

Mr Daniel McMorrow

Flat 64  
Rosing Apartments  
45 Honesdale Road  
Bromley  
Kent  
BR2 9FN

Dear Sir / Madam

On 5th September 2014 James Field said

**"In respect of the issue relating to the release of medical information without your consent, this is something we can potentially look into although I would just like to reiterate that we cannot look into anything that relates to employment, contractual matters or ongoing tribunals."**

I fully understand this situation. There will be some overlap because Dr Luff wrote to my employer, but I am only interested in whether Blackheath broke the law, not my employer or their use of the letter.

Below is my complaint and attached are copies of correspondence between me and Blackheath. I have removed as much of my employer related statements as possible.

In [December 2010](#) I got meningitis. After 3 months in ICU at Princess Royal, I moved for a 9 month stay at Royal Hospital Neuro Disability (a wonderful place) I then returned to my new flat until 25th March when I went back into Rehab at Blackheath (an awful place)

During my **"brief"** stay at Blackheath I had reason to make several complaints to my commissar, The CQC, Lewisham Safeguarding.

On [7th August 2012](#) Dr Miah (North Middlesex University Hospital's OT). Wrote a letter to Alexandra Hitchcock (My OT at Blackheath), asking follow up questions from my MDT. Which I freely gave them. (At this point Dr Miah had not met me)

<https://www.dropbox.com/s/tlsa8lbftrpvr/Dr%20Miah%20Letter.pdf> (Attached)

- This letter is factually wrong mobility is not a big part of my job

On [10th August 2012](#) Blackheath kicked me out. I returned home.

On [3rd September 2012](#) I was informed by Alexandra Hitchcock that she forwarded the letter to Dr Luff.

On [4th September 2012 at 09:43](#) I told Alexandra Hitchcock to ignore the letter  
<https://www.dropbox.com/s/3hn8jeufqiv1pm2/email%2004-09-2012.pdf> (Attached)

My work claim "permission" was verbally given at our 2nd meeting on 30th July 2012

[https://www.dropbox.com/s/yvt3vzei225qlnz/L%20to%20Tribunal%20response%20to%20C\\_s%20application%20to%20exclude%20medical%20report%20%28Watford%20Employment%20Tribunal%29.pdf](https://www.dropbox.com/s/yvt3vzei225qlnz/L%20to%20Tribunal%20response%20to%20C_s%20application%20to%20exclude%20medical%20report%20%28Watford%20Employment%20Tribunal%29.pdf) Points 10 - 10.5 (Attached)

- It's not noted in the minutes. So there is no agreed evidence
- Saying permission was given is another example of them trying to cover up their mistakes
- I was alone so there are no witness.
- The above email to Alexandra Hitchcock would have removed "permission"
- If verbal permission had been given, I was not informed of my rights and was not aware what I was giving permission for.

Letter from Blackheath <https://www.dropbox.com/s/kt1h4vod3l74nh8/Letter%2019-10-2012.pdf> confirming permission had not been given. (Attached)

On [20th September 2012](#) I was informed by letter from North Middlesex University Hospital that Dr Luff had responded on [13th September 2012](#).

<https://www.dropbox.com/s/khc414twf10lvse/Letter%2020-09-2012.pdf>

I didn't get to see the letter before it was sent or object to its content. I had not given my consent, so it should never have been written, let alone sent.

I believe this was retribution for my complaints, some of my complaints made about Dr Luff! Alexandra and myself had many talks about my return to work, she would have understood how important it is to me.

Dr Luff saw me for maybe 30 minutes in total during my 14 week stay, how does this provide him with an insight into my cognitive well being? I feel this was malicious on Blackheath's part for the complaints I made whilst at Blackheath

<https://www.dropbox.com/s/v6kfefhd9gjgrq0/Dr%20Luff%20Letter.pdf> (The Letter from Dr Luff. Attached)

There are several mistake and omissions in this letter!

- Learning to touch type
- Cognitive tests
- Dr Luff bases his views on wrong information from Dr Miah
- The letter from Dr Miah to Dr Luff is leading.

I've have complained to

- CQC - it's not their remit.
- ICO - don't look into individual cases.
- GMC - don't believe there is a case to answer.

I've contacted my local MP (Bob Neill) the Minister for Disabled People (Twice) both of whom never responded.

What makes me even more annoyed, is that in March 2013 the CQC visited Blackheath and found evidence that supported my many complaints.

Tanya Hodnett agreed to meet with me but this never happened. (Attached)

On [15th August 2014](#) I sent letter (Attached) to Blackheath, asking for an investigation and some specific key questions. They responded that they would not be investigating and ignore the questions.

You will also note my letter talks of "other" Blackheath mistakes. Each of these mistakes has been raised with Blackheath, they have mostly dismissed these.

On the [6th August 2012](#) I requested a FULL copy of my medical note as i'm entitled to under the Data Protection Act 1998. (DPA)

I received these notes a few weeks later, within the 40 day period set out by DPA.

On the [23rd August 2013](#) I attended an Employment Tribunal CMD. One of the results of this CMD was a disclosure order made by the Employment Judge. I complied with this judgment and sent of everything in my possession.

On [18th November 2013](#) Clive Lyons wrote an email (I've only included an extract for legal reasons)

**"Thanks Danny you too. Meantime, can you confirm to me at least as far as you are aware, that there are no other documents beyond the medical records etc already sent, that we should be disclosing to the other side?"**

I responded with (I've only included an extract for legal reasons)

**"There was one document written by Blackheath. I don't have a copy but it basically it's a copy of what's in the MDT report. On my cognitive state as I've said it just a copy of what's in the MDT."**

On [18th November 2013](#) I wrote an email to Tanya Hodnett (the manager while I was at Blackheath) explaining what I was after and who I believed wrote it.

