

SPSO decision report

Case: 201508521, Lothian NHS Board
Sector: health
Subject: policy / administration
Outcome: not upheld, recommendations

Summary

Mr C received treatment from the board over a two-year period for urinary incontinence and erectile dysfunction, which he developed following surgery at the Western General Hospital for prostate cancer. After communicating with the board about his dissatisfaction with his treatment, Mr C obtained penile implant surgery privately abroad and asked the board to reimburse him for the cost of his treatment. The board refused.

Mr C complained that the board acted unreasonably when assessing his request for reimbursement, because they failed to take into account that, despite being aware of his concerns about the delay and his intention to seek treatment privately, they did not properly inform him of the alternative options that were available within the NHS.

We obtained independent advice from a consultant urologist. The adviser said that where a patient raises concerns about delays in treatment and their intention to look for treatment elsewhere, the board should advise the patient of the options to obtain treatment elsewhere in the NHS or the European Union. It was clear that Mr C made the board aware of his concerns about the delays in investigation and treatment of his conditions. However, Mr C advised the board that he had already agreed private treatment with a urologist outwith the UK, that he would be pursuing that course of action and that he did not expect a response from the board on this matter.

The adviser noted that the board said Mr C should have had a full assessment of his urinary incontinence and agreed treatment plan (which had yet to be completed), prior to undertaking any surgery for erectile dysfunction. The adviser said this was entirely reasonable. While we acknowledged the delays in Mr C's treatment, we considered that the board's assessment of Mr C's request for reimbursement was reasonable, as the equivalent treatment in the UK or EU at that time would have been to continue to treat his urinary incontinence rather than perform implant surgery. We therefore did not uphold Mr C's complaint. However, we found that the board did not respond to one of Mr C's letters to them and made a recommendation regarding this.

Recommendations

We recommended that the board:

- apologise to Mr C for failing to respond to a letter during their handling of his complaint.