

SPSO decision report

Case: 201306220, Highland NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Mr C complained on behalf of Mr A. Mr C said Mr A suffered from spinal damage which had required an operation but his treatment at Raigmore Hospital had been significantly delayed following his referral as it was unreasonably downgraded from urgent to routine and because the board lacked surgical capacity. Mr C was concerned that Mr A had not been examined properly. Mr A eventually underwent surgery outside the board area. Mr A had then required a second operation, which he felt had also been delayed. During his treatment, Mr A had not been communicated with adequately and Mr C's attempts to make a complaint on his behalf had been frustrated by the board's failure to follow its complaints procedures appropriately. Mr C said there was concern the delay had affected Mr A's recovery.

We took independent advice from two medical advisers. They said Mr A was not an urgent case and it was appropriate for him to be seen as a routine referral. He had been examined appropriately and there was no evidence Mr A had suffered permanent damage between his referral and his first operation. The advice also stated the board lacked the capacity to perform this type of surgery within an acceptable clinical timeframe. It was also noted there was doubt over whether a second operation would provide Mr A with further significant improvements. The advice noted that the clinical correspondence with Mr A regarding his treatment had been of a reasonable standard.

We found that Mr A had experienced an unreasonable delay in the provision of his surgery, but that there had not been an unreasonable delay in providing his second operation. We accepted the advice that Mr A had received a reasonable standard of communication from the board. We concluded that the board had failed to follow its complaints procedure appropriately and there had been an unacceptable delay in responding to Mr C.

Recommendations

We recommended that the board:

- review the non-urgent referral process for cervical surgery to ensure the delays experienced in obtaining an appointment in this case are addressed;
- provide evidence they have reviewed the handling of this complaint to establish the cause of the delays; and
- apologise for the failure in providing timely treatment.