

Scottish Parliament Region: North East Scotland

Case 200503283: Tayside NHS Board

Summary of Investigation

Category

Health: Hospital; Prosthetic Services

Overview

The complainant (Mr C) raised a number of concerns about the time taken and number of appointments needed by the Tayside Orthopaedic and Rehabilitation Service to fit a replacement socket to his below the knee prosthesis. The complainant also raised a concern that NHS Tayside Board (the Board) had failed to pay his associated travel expenses.

Specific complaints and conclusions

The complaints which have been investigated are that the Board unreasonably:

- (a) delayed providing Mr C with an artificial limb (*not upheld*); and
- (b) refused travelling expenses to Mr C (*not upheld*).

Redress and recommendations

The Ombudsman has no recommendations to make.

Main Investigation Report

Introduction

1. On 28 February 2006 the Ombudsman received a complaint from the Complainant (Mr C) that NHS Tayside (the Board) had taken an excessively long time to repair his prosthesis and that this in turn required an excessive number of appointments. Mr C also complained that the Board refused his requests for reimbursement of his travel expenses for these appointments.

2. The complaints from Mr C which I have investigated are that the Board unreasonably:

- (a) delayed providing Mr C with an artificial limb; and
- (b) refused travelling expenses to Mr C.

Investigation

3. Investigation of this complaint involved obtaining and reviewing copies of Mr C's clinical records, all complaints correspondence and considering the relevant Board policy on travel expenses. I have also obtained the views of a medical adviser to the Ombudsman (the Adviser). 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 were given an opportunity to comment on a draft of this report.

(a) The Board unreasonably delayed providing Mr C with an artificial limb

4. Mr C had a below the knee amputation of his left leg in 1992. Mr C was subsequently provided with two prostheses. Mr C first contacted the Tayside Orthopaedic and Rehabilitation and Technical centre (TORT) in June 2005 to arrange repairs to one of his prostheses. The repairs were carried out on 11 July 2005 and it was decided to take a cast for a new socket to Mr C's other prosthesis. A first fitting of the new limb was carried out on 21 July 2005. Thereafter Mr C complained that this work was not successfully completed (Mr C also told me that on one occasion a size eight foot had been fitted instead of a size seven) until 10 November 2005, with the whole process requiring him to make eight round trip journeys of 107 miles each.

5. Mr C complained to the Board on 19 August 2005 having been advised that he would not have a further appointment for a fitting until after his return from holiday on 20 September 2005. He was advised that technicians in TORT were currently overwhelmed by work and could not give him an estimate of when the new limb would be ready.

6. In response to Mr C's complaint the Board advised him that all work in TORT was prioritised and that Mr C was not currently in any of the priority categories as he had a wearable prosthesis. The Board also advised Mr C that the output of the department was reduced by up to one-third in the summer months because of annual leave commitments. Mr C was also sent an appointment for 6 October 2005 following his return from holiday. Mr C was not happy with this response and wrote again to the Board on 21 September 2005 as he felt the prosthesis he was relying on was not of a sufficient quality for daily use.

7. The Adviser stated that limb fitting is a technically difficult and exacting job. The Adviser felt the Board had reasonably considered Mr C not to be a priority case and a wait of 6 to 12 weeks was, therefore, inevitable. The Adviser noted that there was an additional time gap while Mr C was on holiday in September. The Adviser concluded that he does not consider the time delay to be unreasonable.

8. The Adviser noted that he could find no evidence of incompetence at TORT either in craftsmanship or administration. He concluded that the medical records were detailed and reflected conscientiousness in the staff.

(a) Conclusion

9. Based on the medical advice I have received and reviewed I do not find any evidence of excessive delays or poor workmanship on the part of TORT. I conclude that there was no unreasonable delay by the Board and I do not uphold this aspect of the complaint.

(b) The Board unreasonably refused travelling expenses to Mr C

10. Mr C submitted a further complaint on 1 November 2005 that the limb he was given on 6 October 2005 was not a good fit and had required to be returned for correction and replacement. This had required two further visits on 20 and 27 October 2005. Mr C had approached the receptionist to request travel

expenses for his round trips of 107 miles (which he estimated at £36.73) but was told he was not eligible as he was not in receipt of tax credit or income support. This was later confirmed by the Board.

11. An internal memo in the Board's complaint file indicates that consideration was given to paying some element of Mr C's claim if any of the appointments were found to be necessitated by poor workmanship. In the event it was considered by the Board that all the appointments were clinically necessary to achieve an optimal outcome for treatment and no payment was offered.

12. The Adviser told me that he considered the number of appointments to be reasonable and necessary to obtaining a good fit.

(b) Conclusion

13. The Board followed their policy on payment of travelling expenses and accordingly Mr C was not considered eligible for reimbursement of funds. The Board also gave consideration to making a discretionary payment if poor workmanship had contributed to Mr C's costs, although in the end the Board concluded that this was not the case. The Adviser's view confirms the view of the Board. I conclude that as the Board's policy does not allow for reimbursement of Mr C's expenses and there are no extraordinary reasons for making such a payment, there was no failure on the part of the Board in not making a payment of travel expenses to Mr C. I do not uphold this aspect of the complaint.

27 February 2007

Explanation of abbreviations used

Mr C	The complainant
The Board	Tayside NHS Board
The Adviser	A medical adviser to the Ombudsman
TORT	Tayside Orthopaedic and Rehabilitation and Technical centre

Glossary of terms

Prosthesis An artificial device used to replace a missing body part, such as a limb