

SPSO decision report

Case: 201802165, Tayside NHS Board
Sector: health
Subject: appointments / admissions (delay / cancellation / waiting lists)
Decision: upheld, recommendations

Summary

Mr C complained that his stoma reversal surgery (a surgery to reconnect the bowel) was delayed because of his mental health.

We took independent advice from a consultant colorectal (bowel) surgeon. We found that the surgeon acted unreasonably in failing to seek specialist advice from the mental health team when initially considering Mr C for surgery. In addition, we found that the surgeon did not respond when advice from the mental health team was offered. Mr C's maximum waiting time for treatment under the requirements of the Patients Rights (Scotland) Act 2011 was exceeded by ten months. There was no evidence that consideration was given by the board to arranging treatment by another provider or if any decision was made that this would not be an efficient and effective use of healthcare resources. We concluded that there was an unreasonable delay in the stoma reversal surgery going ahead, and upheld the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the failings this investigation has identified. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/leaflets-and-guidance.

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

- Staff should work together with other members of the healthcare team in a professional and supportive manner to maintain continuity of patient care.
- The board should take all reasonably practicable steps to ensure that it complies with the Treatment Time Guarantee.
- Where the board is not able to meet the Treatment Time Guarantee, they should consider arranging treatment by an alternative provider (as required by the Patient Rights Act and Regulations).