

SPSO decision report

Case: 201507920, Tayside NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Mr C complained that following surgery for a hernia repair at Stracathro Hospital, he suffered severe and continuing pain. Mr C complained to the board about the surgery and the reasons for his continuing pain, which he said had an adverse effect on his daily life. Mr C was dissatisfied with the response he received from the board.

We took independent advice from a consultant surgeon experienced in performing hernia repairs and related complications. They advised that the treatment Mr C received was appropriate. The adviser did not identify failings in either the surgical procedure or in Mr C's post-operative care. The adviser said that Mr C was one of the small percentage of patients who develop pain following this procedure. The steps taken by the board to address Mr C's ongoing pain had been appropriate and reasonable. We accepted this advice and did not uphold Mr C's complaint.

Mr C also complained that the board had failed to respond appropriately to his complaint. The board had accepted they had not dealt with Mr C's complaint in a timely and reasonable manner and that the delay in responding to the complaint was unacceptable. The board had apologised and mentioned action taken to improve their complaints handling.

It was clear to us that the board had failed to deal with Mr C's complaint in a timely manner and in accordance with their complaints procedure. We also considered in particular that their communication with Mr C about the reasons for the delay was poor. We therefore upheld this complaint.

Recommendations

We recommended that the board:

- issue Mr C with a formal apology for their failure to handle his complaint in a timely manner and in their communication with him; and
- provide evidence of the action taken to review and improve their complaints handling.