

You can contact me on: 0300 061 4076

Our reference: HS-180294/0128

complaintsaboutphso@ombudsman.org.uk

In Confidence

Mr Michael Jones

[Address]

17 July 2014

Dear Mr Jones

I am writing in response to your email of 30 June 2014. I am sorry to learn that you are unhappy with the decision we made on your complaint. I understand that you are requesting a review. I am writing to explain why we cannot offer you one.

It may be helpful if I explain that to conduct a review, we ask complainants to demonstrate that they meet the criteria by identifying factual errors in our decision letter, submitting new information or explaining which evidence they think we overlooked or misunderstood. We also expect them to explain why the information they provide could change our decision. The information you have given us does not meet these criteria.

In your email, you have broadly repeated the substance of your original complaint, and the comments that you made in response to our draft investigation report. That is not, in itself, a basis for a review, as a review is not intended to be a reinvestigation of your complaint.

You have dismissed the clinical advice that we received as 'hearsay'. I should explain that there is no requirement for us to obtain a 'medical report' or to use an external adviser. In your case, having discussed the matter with a lead clinician, it was agreed that the advice could be provided by one of our internal advisers. A discussion took place between the Investigator and the Adviser, during which the Adviser looked at the MRI images that you had provided. The Investigator wrote notes of that discussion, which were approved by the Adviser. Clinical advice on your case was sought and provided in line with our normal procedures, and the notes of the discussion were agreed by the Adviser. Therefore, I do not agree that the advice can be dismissed as hearsay.

While it is clear that you have a different view, our Adviser said that the images did not contain any evidence of an artificial implant.

As you have not met the criteria, we will not be carrying out a review. I apologise if this is a disappointing response for you, but I hope you will understand my decision.

Yours sincerely

Nicola Bubb
Reviewer