

SPSO decision report

Case: 201302973, Grampian NHS Board
Sector: health
Subject: clinical treatment / diagnosis
Outcome: upheld, recommendations

Summary

Mr C's GP referred him to hospital for a surgical opinion on the GP's diagnosis of a hernia. When Mr C attended for his operation, a consultant surgeon examined him and decided not to operate as he could not detect a definite hernia. Mr C complained that the board failed to deal with his hernia appropriately. He was unhappy that he had spent money on transport to the hospital, and on accommodation in the local area, as he had moved away since being referred.

We looked at Mr C's medical records and the information provided to him by the board, and obtained independent advice from our medical advisers. We found no evidence that the consultant surgeon misdiagnosed Mr C. Our advisers said that where there was uncertainty over a diagnosis, especially for a difficult to diagnose condition such as a small hernia, it would be unwise to proceed with surgery. We were, however, concerned that Mr C's pre-operative assessment did not follow good practice or the board's direct access hernia patient pathway. Nor could we find evidence that Mr C was warned that surgery might not take place when he attended the hospital. For these reasons, we upheld his complaint, and made a recommendation for a payment for the unnecessary inconvenience to which Mr C was put, linked to the costs of his visit to the hospital.

Recommendations

We recommended that the board:

- apologise to Mr C for failing to provide a reasonable level of pre-operative care;
- make a goodwill payment to Mr C; and
- review practice in the hospital's handling of hernia cases, to ensure that patients are adequately assessed before surgery and, where appropriate, cautioned that surgery may not proceed.