

SPSO decision report

Case: 201602060, Lothian NHS Board - Acute Division

Sector: health

Subject: clinical treatment / diagnosis

Outcome: some upheld, recommendations

Summary

Mr C complained that the board failed to provide him with appropriate treatment in relation to removal of a fatty lump on his neck/shoulder area and provided him with misleading information regarding waiting times. He also said the board failed to adequately respond to his formal complaints about these matters.

Mr C felt that the removal of the lump could have been carried out under local anaesthetic at a nearby hospital, instead of under general anaesthetic at a hospital further away as planned by the board. He also said that the board failed to consider his request to change his attendance time from 08:00 to 11:00 to accommodate his travel arrangements. We took independent medical advice and found that the expertise required for the procedure was only available at the further away hospital. The adviser also said that the decision to carry out the procedure under general anaesthetic was reasonable, as it reduced the risk of complications. We did not uphold this aspect of the complaint. However, we did make a recommendation in relation to the board's handling of Mr C's request for a different attendance time.

Mr C said that the board unreasonably changed his treatment time guarantee (TTG) date, said that he was unavailable for a two-week period, and unreasonably offered him a re-scheduled appointment at very short notice. We found that it was not reasonable for the board to offer a re-scheduled operation at short notice, at the weekend, at some distance from a patient's home, without taking the lack of public transport into account or offering to provide transport for Mr C. We upheld this aspect of the complaint. Mr C was also concerned that the phone line he was required to use to discuss his appointment was unanswered. However, we found that the board had taken reasonable action to address this issue.

In relation to the handling of Mr C's complaint, we found that the board took six and a half months to provide him with a response, instead of doing so within 20 working days as set out in their complaints handling procedure and NHS Scotland guidance. We found that they did not provide updates, and unreasonably failed to respond to calls and emails from Mr C. We therefore upheld this aspect of the complaint.

Recommendations

We recommended that the board:

- feed back the findings of this investigation to staff involved;
- ensure that exceptional circumstances are appropriately taken into account when deciding patients' hospital attendance times;
- provide Mr C with a written apology for failing to appropriately communicate with him regarding the cancellation of his surgery;
- feed back our decision on Mr C's complaint to the waiting list services booking staff involved;
- ensure that exceptional circumstances are appropriately considered when deciding whether to apply a period of unavailability to a patient's TTG;
- provide Mr C with a written apology for the misleading information given to him about waiting list

guarantees;

- feed back our decision on Mr C's complaint to the complaints handling staff involved; and
- provide Mr C with a written apology for failing to provide him with updates on his complaint and failing to respond to his communications about his complaint.