



Whether you intend it or not, the use of your response comes across as dismissive, defensive, and designed to intimidate. It contains factual and legal weaknesses which I have now set out clearly.

Rather than attempting to diminish my communication, a more constructive approach would be to thank me for the time and assistance I have effectively provided. I expect this matter to be reviewed by someone properly trained in both data protection and discrimination law.

If you continue to characterize my communication as excessive, I invite you to evidence that claim by completing the formal complaint provided here: <https://www.verticalpharma.com.uk/verticalpharma>

If you are not willing to do so, I expect a sincere apology for labelling my disability-related communication as excessive.

Kind Regards,  
Kieron Jay Holmes  
Principal Founder of The Reasonable Adjustment

September 1, 2023 at 11:34 AM, "Alexia Day" <[AlexiaDay@ips-pharma.com](mailto:AlexiaDay@ips-pharma.com)> wrote:  
Dear Mr Holmes,

I confirm receipt of a large volume of emails sent since my instruction on the matter, including throughout the week and over the weekend. As you are aware, I do not work on Saturday or Sunday, and I have been on annual leave every Thursday and Friday throughout the UK summer holiday period of 2023. Many of the emails you have sent to me concern complaints regarding the service you received from IPS Pharma, along with several personal issues with a staff member at their company. I am unable to comment on those matters and am only interested to respond to legal claims for compensation, and making large quantities of emails has impeded my ability to respond to the legal points raised.

You have also sent emails in addresses associated with NPA Ltd which is the incorrect recipient in this matter. NPA Limited is a not-for-profit membership organisation for community pharmacists. NPA Insurance Ltd is a wholly owned subsidiary of NPA Ltd but we are an insurance business and the legal team work under NPA Insurance, not part of NPA Ltd. Anything you publish about NPA Insurance / NPA Ltd on your public website could form part of our dispute and we are entitled to observe and use the content as part of proceedings if appropriate to our case. NPA Ltd are not a party to the litigation and engaging with you could inadvertently expose them to being drawn into proceedings. In light of this, I have explicitly asked them not to engage. I would appreciate your cooperation in limiting with me only, as the handler of the matter, keeping correspondence relating solely to the case at hand, to avoid unnecessary disruption during the process.

I now write to respond to your pre-action correspondence comprising of the following claims against IPS Pharma (Vertical Pharma Resources Ltd):

- 1. **Equality Act 2010** including, but not limited to, failure to make reasonable adjustments, disability discrimination, and the deployment of resources and the refusal of services.
- 2. **UK GDPR / Data Protection Act 2018** including, but not limited to failure to comply with a Subject Access Request, premature or unlawful deletion of data, inaccurate statements made in correspondence, and blocking of communication channels used to exercise lawful rights. Also, an allegation of a breach of special category data in the form of a payment link for products which you did not send.
- 3. **Civil: Professional Negligence** including, but not limited to, the handling of your prescriptions, withdrawal of treatment without due process, and any self-judging implications arising from this.

I set the timeline of your relationship with IPS Pharma as:

- IPS Pharma have dispensed medications for you since 2023.
- On 12<sup>th</sup> July 2023, you made your first complaint about IPS Pharma's service. You did not ask for communication to be written only during this complaint.
- IPS Pharma sent multiple replies to your emails on 22<sup>nd</sup> July, giving full explanations regarding the ordering and delivery process.
- A further email of the same date.

On Tue, 22 Jul 2023 at 17:54, Anonymous Gmail User <[afarheen21@gmail.com](mailto:afarheen21@gmail.com)> wrote:

Dear IPS Pharma,

I am writing to lodge a formal complaint regarding the conduct and communication of two members of your staff: **Tamvir Muhtar (Pharmacy Administrator)** and **Emily Beard (Telephone Support)**.

I have repeatedly raised legitimate concerns about:

- By your own admission, you had phone calls with telephone support at IPS Pharma and raised no issue about having in depth conversations with IPS Pharma over the phone when recording your complaint.
- IPS Pharma continued to reply on 22<sup>nd</sup> July 2023 to your large volume of complaints, another one of your emails I now read:

Sent: Tuesday, July 22, 2023 6:12 PM  
To: Pharmacy <[MedicalCannabis@ipspecials.com](mailto:MedicalCannabis@ipspecials.com)>  
Subject: Re: Formal Complaint - Staff Conduct and Failure to Address Patient Concerns (Tamvir Muhtar & Emily Beard)

**Caution: EXTERNAL EMAIL** - Take extra caution before clicking on any link or opening any attachment.

Please find attached a PDF containing an email thread between myself and your organisation, which I am now sending for a 3rd time.

