

SPSO decision report

Case: 201604012, Lothian NHS Board - Acute Division
Sector: health
Subject: communication / staff attitude / dignity / confidentiality
Decision: some upheld, recommendations

Summary

Mrs C complained on behalf of her late husband (Mr A) about the orthopaedic care he received at the Royal Infirmary of Edinburgh and about the length of time it took for the board to respond to the complaint. Mrs C complained that the board unreasonably failed to offer Mr A the opportunity to obtain a second opinion within the NHS, that they unreasonably failed to arrange a scan and that they failed to respond to complaints in a timely manner.

We took independent advice from an orthopaedic adviser. Although the board had said that Mr C had preferred to be seen privately for a second opinion, we did not identify sufficient evidence to indicate whether any discussion had taken place around the option of an NHS referral for a second opinion. We upheld this aspect of the complaint.

We considered that the standard of Mr C's assessment by the orthopaedic staff at the hospital was of an entirely reasonable standard where an accurate diagnosis was reached without the need to perform a scan to confirm this. We did not uphold this aspect of the complaint.

We found that the board had appropriately apologised for the time taken to respond to the complaint and have since accepted the delay was unreasonable. We also identified that they did not provide proactive updates regarding the delay or inform Mr C of his right to contact this office after the 20 working day response time was exceeded. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mrs C for failing to demonstrate that discussion took place with Mr A about a second NHS opinion.
- Upon submission of the appropriate invoice, reimburse Mrs C for the cost of the private consultation for a second opinion.

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

- The orthopaedic doctor involved should be reminded of the importance of record-keeping.
- Staff who deal with complaints should reflect on and learn from Mr A's experience.

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.