

SPSO decision report



Case: 201802036, Greater Glasgow and Clyde NHS Board - Acute Services Division
Sector: health
Subject: clinical treatment / diagnosis
Decision: upheld, recommendations

Summary

Mr C was diagnosed with prostate cancer and he understood from his surgeon that for the best outcome, he should travel to Germany for a specific procedure (nerve sparing radical prostatectomy - a surgical procedure that removes the prostate gland and pelvic lymph nodes while attempting to save the nerves that help cause penile erections). He subsequently travelled to Germany and underwent the mentioned procedure privately. He complained that the failure by the board to offer him the operation was unreasonable and he incurred significant financial cost as a result.

We took independent advice from a medical adviser. We found that Mr C had been advised by the surgeon that he would be a suitable candidate for the aforementioned procedure, but only if a specific type of biopsy procedure was available, which was not reasonable, and that the procedure was not available by the board, which is incorrect. We found no evidence that the three options that were available to Mr C on the NHS were explored with him by clinicians in a reasonable way. Therefore, we upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failings identified in this investigation. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/informationleaflets.
- Reimburse Mr C for the direct costs of the operation he underwent privately on receipt of evidence of the costs. The payment should be made by the date indicated: if payment is not made by that date, interest should be paid at the standard interest rate applied by the courts from that date to the date of payment.

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

- Ensure all suitable patients are offered nerve-sparing surgery and that they are fully informed about all options, including the possibility for surgery with intra-operative frozen section within the UK.
- Ensure that the multidisciplinary team process is clear and well documented and that changes in staging are explained.

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.