

SPSO decision report

Case: 201406036, A Medical Practice in the Lothian NHS Board area

Sector: health

Subject: clinical treatment / diagnosis

Outcome: not upheld, no recommendations

Summary

Mrs C, an advocacy worker, submitted a complaint on behalf of her client (Ms A) regarding the care and treatment received by Ms A's late brother (Mr A) from his medical practice. Ms A complained about the time taken for the practice to diagnose her brother's cancer and about a failure to involve her in his care and listen to her concerns about his deteriorating condition. Mr A had a history of mental and physical health problems and had been diagnosed with renal cancer several months after being discharged from hospital, where he had been an in-patient for over 15 years. After being diagnosed with cancer, Mr A died the following month.

We took independent medical advice from a GP. The adviser did not consider that there were any unreasonable delays in investigating Mr A's symptoms and referring him to a hospital specialist. They noted that the practice took reasonable steps to try to have hospital investigations happen sooner and remained alert to the potential need for hospital admission. The adviser observed that Mr A had capacity and was entitled to decline investigation, as he did on occasion. However, they considered that the relevant investigations were carried out and that additional assessments, at the times these were declined, would not have changed Mr A's diagnosis or treatment plan. They also considered that, from the available evidence, Mr A's care appeared to have been appropriately discussed with Ms A and her concerns taken into account. We accepted the advice received and did not uphold the complaints.