

## SPSO decision report

**Case:** 201603036, Highland NHS Board  
**Sector:** health  
**Subject:** appointments / admissions (delay / cancellation / waiting lists)  
**Decision:** upheld, recommendations

### Summary

Ms C, an advocacy and support worker, complained on behalf of her client (Ms A). Ms C said that, following a referral from Ms A's GP because of her back pain, the orthopaedic department at Raigmore Hospital delayed unreasonably in offering Ms A an appointment and therefore delayed in offering her treatment.

The board acknowledged that there had been a delay and apologised for this. They said that this had been due to the demand for orthopaedic services and noted that Ms A had opted to begin investigations of her back pain privately. After a scan was carried out privately, an urgent GP referral was made to the board and Ms A then received an appointment. It was then determined that she would benefit from an operation.

However, because the board could not perform the operation within 12 weeks, Ms A exercised her right to have treatment outside the board's area. As a result of her complaint the board apologised and said that they had taken steps to avoid a similar situation occurring again in the future.

We took independent advice from a consultant orthopaedic and trauma surgeon. We found that the care and treatment offered to Ms A had been in accordance with national guidance. The adviser noted that Ms A had arranged a private consultation and scan whilst she was on the board's waiting list. The adviser said that this was a matter of her choice, as was her decision to go outwith the area for her operation. Nevertheless, there was no doubt that there had been delay in offering Ms A treatment. The board missed the initial 12 week waiting time after Ms A's first GP referral. They were also unable to meet the target for treatment after Ms A was seen subsequent to the urgent referral. Finally, the board had only discussed Ms A's options for treatment with her after the treatment time guarantee had expired. For these reasons, we upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Ms A for failing to make her aware that they would be unable to meet the required treatment standards until after the treatment target date had passed. Also apologise for failing to discuss the options for out of area treatment with Ms A until after the treatment time guarantee date had passed.

What we said should change to put things right in future:

- Inform patients as soon as possible of any inability to meet treatment targets and provide them with information about the options available to them in the circumstances.

We have asked the organisation to provide us with evidence that they have implemented the recommendations we have made on this case by the deadline we set.