

SPSO decision report

Case: 201709143, Fife NHS Board
Sector: Health
Subject: Policy / administration
Decision: some upheld, recommendations

Summary

Mr C complained about the board's weight management service at Queen Margaret Hospital. In the course of our investigation, we took independent advice from a bariatric surgeon (a doctor who specialises in the causes, prevention and treatment of obesity).

Mr C complained that the service refused to offer him bariatric surgery after he attended a weight management programme. We found that the board provided an inadequate reason for not progressing Mr C to the next stage of the pathway, where patients are considered for surgery, and considered that this decision was unreasonable. We found that the board did not give appropriate consideration to Mr C's individual circumstances in making their decision and had failed to offer a second opinion or appeal process. We upheld Mr C's complaint and made a number of recommendations.

Mr C also complained that the board had informed him of their decision not to progress in a public setting, where other patients could overhear. We carefully considered Mr C's account and the board's account of what happened. We were unable to reconcile the differences, and we did not find evidence to conclude that clinicians had failed in their duty to maintain patient confidentiality. Therefore, we did not uphold this complaint.

Finally, Mr C was also unhappy with the way the board handled his complaint. We found that there were short delays in the board informing Mr C about the timescales for responding to the complaint. We also found that the board had not communicated accurately with Mr C about a case conference that was initially offered to him. We noted that the board had apologised for the confusion in relation to this. We upheld this complaint and provided feedback to the board about complaint handling.

Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for deciding that he could not progress to Tier 4 of the Bariatric Surgery Pathway solely because he had not lost 5% of his body weight and for not giving reasonable consideration to his other conditions and his weight loss prior to commencing the programme. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spso.org.uk/leaflets-and-guidance.
- Provide Mr C with an opportunity to seek a second opinion or appeal the decision in respect of his progression to Tier 4 in light of SPSO's findings and taking into account his current circumstances.

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

- Patients should be considered for Tier 4 of Bariatric Surgery Pathway in accordance with the Scottish best practice guidelines and individual circumstances should be taken into account.
- Patients should receive a letter detailing the reasons for failure to progress to Tier 4 which should be in line with Best Practice Guidelines. A second opinion or appeals process should be available to the patient

if required.

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.