

SPSO decision report



Case: 201902236, Fife NHS Board
Sector: Health
Subject: Clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

C complained about the consent process and the standard of surgery for a procedure they had received from the board. C was listed for a surgical procedure with the aim of removing a stoma (an opening in the abdomen formed during a colostomy procedure) and a para-stomal hernia (a weakness in the abdominal wall beside a stoma which allows the bowel to protrude outwards). The surgeon was unable to safely perform the procedure as planned and the decision was made to create a new stoma site. C experienced complications with the wound following surgery and was unhappy with the outcome.

We took independent advice from a consultant colorectal surgeon (a surgeon who specialises in conditions in the colon, rectum or anus). We found that C should have been informed about the risk that it might not be possible to complete the intended procedure successfully and the implications of this. In the absence of evidence that C was informed of this, we concluded that the board had failed to obtain appropriate consent for the procedure, in line with recognised guidance. We upheld this aspect of C's complaint.

In relation to the surgical procedure, we found that this was performed to a reasonable standard and the decisions made by the surgeon during the operation were reasonable. Given the findings, we did not uphold this aspect of C's complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C that the risks for the surgical procedure were not fully outlined as part of the consent process. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- A patient's medical history should be considered to anticipate difficulties in a procedure and the likely scenarios that could emerge. Patients should receive information about the risks in a way they can understand (including side effects; complications; or failure of an intervention to achieve the desired aim), taking into account the information they want or need to know. This should be fully documented.

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.