

SPSO decision report

Case: 201607263, Greater Glasgow and Clyde NHS Board - Acute Services Division
Sector: health
Subject: appointments / admissions (delay / cancellation / waiting lists)
Decision: upheld, recommendations

Summary

Mr C had been on a waiting list for a knee operation for a number of months and, despite the board telling him that he would undergo the operation within 12 weeks, it took approximately five months after Mr C was first put on the waiting list for him to have the operation. Mr C said this was contrary to the treatment time guarantee (12 weeks) and did not take into account his clinical need. Mr C had told the board he was willing to travel to any hospital in the UK to undergo the operation. Mr C said that, as a result of the board's failings, his physical and mental health had deteriorated. Mr C complained to us that the board failed to provide him with a knee operation within a reasonable time and that they failed to respond to his complaint in a reasonable way.

We took independent advice from an orthopaedic adviser. We found that the board's failure to meet the treatment time guarantee or consider other healthcare providers meant that Mr C suffered pain and discomfort for number of months, with implications for his emotional health as a result. We also found it unreasonable that, at times, Mr C had to take the initiative to find out what was happening once the 12 weeks treatment time guarantee period had passed. We were not satisfied from the evidence available that the board had reasonably had regard to the legislation concerning the treatment time guarantee, and we upheld the complaint.

In relation to complaints handling, we found that the board had wrongly told Mr C that it was not NHS policy to offer surgery outwith the health board area when the guidance around the treatment time guarantee is clear that one of the things health boards must do when the guarantee is breached is consider alternative providers within and outwith Scotland and the NHS. We upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to provide treatment within a reasonable time. The apology should meet the standards set out in the SPSO guidelines on apology available at <https://www.spsso.org.uk/leaflets-and-guidance>.

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

- Identify any training needs to ensure staff fully understand the legislation and guidance around the treatment time guarantee, and its application.

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.