Having not received a response from Tanya, I wrote a second email on 2nd December 2013 at 09:32. I got a response from a Lynn McLeish on [2nd December 2013 at 15:00](#).

In this she asks me to provide an address, I did this.

On [7th December 2013](#) I received in the post a letter from Blackheath containing the wrong report and more importantly a report **which I'd never seen**. (It had not been included in my DPA request of [6th August 2012](#)) I informed Blackheath of this mistake on [7th December 2013 at](#)

12:05 Lynn McLeish responded on 9th December 2013 at 08:51 saying it would be easier for all of my medical files to be copied again.

On 17th December 2013 I received again in the mail a full copy of my medical records but again not the requested document and again different to what I had received after my DPA request of 6th August 2012.

I again informed Blackheath of this by email on 17th December 2013 at 11:26 I have had no response.

I was going over the files sent to me by Blackheath on 17th December 2013 I noticed a few issues.

- The copy of my Multidisciplinary Discharge Report is wrong this was first brought to the attention of Blackheath 31st August 2012 at 17:11.
- They have included medical information of someone else, namely a Mr Jeje, this information includes address and date of birth - all protected characteristics under the DPA.
- There is nothing from Dr Luff. How can this be?

And,

While at Blackheath they put my left foot into a plaster cast to straighten my foot. I wanted it noted I agreed with this, and it has helped. But the form giving them permission to do this, is incomplete !

<https://www.dropbox.com/s/ww9ohdj31uc1t14/Form%2019-07-2012.pdf> (Attached)

Question 2

**"if the cast is not removable is medical consent required"** un-ticked

Question 3

**"Has written/verbal informed consent of patient/NOK been given"** un-ticked

You will also note that the document is unsigned/undated

There are also "Care Plan forms" with the same date, wrong information & lots of other incomplete forms.

Blackheath complaint policy says to contact the CQC. I have requested a copy they have not responded.

If you come back to me and say this complaint is too old I may well explode. Blackheaths internal complaint policy takes more than a year to complete. Any organisation that fears external overview would take as long as possible to complete an internal investigation in the hope of running out the clock.

If this is still your answer i'll be asking for a Judicial review and see your refusal as failure of duty.

## **Attachment Appendix**

### **GMC Letter 12-09-2012.pdf**

Letter from GMC About my complaint Re: Dr Luff.

### **GMC Letter 22-08-2014.pdf**

Last letter from GMC. It does not explain their decision not to investigate.

### **ICO Letter 04-01-2013**

Letter from ICO.

### **ICO Email 03-03-2014**

Email from ICO Re: Missing Report held by Blackheath. Having found to report it negates Blackheath's claim it did not exist.

### **CQC.pdf**

A copy of my complaint to CQC. I've sent the same document to everyone.

### **CQC Letter 06-06-2014.pdf**

Response from CQC.

### **CQC Response.pdf**

My response to CQC about their latest response.

### **Dr Miah Letter.pdf**

Letter from Dr Miah. Asking follow up questions from my MDT.

### **Dr Luff Letter.pdf**

Letter from Dr Luff. The source of my complaint.

### **Letter 20-09-2012.pdf**

Letter from North Middlesex University Hospital NHS Trust saying they have the letter from Dr Luff.

### **Letter 19-10-2012.pdf**

Letter from Blackheath confirming permission was not given.

### **Letter 25-10-2012.pdf**

Letter from Blackheath. Offering a meeting.

### **Letter 15-08-2014.pdf**

Letter to Blackheath asking key questions and asking for an investigation

**Letter 22-09-2014.pdf**

From Blackheath ignoring my questions and refusing an investigation.

**Email 04-09-2012.pdf**

Email from Daniel McMorrow to Alexandra Hitchcock. Telling her & Dr Luff to ignore the letter from work.

**Email 23-03-2013.pdf**

Email from Liberty confirming Blackheath invaded my medical privacy.

**Care Plan 25-04-2012 1.pdf**

Medical Care Plan, there are five (5) of these all with the same date. My Date of Birth is wrong and the handwriting is unreadable.

**DPA Joe.pdf**

Someone else's information mix in with mine in my most recent Subject Access Request for my medical files.

**MissingBlackheathReport.pdf**

Report requested from Blackheath which they deny existed.

**Form 19-07-2012.pdf**

Medical form incomplete as stated above.

**L to Tribunal response to C\_s application to exclude medical report (Watford Employment Tribunal).pdf**

Points 10 Work saying permission was verbally given.

**Questions.pdf**

List of unanswered questions ask of Blackheath on 15th August 2014.

**Email 06-03-2014.pdf**

Email from Blackheath. It's very confusing as it says

**"The other breach that you consider has occurred in recent months is that we have lost data cannot be substantiated. as the report that you consider is lost, did not exist by the author that you have named."**

So they claim the attached report does not exist.

**"The student psychologist, whom you thought to be called Kevin, did not write the report, other psychologists employed by Blackheath wrote the report and the student fed this back to you and gave you that report."**

Then they say it was written.

We've gone from don't exist to it was written by others in the same email. As you can see they know what report I'm talking about. But their response is confusing and self contradictory.

Not one of these organisations said to contact the Parliamentary and Health Service Ombudsman.

Many thanks  
Daniel McMorrow