

SPSO decision report



Case: 201904291, Fife NHS Board
Sector: Health
Subject: Appointments / Admissions (delay / cancellation / waiting lists)
Decision: upheld, recommendations

Summary

C complained about the length of time they waited for gallbladder surgery. They had two emergency admissions to hospital without surgery being carried out and had been placed on the waiting list for surgery after their second admission. C said that they were left in chronic and excruciating pain and considered the surgery should have been carried out on an emergency basis. They considered the length of time that they were waiting was unreasonable. As a result, C had the surgery carried out privately.

The board said that it was reasonable to postpone surgery each time C was admitted to hospital because their gallbladder had been inflamed. C was seen and allocated to the surgery waiting list. C's surgery would have been carried out within current NHS waiting times.

We took independent advice from a colorectal surgeon (a surgeon who specialises in conditions in the colon, rectum or anus). We found that C should have been regarded as a high priority case given their symptoms had led to two emergency admissions and, after each admission, they should have been offered an early appointment for surgery once the inflammation settled. Instead, due to an administrative error, an initial follow-up appointment was not offered after the first admission. After the second admission, C was added to the waiting list with no indication as to when their surgery would take place.

We found that the board had failed to arrange C's gallbladder surgery within a reasonable timeframe and, therefore, we upheld C's complaint. We took into account that the cost of the private treatment was partly due to the board's failings and also partly due to a private decision by C. In the specific circumstances, we recommended that C be reimbursed to the extent which the surgery would have cost the board.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for the unreasonable delay in the time that they waited for gallbladder surgery and not communicating more clearly with them about this. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsa.org.uk/information-leaflets.
- Reimburse C for the amount that the operation would have cost the board. The payment should be made by the date indicated; if payment is not made by that date, interest should be paid at the standard interest rate applied by the courts from that date to the date of payment.

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

- Management of emergency admissions for patients with cholecystitis should be reviewed so that treatment for the diagnosis and management of gallstone disease is based on National Institute for Health and Care Excellence (NICE) guidance, in particular, when an early cholecystectomy should be considered. A clear treatment path should be in place for patients whose surgery must be delayed because of acute clinical

factors (such as a chest infection). For patients whose surgery must be delayed because of acute clinical factors, there should be clear communication with the patient as to when they can expect to have their surgery.

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.