

## SPSO decision report



**Case:** 201904899, Tayside NHS Board  
**Sector:** Health  
**Subject:** Clinical treatment / diagnosis  
**Decision:** some upheld, recommendations

### Summary

C complained about the care and treatment they received from the board. C's local NHS board referred them to a consultant bariatric (branch of medicine that deals with the causes, prevention, and treatment of obesity) surgeon at Tayside NHS Board. C complained that, although they had made lifestyle and health changes as requested by the multidisciplinary specialist weight management team, they were not put forward for surgery on a number of occasions. C complained that a consultant bariatric surgeon acted inappropriately during consultations with them and that information C provided upon request was ignored when considering their suitability for surgery. C considered the delays to their surgery to have been unreasonable and raised further complaints about the board's handling of their concerns.

We found that the consultant bariatric surgeon inappropriately required C to bring their test results to a consultation and inappropriately referred to them having made a complaint during a consultation. We found that the decision to postpone the surgery until such time as C's diabetes was being better managed was reasonable. However, in relation to the decision to postpone surgery, we found that the board's poor administration of C's case and poor communication with them led to C not being suitable for surgery. We found, therefore, that this had led to C's request for later surgery being denied and that the board had contributed to this situation. We found that the board had taken reasonable action in response to C's complaint but that they had unreasonably failed to advise C of the outcome of a multidisciplinary team meeting. We, therefore, upheld the complaint.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to C that the consultant inappropriately raised their formal complaint about them during a consultation. The apology should meet the standards set out in the SPSO guidelines on apology available at [HYPERLINK "http://www.spsso.org.uk/information-leaflets"](http://www.spsso.org.uk/information-leaflets) [www.spsso.org.uk/information-leaflets](http://www.spsso.org.uk/information-leaflets)
- That the board invite C to an multidisciplinary team review of their case with a view to forming a clear plan for them with specific targets and timescales for progression to surgery should that remain the best option for them.

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

- That the board take steps to ensure specialist weight management team's from other health boards receive clear communication as to what criteria each patient needs to meet to progress to surgery.
- The board's procedures should ensure bariatric patients are given a clear plan with scheduled review points as to their progression through Tiers 3 and 4, and onto surgery, and the criteria they must meet.
- All board staff should be aware of the importance of allowing the complaints procedure to operate independently of clinical discussions. Patients must be able to raise concerns about services or individuals without fear of confrontation or of their criticisms affecting decisions regarding their ongoing treatment.

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.