

SPSO decision report

Case: 201900317, Lanarkshire NHS Board
Sector: Health
Subject: Clinical treatment / diagnosis
Decision: some upheld, recommendations

Summary

C complained on behalf of their partner (A) after A's leg was amputated above the knee without C's consent. We did not uphold this complaint as there was evidence of discussion with A prior to the operation and a consent form had been signed by A.

C also complained that the board unreasonably amputated A's leg above the knee when a toe amputation would have been sufficient. A's leg was vascularised down to their knee and there were significant problems with A's foot. A toe amputation would not have been sufficient. It was reasonable to amputate A's leg rather than conduct by-pass surgery. We did not uphold this aspect of the complaint.

C also complained that a Do Not Attempt Cardia Pulmonary Resuscitation (DNACPR) was put in place while A was unable to consent to it and that A was later discharged with this. We noted that there were issues relating to retaining a copy of the DNACPR on file, it but as consent was obtained once A was able to consent, we did not uphold this aspect of the complaint.

C also complained that the board changed their response to the complaint regarding consent to A's amputation. The board had originally stated that A had been unable to consent to the amputation at the time and that it was performed out of medical necessity; however, later they located documentation to show that A had actually consented. We upheld this aspect of the complaint.

Recommendations

What we asked the organisation to do in this case:

- Apologise to C for failing to conduct an accurate investigation of their complaint. The apology should meet the standards set out in the SPSO guidelines on apology available at www.spsso.org.uk/information-leaflets.

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

- Ensure clinical staff who have been asked to provide information relating to a complaint to the complaints team, check their understanding against contemporaneous clinical records, when giving statements for internal investigations. Ensure the complaints team ask staff feeding back comments if they have checked their understanding against contemporaneous notes.

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.