

SPSO decision report

Case: 201401133, Grampian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mrs C was diagnosed with a condition where pressure is exerted on the spinal cord. She said she was told by a consultant neurosurgeon that without surgery she would become bedridden and doubly incontinent possibly within a period of three months and, therefore, she required urgent surgery which would take place within weeks.

Mrs C accepted the board's offer of having her surgery at a private hospital (paid for by the board) to meet treatment time targets. Mrs C said the private hospital then told her no decision had been made to accept her referral and gave her no indication when the surgery might take place. Mrs C paid to have her surgery carried out at a different private hospital shortly thereafter.

We took independent medical advice from a consultant neurosurgeon who said there had been a failure to give Mrs C a realistic prognosis and the board had handled her referral to the private hospital unsatisfactorily. We accepted Mrs C genuinely believed a failure to have urgent surgery would have dire consequences for her and she reasonably did not know for certain whether and when her treatment would take place at the private hospital the board had said they would refer her to. We considered the board had not clearly communicated with Mrs C and explained what was to happen with her treatment. Given the board's failings and as they had agreed to meet the cost of Mrs C's surgery we did not consider it reasonable that she, rather than the board, should be out of pocket.

We also found no evidence Mrs C was informed about her removal from the waiting list or that any clinician had approved her removal from the list.

However, we considered the board had apologised to Mrs C for delay in the handling of her complaint and had reasonably responded to correspondence.

Recommendations

We recommended that the board:

- apologise to Mrs C for the failings identified in this complaint in relation to delay and poor communication;
- reimburse Mrs C with the cost of the private surgical treatment undertaken;
- improve communication and record-keeping between them and other external care providers where patients are referred for treatment;
- provide evidence of the action taken to address the lack of availability of access to theatres; and
- apologise to Mrs C for the failure to inform her that her name was removed from the waiting list for surgery.