

SPSO decision report

Case: 201400815, Tayside NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mrs C complained that she had been refused cosmetic surgery based on an incorrect mental health diagnosis. She also said that the investigation into her complaint was not thorough.

In our investigation, we considered the information provided by Mrs C and the board, along with her medical records, as well as obtaining independent advice from one of our medical advisers. The board said that they had not diagnosed a condition but, rather, had used a particular condition to explain Mrs C's symptoms. Our adviser recognised this but, as the symptoms were used as the reason to refuse surgery, took the view that the diagnosis was implicit. Our adviser also said that the diagnosis was clinically disputable, and so we upheld Mrs C's complaint about this.

We found that the board dealt with her complaint in line with normal procedures, but our adviser pointed out that during their investigation they had not picked up that there had been a significant misinterpretation of the government guidelines about such treatment (the adult exceptional aesthetic referral protocol). We were concerned that they did not identify this, and we also upheld this complaint.

Recommendations

We recommended that the board:

- make a full written apology to Mrs C for the shortcomings we found in relation to her diagnosis; and
- remind relevant staff of the importance of ensuring that reasoning and decision-making in relation to cosmetic surgery is in line with the guidance and exclusion criteria set out in the updated adult exceptional aesthetic referral protocol.