

SPSO decision report

Case: 201300961, Lothian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: some upheld, recommendations

Summary

Mr C was diagnosed with lung cancer that had spread to other areas of his body. The board advised Mr C that this was incurable and offered him palliative chemotherapy (treatment provided solely to prevent or relieve suffering). Mr C was told that this might prolong his life but that his survival was likely to be measured in months and was very unlikely to exceed a year or two. Mr C had chemotherapy and, nearly two years after the initial diagnosis, was advised that his cancer had gone into remission. This led Mr C to complain to the board about the original diagnosis and the information he was given about survival rates.

The board responded to Mr C's complaint and advised him that, for his type of lung cancer, he had had an unusually good response to the chemotherapy but there was no reason to doubt the original diagnosis. They also explained that due to the nature of his disease Mr C had been advised that survival rates often have a poor prognosis (forecast of the likely outcome of the condition) and outcome. They said that this is standard for patients in Mr C's situation and although his cancer was in remission, it did not mean that he had been cured.

When Mr C complained to us, he also complained about the board's response as they had used medical terminology, which he felt could have been better explained. After taking independent advice from one of our medical advisers, who is a consultant clinical oncologist (a doctor who specialises in treating patients who have cancer), we did not uphold Mr C's complaints about his original diagnosis or the information he was given on survival rates. Our adviser reviewed Mr C's medical records and said that there was no evidence that he was given an incorrect diagnosis. He also considered that the information that the board provided on survival rates was accurate and truthful. We found, however, that the board's response did use medical terminology that could have been explained more clearly, and as this was not in line with their policy on complaints handling, we upheld this part of Mr C's complaint.

Recommendations

We recommended that the board:

- apologise for providing a response to Mr C's complaint that is not in line with their own policy; and
- take steps to ensure that staff who draft letters of response adhere to the policy on style.