

SPSO decision report

Case: 201404044, Lothian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: not upheld, no recommendations

Summary

Mr C complained that the board had handled his request for surgery under local anaesthetic unreasonably. This was because Mr C wanted to have his operation under a local anaesthetic but the board's surgeon only offered him a general or spinal anaesthetic. Mr C went to a private hospital to have his operation done under a local anaesthetic and he wanted the board to reimburse the cost.

We considered whether Mr C's treatment was reasonable in the circumstances at the time, which meant we would not uphold his complaint solely because he disagreed with the board or felt the treatment he received was not the best possible. We took independent medical advice from our adviser, who is a surgeon, who told us that the board's surgeon was entitled to refuse to operate under a local anaesthetic and that he had sought a second opinion from two of his colleagues. Although the board did not confirm to Mr C that none of their surgeons would have operated under a local anaesthetic until after he complained to them, we considered he could reasonably have followed this up with the board before choosing to have private surgery done.

Mr C also referred to the NHS website's reference to patient choices, but we did not consider this amounted to a universal guarantee that a patient would always get their preferred treatment. In light of the clear advice we received, we did not consider the evidence indicated that the board handled Mr C's request for a local anaesthetic unreasonably and we did not uphold his complaint.