

## SPSO decision report

**Case:** 201700360, Tayside NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

Ms C, who is an advocacy and support worker, complained on behalf of her client (Mr A). Mr A had an operation at Ninewells Hospital and continued to suffer pain for over a year after the operation. Ms C complained that:

Mr A suffered unreasonable pain after his operation;

Mr A had to wait an unreasonable amount of time to be assessed about his pain management;

the board took an unreasonable length of time to establish the source of Mr A's pain;

the board provided an unreasonable treatment pathway for Mr A's chronic pain; and

the board unreasonably failed to tell Mr A that he could have obtained alternative treatment outwith their area.

We took independent advice from consultants in surgery, anaesthetics and pain management. We found that Mr A did have to wait too long for a referral to the pain clinic, where there were further delays in him being seen. We upheld Ms C's complaint that Mr A had to wait an unreasonable amount of time to be assessed about his pain management.

We found that Mr A did suffer from pain after his operation, but that the care and treatment he had been given had been reasonable. We also found that the approach used to assess Mr A's pain was the correct approach, though it did take time. We found that Mr A's treatment options within the board had not been exhausted. We, therefore, did not uphold any of the other aspects of Ms C's complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for the delays in him being seen by the pain clinic. 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:

- Action should be taken to ensure that patients are seen in a timely manner.

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.