At the top of the document, you will see a prescription payment link that was sent approximately:

If you scroll down, you will find the section relating to the **FIND-WPT prescription**, along with the standard warning stating that it "will need to be ordered in once paid".

However, further down in the same thread, there is a separate email — from your organisation — explicitly stating that **FIND-WPT is in stock**.

This directly contradicts the earlier messaging and reinforces my concern that the "ordered in" warning is applied **routinely and inaccurately**, without reflecting actual stock levels.

I find it incredibly frustrating that in explaining this for the 5th or 6th time now, I have explained it over multiple emails and over the phone.

If your pharmacy staff are unable or unwilling to demonstrate the reading comprehension necessary to engage meaningfully with a formal complaint, then I respectfully request that they refrain from responding and that a more senior or suitably qualified individual handles this matter moving forward.

- Your email has clearly say "I have explained it over multiple emails and over the phone". You have made no reference to any adjustment being sought to your service, and thus far had been happy to have conversations with IPS Pharma over the phone.

Sent: Wednesday, July 23, 2023 3:44 PM

To: Pharmacy <[MedicalCannabis@ipspecials.com](mailto:MedicalCannabis@ipspecials.com)>; Amena Farheen <[Amena.Farheen@ips-pharma.com](mailto:Amena.Farheen@ips-pharma.com)>  
Subject: Re: Formal Complaint - Staff Conduct and Failure to Address Patient Concerns (Tamvir Muhtar & Emily Beard)

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Dear IPS Pharma,

Further to my previous email, I would like to raise an additional and very specific concern regarding the handling of my most recent prescription.

When I called to make payment on Friday 18/07/2023, the customer service representative (I believe it was **Tamvir**) did not inform me that the prescribed item was out of stock or subject to a delay. He simply stated, "I'll get that payment link sent straight over", without any mention of availability or waiting times.

- You have made another reference to telephone calls here in your email dated 23<sup>rd</sup> July 2023.
- You then made a Subject Access Request on 24<sup>th</sup> July 2023. IPS Pharma tried to reason with you asking you to avoid sending multiple emails on the same issue which they had addressed in multiple emails over the previous two days. Despite their reasonable request, you responded to emails on 24<sup>th</sup> July 2023 with:

From: Anonymous Gmail User  
Sent: Thursday, July 24, 2023 11:12 PM  
To: Pharmacy ; Amena Farheen  
Cc: Support  
Subject: Re: Availability

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Dear IPS Pharma,

Let me be absolutely clear.

If my prescription does not arrive tomorrow, there will be **serious consequences**.

- This is an email sent to IPS Pharma, outside of working hours, after they had exhausted all reasonable responses to you, when your stated serious consequences would happen if your medication does not arrive by the next day. In this email, you will not inform IPS Pharma that you had a need for written communication. You make multiple references to escalating your complaint to the CIPIC, the ICO, and your "legal adviser".
- On 24<sup>th</sup> July you made an allegation of a breach of personal and special category data.
- You have admitted that you were unable to pay for your medicine, without providing IPS Pharma with the name to debit the amount on the email signature for a staff member and spoke with staff without name.
- I note the first time you mentioned requiring written communication was the following email:

From: Anonymous Gmail User  
Sent: Thursday, July 24, 2023 4:00 PM  
To: Pharmacy ; Amena Farheen  
Subject: Re: Subject Access Request Under UK GDPR - Kieron Jay Holmes

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For some reason, I now have a missed call from your organisation.

Please note that from this point onwards, I insist that all communication is sent via email due to explicit and inherent justification for a digital paper trail.

I shall be expecting my prescription to be dispatched, as I have paid for it, and provided further yet unnecessary confirmation of my address. Thank you.

- I note the email asks for written communication, but does not reference it being due to a reasonable adjustment for a disability. It gives a different reasoning.
- You have stated in an email the very next day on July 25, 2023 2:41 PM:

From: Anonymous Gmail User  
Sent: Thursday, July 25, 2023 11:12 PM  
To: Pharmacy ; Amena Farheen  
Subject: Re: Subject Access Request Under UK GDPR - Kieron Jay Holmes

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For some reason, I now have a missed call from your organisation.

