

## SPSO decision report



**Case:** 201706446, Greater Glasgow and Clyde NHS Board - Acute Services Division  
**Sector:** health  
**Subject:** appointments / admissions (delay / cancellation / waiting lists)  
**Decision:** upheld, recommendations

### Summary

Ms C complained on behalf of her constituent (Mr A) who suffered from severe incontinence following surgery for prostate cancer. He was referred to a urologist (a doctor who specialises in the male and female urinary tract, and the male reproductive organs) and had an appointment seven months later, where further surgery was agreed to address this. Mr A was given a Treatment Time Guarantee date (12 weeks from the initial appointment), but he was not offered a date for surgery within this timeframe. He then arranged the treatment privately and the board removed him from the waiting list. Ms C complained about the delays in treatment, including the seven month wait for the initial appointment (which was only offered after she complained about the timeframes) and the further failure to meet the Treatment Time Guarantee.

The board said that they were not able to meet the Treatment Time Guarantee due to a staffing issue. They also said that their letter to Mr A explained that some specialities were not meeting the Treatment Time Guarantee.

We took independent urology advice and found that there was an unreasonable delay in arranging Mr A's surgery following the initial referral to the urologist. We also found that the board did not adequately communicate about the failure to meet the Treatment Time Guarantee. The letter Mr A received explained that some specialities would not meet the guarantee, however, there was no clear statement about urology not meeting the guarantee or that it would not be met in Mr A's case. There was also no evidence that they considered arranging treatment by another provider, which they are required to consider. Therefore, we upheld Ms C's complaint.

While we acknowledged that Mr A was partly responsible for his decision to seek private treatment, we considered that the board's poor communication contributed to this and therefore we recommended that they partially reimburse Mr A for his treatment.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr A for not meeting the Treatment Time Guarantee and not communicating more clearly with him about this. The apology should meet the standards set out in the SPSO guidelines on apology available at [www.spsso.org.uk/leaflets-and-guidance](http://www.spsso.org.uk/leaflets-and-guidance).
- Reimburse Mr A 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:

- The board should take all reasonably practicable steps to ensure that it complies with the Treatment Time Guarantee.
- Where the board is not able to meet the Treatment Time Guarantee, they should consider arranging

treatment by an alternative provider (as required by the Patient Rights Act and Regulations and their own Access Policy).

- Where the board is not able to meet the Treatment Time Guarantee, they should write to the patient with an explanation and the information specified in the Patient Rights Regulations.