

## SPSO decision report

**Case:** 201400922, Orkney NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Outcome:** some upheld, recommendations

### Summary

A number of years ago, Mr C had an operation on a hernia (a condition where an internal part of the body pushes through a weakness in the muscle or surrounding tissue wall). A few weeks after the procedure, he thought that mesh involved in the operation had burst so his GP referred him back to hospital. Mr C was examined but there was no sign of a recurrence of his hernia. Mr C continued to complain about his suspicions but nothing was found. More recently, when clinicians were exploring other possible reasons for his pain, he was sent for an ultrasound scan (a scan that uses sound waves to create images of organs and structures inside the body). This showed a suspicion of a possible recurrent hernia, although again examination did not reveal this. Mr C said that if clinicians had listened to him at the outset and given him a scan, as he said he requested, he would not have spent years in pain receiving treatment which he said had been unsuccessful.

We obtained independent medical advice from one of our advisers, who is a consultant surgeon. The adviser said that Mr C's care and treatment, including physical examinations, was reasonable and that clinicians acted appropriately in the circumstances. While Mr C said that he had requested an ultrasound after his hernia operation, there was no evidence of this. There were other possible reasons for his pain and these were explored appropriately. Furthermore, the detection of the type of hernia Mr C had, especially a recurrent one after the previous surgery, was difficult. We did not uphold Mr C's complaint about his care and treatment.

Mr C also complained about the board's handling of his complaint. We found that, in basing their response solely on information received from the surgeon that Mr C complained about, the board had not thoroughly investigated the complaint. We upheld his complaint about this and made recommendations.

### Recommendations

We recommended that the board:

- make a formal apology to Mr C for their failure in this matter; and
- further consider the terms of their complaints policy and review their internal investigation processes.