Please note that from this point onwards, I insist that all communication is sent via email due to explicit and inherent justification for a digital paper trail.

I shall be expecting my prescription to be dispatched, as I have paid for it, and provided further yet unnecessary confirmation of my address. Thank you.

- I note the email asks for written communication, but does not reference it being due to a reasonable adjustment for a disability. It gives a different reasoning.
- You have stated in an email the very next day on July 25, 2023 2:41 PM:

### 1. You Have Been Informed of My Communication Needs

You are fully aware that I am autistic, and I have already explicitly informed your organisation — including via a prior email — that I require **written communication only** due to:

- My autism diagnosis
- My aversion to phone calls
- The clinical and legal need for a **digital record of all correspondence**

- I am unable to interact and respond to live first time you make a connection between your requirement for written communication and your autism diagnosis.
- On 10<sup>th</sup> August 2023, you made a second Subject Access Request. It could be argued that this further request on top of the first list of documents you requested gives IPS Pharma a further month from 10<sup>th</sup> August 2023 to comply with your Subject Access Request. IPS Pharma therefore has until 10<sup>th</sup> September 2023 to comply with your request, which I note lists a wide variety of documentation which does not apply to the pharmacy. The volume of emails you sent to IPS Pharma during this period, which were all fully responded to, prevented staff members dedicating the time to responding to your request in your S.A.R.
- Correspondence in written form continues back and forth between you and IPS Pharma until 10<sup>th</sup> August 2023. Throughout this correspondence and the large amount of time it took for staff at IPS Pharma to look into your complaint and respond, they continued to process your prescriptions and provide you with care.

In light of the clear chronology detailed above, I will now address these allegations in turn by way of my formal response:

Equality Act 2010

It is alleged that our insured failed to make reasonable adjustments, discriminated against you on the basis of disability and withdrew/ceased service. On behalf of our insured, we deny all the above allegations under the Equality Act. The Equality Act requires reasonable steps to avoid the substantial disadvantage of disabled people. In these circumstances, you have been a patient using the services of IPS Pharma since 2023, and you continued to telephone IPS Pharma of your own volition until you wrote as a representative of yourself in July 2023 informing IPS Pharma that you needed written communication going forward due to your autism diagnosis. As a large organisation with many staff members, IPS Pharma took reasonable steps to inform staff verbally in meetings to ensure your request was adhered to which you throughout the lifetime of your complaint correspondence. There was an occasion, on 12<sup>th</sup> August, when a temporary staff member attempted to telephone you for what they call an "availability call". This is where a patient places their order, but that type of product needs to be ordered in and when that happens, a staff member will give you a call to confirm the order. You could have advised, you will be checking today for necessary delivery or place could I confirm your address. You have identified in your email many times over the years when you have contacted with the telephone service and engaged with IPS Pharma over the phone without complaint. This was another of those phone calls, to which you have not had an issue with in the past. This telephone call was a genuine human error and an isolated event, which does not form a pattern of disregard. IPS Pharma has since continued to look into the email and has had no further issues to complain. It is therefore alleged you have been discriminated against on the grounds of disability and you have not been placed at a significant disadvantage when accessing services with IPS Pharma. It is our view that the need for written communication could be seen to be not connected to a disability, as detailed in your correspondence, but in any event, if the case arose that your disability deteriorated and you therefore needed an adjustment, IPS Pharma complied with this, with one isolated telephone call after your request for written communication. This does not meet the threshold for a claim under the Equality Act and therefore no compensation is payable to you.

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This message contains suspicious characteristics and has originated outside your organization.

Dear Amena,

This correspondence is issued on behalf of **Mr. Kieron Jay Holmes**, who has formally appointed **The Reasonable Adjustment** to act as his representative and independent advocacy service in this matter. Consent to act has been granted explicitly and is now in effect. As your organisation has failed to respond within the stipulated 48-hour timeframe outlined in Mr. Holmes's previous written notice, we are now proceeding to escalate this matter externally and formally notify you of the following:

