

SPSO decision report

Case: 201401458, Highland NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Ms C complained that she had not been provided with pain relieving injections for her chronic back pain within the 18 week referral to treatment target. Ms C was initially offered injections to block the nerve with a combination of steroids and anaesthetic. A trial was carried out first, however, using just the anaesthetic, in order to ensure she would respond to these injections, as not all patients find them effective. The board did not accept her treatment had missed this target significantly, as Ms C had received the trial injection some 20 weeks after referral.

Although Ms C did respond to the trial injections, she did not wish to continue with this treatment pathway as she said she wished to proceed with surgical denervation (the blocking of a nerve supply through surgical intervention), which she had discussed as an option at an earlier consultation. When she was told a referral would need to be made to another board area for this procedure, Ms C also complained to us that she had been unreasonably refused a denervation procedure locally.

We took independent advice from a medical adviser, who is a specialist in pain medicine. The adviser said the board's definition of what constituted treatment was unreasonable and contradicted their own patient pathway information. Ms C's assessment of the delay she had experienced in receiving the injection was reasonable. We found that the board had already taken some action to address the delays experienced by Ms C, but that it was unreasonable for them not to accept that her delay had exceeded 30 weeks before she received the full injection treatment. We found the board had failed to write to Ms C as they were obliged to by NHS Scotland guidance when the 18 week target was breached, so we upheld Ms C's complaint about the unreasonable delay in treatment. However, our adviser said that it had not been unreasonable for the board not to provide a denervation service locally, as this was a specialised procedure, which needed to be carried out regularly to ensure optimum results, so we did not uphold Ms C's complaint about this.

Recommendations

We recommended that the board:

- provide details of their review into the delays Ms C experienced and evidence of the action they are taking to avoid a reoccurrence including the information provided to patients; and
- apologise unreservedly for the failure to provide treatment within a reasonable timescale.