

## SPSO decision report

**Case:** 201802132, Ayrshire and Arran NHS Board  
**Sector:** health  
**Subject:** clinical treatment / diagnosis  
**Decision:** not upheld, recommendations

### Summary

Mr C complained about the treatment his wife (Mrs A) received from the board for breast cancer. Mrs A attended University Hospital Crosshouse where she was diagnosed with breast cancer and underwent chemotherapy (a treatment where medicine is used to kill cancerous cells), surgery and radiotherapy (a treatment using high-energy radiation). Mrs A was later diagnosed with metastatic breast cancer (cancer that spreads to other parts of the body) and died. Mr C complained that Mrs A did not receive appropriate treatment, that an alternative surgery would have provided a better outcome and that the treatment provided was experimental.

We took independent advice from a consultant clinical oncologist (cancer specialist). We found that Mrs A's treatment by the board was reasonable and found no failings in the treatment offered. Therefore, we did not uphold Mr C's complaint.

However, during the consideration of the complaint we found there were factual errors in the board's complaint response. We made a recommendation under section 16G of the SPSO Act 2002, which requires the Ombudsman to monitor and promote best practice in relation to complaints handling.

### Recommendations

What we asked the organisation to do in this case:

- Apologise to Mr C for the errors identified in the complaint response. 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).