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Our reference: EN-202477/0063



Parliamentary
and Health Service
Ombudsman

In Confidence

Mr Daniel McMorro
Flat 64 Rosing Apartments
45 Homesdale Road
BROMLEY
BR2 9FN

9 March 2015

Dear Mr McMorro

Your complaint about The Huntercombe Group

We said when we wrote to you on 22 January 2015 that we would review our decision not to investigate your complaint, which we have now done. For reasons I shall explain, I am satisfied that our decision was reasonable.

You maintain that your complaint is about NHS funded care and, as such, we should have considered it. I have looked carefully at the reasons why you believe our decision is wrong and whether the information you have sent us contains anything that would prompt me to alter it. Having done so, I am satisfied that the focus and substance of your complaint remains the same: Dr Luff's action of sharing information with your employers and how The Huntercombe Group handled your information in relation to that (this includes the issues you say we overlooked).

I am not persuaded that the evidence you have sent us in support of your review request changes our view that your complaint is not within our jurisdiction.

It is evident that Huntercombe Group were engaged to provide information to your employers about your fitness to work and the legislation that governs our work does not allow us to investigate such complaints. Quite simply, we do not have jurisdiction over the actions of Huntercombe Group in this capacity.

As far as I can see, you have not complained about the care and treatment you received; as a result, there is little I can add to our letter of 21 November 2014.

You reiterate that you did not give permission for your information to be shared. However, it is evident from the papers that you did provide written consent to your



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manager in an email dated 23 July 2012. It seems this email confirmed that your employer could approach Huntercombe Group with regard to any medical questions they might have. I know that you dispute that you ever gave oral permission but the fact remains that you provided written permission.

Given the above, I am satisfied that our decision was reasonable. I realise that this is not the outcome that you will have hoped for, but I hope that I have explained clearly why we cannot take any further action on your complaint.

We have now completed our review of your complaint and reached the end of our process. If you are still unhappy with our decision, and want to challenge it again, you will be able to do so only by applying for judicial review. Judicial review is a form of court proceeding where a judge reviews whether a decision or action made by a public body is lawful. There are time limits for this and you may incur costs. You may therefore want to take legal advice before deciding whether this action is appropriate in your case. Please note that we cannot provide advice on judicial review.

I have sent a copy of this letter to Colin Kavanagh at Voiceability.

Yours sincerely


PP Amanda Smith
Reviewer