

## SPSO decision report

**Case:** 201507663, Highland NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

Mr C complained about the treatment his wife (Mrs A) received at Raigmore Hospital. Mrs A had ongoing problems with both of her knees and underwent physiotherapy treatment and surgery. Due to post-operative complications and continuing problems with her right knee, Mrs A had to undergo further treatment.

Mr C complained that there had been unreasonable delays in providing Mrs A with appropriate treatment and that Mrs A's surgical treatment was not of a reasonable standard. Mr C was also dissatisfied with the way that the board dealt with his complaint.

We obtained independent medical advice and we found that the time Mrs A waited for knee surgery exceeded national standards with no exceptional circumstances to justify this. We upheld this part of the complaint.

We found that the surgical treatment Mrs A received was appropriate and of a reasonable standard, and that the orthopaedic treatment was within the range of accepted good practice. We did not uphold this aspect of the complaint.

We found that the board took an unreasonable amount of time to respond to Mr C's complaint, and that they did not address all of his concerns. We upheld this aspect of the complaint.

We noted that the consent form Mrs A signed for her surgery should be updated to reflect current guidance on obtaining consent in relation to ensuring there is an appropriate section to document risk. We made a recommendation to address this.

### Recommendations

What we asked the organisation to do in this case:

- The board should issue a written apology to Mrs A for failing to provide treatment for her within the appropriate timescale.
- The board should issue a written apology for the failings in their response to Mr C's complaint.

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

- The board should take action to meet the 18 weeks referral to treatment time standard for knee replacement surgery for at least 90 percent of patients.
- The board should ensure that consent forms signed by patients comply with current guidance on obtaining consent in relation to ensuring that there is an appropriate section to document risk.

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.