

BY EMAIL

Mr Daniel McMorrow
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Monday 27th April 2015

Dear Mr Roper

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

How that sentence confused you is lost on me but for further clarification, from now on I will not accept phone calls from The PHSO all communication must be written either letter or email.

I thank you for your time and hope this information is helpful. Please let me know if you have any questions.

For the avoidance of doubt please quote the law including the section you are using to justify not investigating my complaint.

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?

"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 ?

- 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.

"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 my feeling very stressed
 - I now question the motives of all medical professionals.

You have not answer by question of 24th April 2015

- <http://www.ombudsman.org.uk/make-a-complaint/case-summaries/volume-2/parliamentary/man-moved-home-after-data-breach-by-jobcentre-plus>
"Explain why that gets looked at when my case is ignored? In my case Blackheath have made no offer to put things right. I have suffered loss as was not allowed to return to work"

Please confirm the PHSO gets her powers from
<http://www.legislation.gov.uk/ukpga/1993/46/contents> aka
"Health Service Commissioners Act 1993"

If your intention is to attempt to use
"Health Service Commissioners Act 1993 - Matters excluded from investigation"
<http://www.legislation.gov.uk/ukpga/1993/46/crossheading/matters-excluded-from-investigation>

Then please don't bother, nothing in that section precludes you from investigation relating to a DPA Breach by a Dr, whether the information was provided to an employer or not.

If this was your intention Please provide me with anything necessary to proceed to a judicial review.