

BARRETT
WAGGACK
STATEMENT

WAGGACK
NO
REF

BMH
WALTONS
SOLICITORS STATEMENT WITH
CURRENT DSS SITUATION

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into the Consulting Room with you. More importantly he had caused you physical pain in your knee by the nature of his examination.

The problems with your knee appear to have become worse as I understand you had to have a Doctor come to see you a couple of days after the consultation. Perhaps you could keep me posted as to the progress in relation to this.

Again I have specifically written to the Council's Solicitors to notify them of the fact that Mr Ahmed's treatment of you at the consultation was we feel both inappropriate and has in fact resulted in you suffering with increased pain in your knee.

On that point however I have advised that we should wait until Mr Ahmed's Report is available before deciding what to do next. The Court has ordered that he must provide his Report by 16th May 2002 but of course if I receive it sooner than that, I will pass a copy on to you.

Next there is the issue of the Benefits Agency. I have spoken to Mr Barry Merrick, Data Protection Officer at the Benefits Agency in Halesowen. He has specifically denied that any conversation took place with anyone from Wragge & Co about the benefits that you or Mr Hossack receive. He confirmed to me however that there was a note apparently on Wragge & Co's file dated 4th January 2002 where they say that they spoke to somebody from Dudley Benefits Agency who confirmed that Mrs Hossack claimed Income Support in 1991 and that there was a current claim at the same address as Mrs Hossack.

Mr Merrick at the Benefits Agency said that he could not find anybody who claimed to have spoken to Wragge & Co and it appears although I have not seen it, that the Wragge & Co telephone note does not identify a name. It would apparently be one person's word against the other and that was how Mr Merrick left it. My own view is that there was no reason for Wragge & Co simply to invent a telephone conversation having taken place and if it came to it I suspect that it would be accepted that such a conversation had taken place.

That however is not evidence of the fact of a breach of Data Protection Rules having taken place.

I appreciate that this is causing you some concern about a claim for Incapacity Benefit. This is exacerbated by the fact that Mr Hossack has now received a Questionnaire to complete about what to do next. The suggestion so far has been that you will abandon an element of the Incapacity Benefit claim that relates to you and your children.

This is an issue that I have found particularly difficult to advise about. On the one hand I think it is going to look suspicious, even though there is nothing in reality to hide, if you simply abandon any element of the claim in relation to you and the children.

On the whole therefore my advice about the claim for Incapacity Benefit would be that it is sensible to complete the whole of the Form and return it. There is no point in you not receiving Benefits to which you are entitled, notwithstanding the concerns that there about the DSS, confidentiality and issues relating to Mr Hossack's eligibility for Incapacity

Why did Mr Merrick collaborate with Wragges
Solicitor.