

BY EMAIL rachael.russell@ombudsman.org.uk

Mr Daniel McMorrow
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Tuesday 26th May 2015

Dear Mrs Russell

I write to you as Mr Roper's manager as I wish to make a formal complaint about his professional attitude.

I have been in discussion with Mr Roper regarding the PHSO not investigating my original complaint.

Mr Roper has miss all of his self appointed deadlines. He had also been evasive and very manipulative of the truth.

For example not providing minutes of a phone call as agreed before the phone call.

"I will also require written confirmation of everything we discuss otherwise a phone call is pointless"

On 27th April 2015 I sent Mr Roper an email asking specific questions none of which have been addressed.

Unanswered Questions...

In your letter dated 9th March 2015 Ref: EN-202477/0063

In this letter you attempt to defend the actions of Blackheath.

"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 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."

- In attempting to defend their actions you completely ignore the other emails I provided. Please explain and how are you able to remain impartial when evidence is ignored?
- Any excuse trying to defend not investigating without explain this is pointless. As your are on record defending Blackheath.
- First case and subsequent reviews not only defended Blackheath but has ignored a major part of evidence. Including a letter from Blackheath admitting the Breach.

Unanswered Questions...

"You explained that you did also have a complaint about the care and treatment you received from Blackheath that we could look at. You said you had described

this in the paperwork you sent us. You explained that they had put your left foot into a splint and a plaster cast. You explained that the form giving permission for this is incomplete and said there was no proof you gave consent for this. You also raised concerns about care plans. I explained that these are issues we could consider and that I would look into how we could help with that part of your complaint."

- Please explain why this aspect of my complaint has so far been ignored.
 - Is it standard procedure for the PHSO to "ignore" all sections of a complaint when/if one section can't be investigated ?
- Where did I SPECIFICALLY STATE the ONLY thing I wish PHSO to investigate is DPA breach by Blackheath
- Did Huntercombe Group give incorrect data -- ie not opinion but inaccurate fact? The response provided by Dr Luff is based on incorrect information provided by Dr Miah. Dr Luff confirms this in the last paragraph of his letter.

Unanswered Questions...

"We discussed your case and I explained that there are limitations on what we can and cannot consider. I explained that we could have considered a complaint about the care and treatment you were receiving from the Huntercombe Group as a medical provider commissioned to give you NHS treatment. I explained however that the role of the Huntercombe Group you had complained about was as a medical provider commissioned to provide you and your employer with information about your fitness to work. I explained that this second role was not therefore one by law we could look at."

- Are obligations to my employers more important than obligations to me as a medical provider?
 - Breaching me medical privacy has left me feeling very stressed
 - I now question the motives of all medical professionals.

On 27th April 2015 I sent Mr Roper asking him to clearly reference the law he's quoting as evidence to to investigate my complaint... While Mr Roper's response of 20-05-2015 reference **Health Service Commissioners Act 1993** he does not reference the individual section.

Persons subject to investigation

2A. Health service providers subject to investigation.

2B. Independent providers subject to investigation.

Mr Roper has himself referred to Blackheath as an Independent Provider &

Matters subject to investigation

3. General remit of Commissioners.

(1)On a complaint duly made to a Commissioner by or on behalf of a person that he has sustained injustice or hardship in consequence of—

(a)a failure in a service provided by a health service body,

(b)a failure of such a body to provide a service which it was a function of the body to provide, or

(c)maladministration connected with any other action taken by or on behalf of such a body,

My complaint would fall into **maladministration**

I've made a Freedom of Information request to clarify if an independent provider is bound by http://www.mage-net.net/wp-content/2014/02/dh_4069254.pdf

When I get clarification I'll again ask you to take action against Blackheath for maladministration.

Daniel McMorrow