

**Case 200500841: Lothian NHS Board**

**Summary of Investigation**

***Category***

Health: Hospitals, policy

***Overview***

The complainant raised concerns that Lothian NHS Board (the Board) refused to carry out a reversal of his vasectomy.

***Specific complaint and conclusion***

The complaint which has been investigated is that the Board refused to carry out a reversal of Mr C's vasectomy (*not upheld*).

***Redress and recommendation***

The Ombudsman has no recommendation to make.

## **Main Investigation Report**

### **Introduction**

1. On 24 June 2005, the Ombudsman received a complaint from a man (referred to in this report as Mr C) that Lothian NHS Board (the Board) would not carry out a reversal of his vasectomy which had been performed in 1995.

2. Mr C approached his GP in 2002 to enquire about having his vasectomy reversed. He had had the vasectomy after having two children with his previous partner but was keen to start a family with his new partner. He was informed that a reversal was not available on the NHS except under exceptional circumstances. He was told that where a request is based on a change of partner, this would be refused funding. Mr C's request was turned down. Mr C attended several other GPs to request the reversal but was unsuccessful.

3. Mr C complained to the Board on 4 October 2004. He received a full reply on 22 December 2004 stating that Lothian NHS would not fund a vasectomy reversal and explaining their policy to Mr C. Mr C wrote back to them as he was not satisfied with this response. He was referred to the Ombudsman on 13 June 2005.

4. The complaint from Mr C which I have investigated is that the Board refused to carry out a reversal of his vasectomy.

### **Investigation**

5. In the course of this investigation, I have examined correspondence between Mr C and the Board, Mr C's medical records and the Board's complaint file on this matter. I have also obtained details of the policies for vasectomy reversal for the other NHS Boards in Scotland.

6. I have not included in this report every detail investigated but I am satisfied that no matter of significance has been overlooked. Mr C and the Board have been given an opportunity to comment on a draft of this report.

### **Complaint: The Board refused to carry out a reversal of Mr C's vasectomy**

7. Mr C's vasectomy was performed on 20 November 1995. Prior to the operation being carried out, he signed a consent form indicating that the effect of

the operation had been explained to him and that it would render him sterile and incapable of parenthood. Mr C's GP urged him to consider disasters and other situations which might have tempted him to further procreation and had explained that the operation should be considered irreversible. Mr C decided to proceed nonetheless.

8. Mr C approached his GP about having his vasectomy reversed on 24 October 2002. The Board refused to carry out a reversal of Mr C's vasectomy as it was their policy only to fund the reversal of a vasectomy in exceptional circumstances. A change of partner is not considered to be an exceptional circumstance.

9. I obtained the details of the policies for vasectomy reversal of the other NHS Boards in Scotland. All of these policies excluded funding the reversal of a vasectomy except in exceptional circumstances and none of these considered a new partner to be an exceptional circumstance.

#### *Conclusion*

10. I consider that Mr C was adequately informed of what the outcome of his vasectomy would be. He signed a consent form agreeing that he had understood this. The Board's policy on vasectomy reversal does not differ from the policies of the other NHS Boards and so any claim of a 'postcode lottery' is unfounded. The Lothian Area Medical Committee had already determined that a change of partner did not constitute an exceptional circumstance. This was taken into account when deciding whether Mr C's reasons for wanting a vasectomy reversal could be classified as exceptional circumstances. The Board followed their policy when deciding whether or not to fund Mr C's vasectomy reversal.

11. Based upon the information above, I can find no evidence of maladministration in the Board's refusal to fund Mr C's vasectomy reversal. I, therefore, do not uphold this complaint.

31 October 2006

**Explanation of abbreviations used**

Mr C

The complainant

The Board

Lothian NHS Board