly told him that he was to have a gastric bypass. They also failed to review him, which meant that the surgeons were unaware that he had in fact lost sufficient weight to no longer require either a sleeve gastrectomy or a gastric bypass. By the time the operation was carried out, Mr C no longer met the criteria in the national guidelines for these operations.

We did not, however, uphold Mr C's complaint. We found that the board were not obliged to carry out a gastric bypass simply because of the error in the surgeon's letter. In fact, the correct course of action would have been not to provide either procedure. We found that the board had apologised to Mr C for their poor communication. We were also satisfied that they had taken steps to try to prevent similar problems occurring.

Mr C also complained about the board's ongoing position that they would not give him a gastric bypass. We found that he still did not meet the criteria for this at the time he made his complaint to us. There was also no evidence that the board told him that the sleeve gastrectomy was the first step in a two-step operation to give him a gastric bypass.