



People Centred | Improvement Focused

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CONFIDENTIAL



15 March 2022

Our ref: [REDACTED]

*(please quote our reference on  
all correspondence)*

Dear [REDACTED]

Complaint about [REDACTED]

Thank you for sending us details of your complaint about [REDACTED]  
[REDACTED]

As you know, my role has been to carry out an early assessment of the information you have provided to establish whether your complaint is one this office would take forward. As I have explained below, on the basis of the information you have provided, my decision is that your complaint is not one we will take forward.

Once you have read this letter, if you feel I have not properly understood your complaint or overlooked anything of importance, please feel free to contact me by telephone. This will also give you the chance to ask any questions you might have.

### **Your complaint**

Essentially your complaint is that the Practice are wrong not to perform blood tests which would be required following you undergoing bariatric surgery abroad. You would be happy if the Practice did not actually action the blood test results and you would relay the information to your private consultant who would determine what further action, if any, is required.

### **Why your complaint is not being taken further**

The law gives us discretion to decide whether we should investigate when a complaint is brought to us. To help us decide whether investigation is appropriate, we look at the complaint investigation carried out by the organisation complained about and the reasons the person complaining to us disagrees. If the organisation's response appears reasonable and suggests that a good complaints investigation has

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taken place, we would only normally investigate where the complainant has provided clear reasons for us to doubt the organisation's position.

I see from the Practice response to your complaint that they explained that bariatric surgery is carried out by specialist teams and patients require monitoring following these procedures as there is a risk of electrolyte imbalances. Patients who have such procedures under NHS services, the specialist services carry out the post-operative care. For those patients who have the surgery performed in the private sector, reputable companies provide a support programme with post-operative care including blood tests and often additional psychological input. The GP NHS contract does not include complex post-operative care and there are clear GMC guidelines in relation to carrying out tests that the clinician who requests the test is responsible for acting on the result. In cases of patients in the immediate post-operative period particularly in bariatric surgery, GPs are not specialists in managing the results particularly if there are abnormalities.

The Practice continued that GPs are not in a position to provide routine post-operative care for patients who have had private surgery either in the UK or abroad. However, if an acute medical need arises for a patient then it is appropriate for GPs to carry out an assessment and consider if investigations are required. The Practice also noted that a number of the tests requested by the private provider were not available on the NHS.

I obtained a copy of your clinical records and the Practice advised me that they had received an email from you following the issue of their response to your complaint. You asked if they would perform blood tests based on your previous symptoms not related to post-operative after care. The Practice agreed to perform blood tests on 22 February 2022 for other symptoms not related to the surgery. Appropriate action was taken in regards to the results if required. The Practice also mentioned you had not contacted them prior to the surgery to discuss your plans or give them an opportunity to explain their position on post-operative care. The Practice noted your surgery was arranged through a private company based in Manchester and that post-operative care should have been included in the care package but arranged within the United Kingdom.

I asked an independent professional adviser (the Adviser) for an opinion as to whether the Practice is correct from a clinical perspective. The Adviser told me that the Practice had provided a reasonable response to the complaint which you had raised. It would be expected that after care is provided as part of treatment provided by a private provider. The Practice had also acted appropriately when they received a request from you to perform blood tests which were not related to the private treatment.

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On the basis of the evidence I have seen, I consider the Practice's response to your complaint appears reasonable. They have provided a clear response, explaining the steps they took to investigate and the reasons they do not agree with your position. From a clinical perspective the actions by the Practice in performing blood tests for your symptoms not relating to the private surgery were reasonable and based on clinical need at the time. Similarly the Practice response that after care being the responsibility of the private provider is also deemed to be reasonable.

While I recognise that you remain unhappy and disagree with the Practice's decision on your complaints, given the points above, I do not consider your disagreement casts doubt on the accuracy of their response. As such, I have no reason to doubt the Practice's position, which continues to appear reasonable. I have therefore decided not to investigate.

#### What happens next

I appreciate you are likely to be disappointed that your complaint is not one we will take forward. However, I hope I have been able to clearly explain the reasons for my decision.

We have a process for asking for a review of our decision. However, the grounds on which the Ombudsman would consider changing the decision are very limited (that I have made a factual error or that new information is now available.) I would encourage you to contact me by phone in the first instance so that I can discuss the decision with you further. This would also allow you to let me know about any new information, or any special circumstances that may be relevant.

If you still wish to request a review, please ask me for a copy of our decision review leaflet, 'Your complaint, our decision'. This explains the limited grounds on which you can ask us to review the decision and what happens to your request. If you wish to ask for a review, you must submit your review request within six weeks of receiving this decision.

I have closed our file on your complaint and, in line with our procedures, sent a copy of this letter to the organisation for their information. If you have any questions about

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this letter please feel free to contact me on the number below.

Yours sincerely

[REDACTED]

[REDACTED]

Telephone: [REDACTED]

Email: [REDACTED]@spsso.gov.scot

Please note SPSO's office premises remain closed and I am working from home. If you would like to speak to me by telephone please contact me by email to arrange a call. Alternatively you can leave a message on my voice mail (which I can access at home) Tel: [REDACTED] and I will return your call as soon as possible.

*Investigations by the Scottish Public Services Ombudsman are to be carried out in private, in terms of the Scottish Public Services Ombudsman Act 2002. This helps prevent any prejudice to the confidentiality of our investigations. Accordingly, we ask recipients to respect this privacy. This does not affect the rights of recipients to seek legal advice in relation to this complaint. We also ask that recipients respect the privacy of our staff. Where appropriate, recipients are reminded of their obligations under Data Protection Legislation in relation to the processing of personal and sensitive personal data. If you want to know more about how we handle your own personal information, you can read our Privacy Notice on our website at <https://www.spsso.org.uk/privacy-notice-and-disclaimer> or ask us for a copy.*