

Mr Daniel McMorrow

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Dear Sir / Madam

Thank you for your letter date 21st November 2014
<http://www.mage-net.net/wp-content/2014/11/Letter-21-11-2014.pdf>

In this letter you say **"Unfortunately we are unable to consider your complaint because it does not relate to NHS funded care"**

I have several major problems with that statement.

1. Had I not been a patient at Blackheath I would not have been under the care of Dr Luff allowing him to write this letter.

1.1 This letter is about my ability to work that he observed during my stay at Blackheath.

2. I assert that this letter was written as revenge for my **many** complaints about Blackheath's care. CQC, Lewshim Adult SafeGuarding. Without an investigation you can't claim otherwise.

3. Dr Miah (North Middlesex University Hospital NHS Trust) asks for Dr Luffs option based on observation during my stay at Blackheath

4. Dr Miah (North Middlesex University Hospital NHS Trust) bases his option on my MDT report written by Blackheath staff paid for by the NHS. This could only have been written had I been done if I was a patient at Blackheath.

5. Dr Luff talks about my time at Blackheath an makes reference to being in his care.

6.

<http://www.nhs.uk/choiceintheNHS/Rightsandpledges/NHSConstitution/Documents/2013/handbook-to-the-nhs-constitution.pdf#page52>

"You have the right to be treated with dignity and respect, in accordance with your human rights. (Section 3a of the NHS Constitution)"

This says nothing about NHS funded care. Writing to anyone is a fundemental breach of trust.

7. <http://www.tuc.org.uk/workplace/tuc-17272-f0.cfm>

*"All doctors must ensure that a patient gives **consent to a report being sent to the employer**. In addition an employee has a right to see any medical report. However the legal right to see it in advance and withhold consent only applies to reports from a doctor who is treating them, but the GMC guidance makes it clear*

that this should apply to all medical reports. The doctor should also advise the employee in advance what the report says and discuss any concerns the employee has before it is sent.

If an employer is seeking information from a doctor who has been treating an employee they should get written consent from the employee beforehand and the doctor should not disclose any information to a third party without ensuring that the employee has been given the opportunity of stating whether they wish to see such a report before it is sent."

Dr Luff was I believe my registered GP while I was at Blackheath so

- Why was the above not followed?

That first sentence (bold) is quite clear, **consent was not given**. That last paragraph (underline) is quite clear, and does not impose any conditions i.e NHS Funded Care.

http://www.ombudsman.org.uk/__data/assets/pdf_file/0015/3408/Governance-Statement.pdf

"The role of PHSO is to provide a service to the public by undertaking independent investigations into complaints that government departments, a range of other public bodies in the UK, and the National Health Service in England, have not acted properly or fairly or have provided a poor service."

This says nothing about "NHS Funded Care" I have a complaint you need to look at that.

Daniel