

## SPSO decision report

**Case:** 201700671, Ayrshire and Arran NHS Board  
**Sector:** health  
**Subject:** appointments / admissions (delay / cancellation / waiting lists)  
**Decision:** upheld, recommendations

### Summary

Mr C attended University Hospital Crosshouse after sustaining a tear in the anterior cruciate ligament (a ligament in the knee) and damaged cartilage (connective tissue). Mr C complained that the board took too long to provide appropriate treatment following a referral from his GP, failed to provide a reasonable standard of treatment and failed to communicate reasonably with him about his condition and treatment.

In relation to the treatment time, we found that the board had breached the treatment time guarantee of 12 weeks and considered that this was unreasonable. We upheld this aspect of Mr C's complaint.

In relation to Mr C's treatment, we took independent advice from a consultant orthopaedic surgeon (a surgeon who diagnoses and treats a wide range of conditions of the musculoskeletal system). We found that the original injury Mr C sustained to the knee appeared to be significant but that he had also sustained further injury to the knee while waiting for surgery. However, no updated scan of Mr C's knee was performed and the first time that Mr C was examined by the surgeon under the anaesthetic was when the situation was found to be more complex. The surgery did not proceed and Mr C required to be referred to another specialist for surgery. We considered that there was a failure to provide Mr C with a reasonable standard of treatment and upheld this aspect of his complaint.

Finally, we found that the board could have been more proactive about communicating with Mr C and should have ensured that their response was mindful of the relevant legislation and guidance. Therefore, we considered that the board failed to communicate reasonably with Mr C and upheld this aspect of his complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for failing to provide him with treatment within a reasonable time, to consider obtaining an updated scan, to examine him prior to the surgery and to reasonably communicate with him about his clinical condition and treatment. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).

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

- Treatment should be provided within the 12 week treatment time guarantee. All staff should understand the legislation and guidance on the waiting time guarantee.
- Patients should receive appropriate and relevant scans and be reviewed/examined as appropriate prior to surgery.
- Identify any training needs to ensure staff fully understand the treatment time legislation and guidance, and its application.