

SPSO decision report

Case: 201402959, Lanarkshire NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mrs C complained about the treatment she received when she was admitted to Monklands Hospital to have a blockage in her bowel investigated. This was examined in the operating theatre and the blockage was resolved there and then. However, Mrs C experienced excruciating pain and complained that she was not given an anaesthetic for the procedure. She said the consultant ignored her requests to stop. She also complained that she was asked to sign a consent form on her way to theatre, and she raised concerns about the board's handling of her subsequent complaint.

We took independent advice from a consultant colorectal (relating to the colon and rectum) surgeon. We were advised that Mrs C could have been offered anaesthesia or sedation for the procedure. The adviser noted that Mrs C was already taking strong pain medication when she was admitted, potentially indicating that she may have wished to receive something to control her pain during the procedure. We upheld this complaint.

The adviser confirmed that it was not appropriate for Mrs C's consent to have been obtained on her way to theatre, which the board had already acknowledged. We identified inconsistencies in relation to what happened during the procedure. The board said both that the consultant had stopped when asked by Mrs C, and that they had proceeded with Mrs C's verbal consent, but neither of these scenarios was documented in the operation note. We concluded that the informed consent process was not handled reasonably and we upheld this complaint.

We also upheld the complaint about the way the board handled Mrs C's complaint to them. There was an unreasonable delay that the board had already acknowledged and apologised for. We noted that there were omissions and inconsistencies in the board's response, and that it was overly technical in parts. We also noted that the board had not sought comments from relevant medical and nursing staff who were involved, and that could potentially have added value to the board's complaint investigation.

Recommendations

We recommended that the board:

- bring this decision to the attention of the consultant and team, and ask them to reflect on their decision not to offer Mrs C sedation or anaesthesia;
- review their process for obtaining informed consent, taking account of the failings this investigation has identified and relevant guidance in this area;
- ask the consultant to reflect on their operation note from this procedure with a view to identifying areas for improvement and ensuring that any significant interactions are documented in order to avoid similar future uncertainty;
- review their handling of Mrs C's complaint in order to identify areas for improvement and ensure compliance with their statutory responsibilities as set out in the Can I Help You? guidance; and
- apologise to Mrs C for the failings this investigation has identified.