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Our reference: EN-173713/0037



In Confidence
Mr Michael Jones



18 November 2013

Dear Mr Jones

Re: Your complaint to the Health Service Ombudsman

Thank you for your complaint about Guy's and St Thomas' NHS Trust (the Trust). We have decided not to take any further action because your complaint is outside our time limit. We have considered whether there is any reason to extend the time limit in your case but we do not believe there is. I shall explain my reasons in detail below.

Your complaint

You told us the Trust did not identify implants in your neck during MRI scans in 2008 and a follow up consultation in 2009.

Reasons for our decision

By law, a complaint should be brought to us within 12 months of you becoming aware of the matter being complained about. In certain circumstances we can extend this time limit but we need to consider if there are appropriate reasons for doing so.

You told us you only became aware of the matter complained about when you made a subject access request in August 2012. We could see you had engaged with the Trust in local resolution between March and September 2013 after you accessed the final records in November 2012. However further consideration of your account suggested you became suspicious about the possibility of cranial implants in 2001, and obtained copies of the MRIs that are at the centre of your suspicions in 2010, although you said you did not receive some of the written information from the records until 2012.



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Notwithstanding this, your concerns rest heavily on the content of the MRI scans themselves. You also explained to us that during 2011-12 you went to some lengths to investigate the matter and to obtain formal expert corroboration of your suspicions. We therefore considered we had seen sufficient information to suggest you were aware of the matter you are complaining about in 2010 when you started investigating it, and started seeking clinical advice to provide further evidential support.

We appreciate you chose to approach the Information Commissioner's Office (ICO) and clinical experts at that time rather than start the complaints process. However we also considered it would have been reasonable for you to have approached the organisation you believed failed you, which you did not do. We therefore considered it would have been possible for you to contact the Trust sooner and ask them to investigate your complaint, but that you chose not to do so. We therefore have not considered it reasonable to extend the time limit in order to investigate your complaint.

I appreciate this may be upsetting for you but hope you understand our reasons for this.

Yours sincerely



Mrs Catherine Olney-Falzon
Case Assessment Team Caseworker

If you think our decision is wrong, you can request a review. To enable us to review our decision you must provide us with evidence that our decision was based on inaccurate information; or you have new information that was not previously available to us; or we overlooked or misunderstood your complaint. To request a review, you can complete a 'What to do if you think our decision is wrong' form, which is available on our website: www.ombudsman.org.uk. Alternatively, you can contact Catherine Olney-Falzon, Caseworker, 0300 061 4589, for the form. You would need to submit your review request form to us within three months of the date of this letter.

We use an external research company to find out what our customers think. If you would prefer us not to pass your contact details on to them please call 0300 061 4222 or email us at customersurvey@ombudsman.org.uk