- A finding that our previous written correspondence on more than one occasion that you would escalate this matter to a "legal adviser", correspondence from The Reasonable Adjustment confirms that you are sending this as evidenced in the signature at the end of every email. This can be viewed as deceptive communication by purporting to be a separate party to the claim and a potential breach of UK law. You corresponded with staff at IPS Pharma, claiming to be a separate party acting on your behalf. IPS Pharma, having been informed of you now contacting your need for written correspondence to your autism, confirmed they would continue to correspond to the [afarheen21@gmail.com](mailto:afarheen21@gmail.com) email as per your wishes. It can be shown that IPS Pharma believed you to be two separate people, when they responded to your email addressing it to "Dear Mr Holmes and The Reasonable Adjustment". I can confirm I reserve the right to present this evidence to a judge as potential evidence of misrepresentation and/or false or misleading statements with the intent to make a gain for yourself or cause a loss to IPS Pharma by way of compensation.
- On 10<sup>th</sup> August 2023, you made a second Subject Access Request. It could be argued that this further request on top of the first list of documents you requested gives IPS Pharma a further month from 10<sup>th</sup> August 2023 to comply with your Subject Access Request. IPS Pharma therefore has until 10<sup>th</sup> September 2023 to comply with your request, which I note lists a wide variety of documentation which does not apply to the pharmacy. The volume of emails you sent to IPS Pharma during this period, which were all fully responded to, prevented staff members dedicating the time to responding to your request in your S.A.R.
- Correspondence in written form continues back and forth between you and IPS Pharma until 10<sup>th</sup> August 2023. Throughout this correspondence and the large amount of time it took for staff at IPS Pharma to look into your complaint and respond, they continued to process your prescriptions and provide you with care.

In light of the clear chronology detailed above, I will now address these allegations in turn by way of my formal response:

Equality Act 2010

It is alleged that our insured failed to make reasonable adjustments, discriminated against you on the basis of disability and withdrew/ceased service. On behalf of our insured, we deny all the above allegations under the Equality Act. The Equality Act requires reasonable steps to avoid the substantial disadvantage of disabled people. In these circumstances, you have been a patient using the services of IPS Pharma since 2023, and you continued to telephone IPS Pharma of your own volition until you wrote as a representative of yourself in July 2023 informing IPS Pharma that you needed written communication going forward due to your autism diagnosis. As a large organisation with many staff members, IPS Pharma took reasonable steps to inform staff verbally in meetings to ensure your request was adhered to which you throughout the lifetime of your complaint correspondence. There was an occasion, on 12<sup>th</sup> August, when a temporary staff member attempted to telephone you for what they call an "availability call". This is where a patient places their order, but that type of product needs to be ordered in and when that happens, a staff member will give you a call to confirm the order. You could have advised, you will be checking today for necessary delivery or place could I confirm your address. You have identified in your email many times over the years when you have contacted with the telephone service and engaged with IPS Pharma over the phone without complaint. This was another of those phone calls, to which you have not had an issue with in the past. This telephone call was a genuine human error and an isolated event, which does not form a pattern of disregard. IPS Pharma has since continued to look into the email and has had no further issues to complain. It is therefore alleged you have been discriminated against on the grounds of disability and you have not been placed at a significant disadvantage when accessing services with IPS Pharma. It is our view that the need for written communication could be seen to be not connected to a disability, as detailed in your correspondence, but in any event, if the case arose that your disability deteriorated and you therefore needed an adjustment, IPS Pharma complied with this, with one isolated telephone call after your request for written communication. This does not meet the threshold for a claim under the Equality Act and therefore no compensation is payable to you.

UK GDPR / Data Protection Act 2018

In relation to your allegations of premature or unlawful deletion of data, inaccurate statements made in correspondence, and blocking of communication channels used to exercise lawful rights, these allegations are denied due to lack of evidence. I am unable to respond to these points substantively because I have not seen any evidence of this in the correspondence between you and IPS Pharma. IPS Pharma have always taken on board your comments, responded in a timely manner and continued to provide you with your medication.

In relation to your allegation of a failure to comply with a Subject Access Request dated 24<sup>th</sup> July 2023, as detailed above, you then asked for another Subject Access Request on 10<sup>th</sup> August 2023, adding more items to your list. IPS Pharma sought clarification from you as to what data you require, because they are not a typical pharmacy and do not hold lots of data for you. The reason for the short delay is that IPS Pharma were struggling to understand what sort of data you wanted, and they had to dedicate a vast amount of time investigating and responding to your complaint which sometimes came in multiple times a day and late at night. They were also required to fulfil their ethical obligations on top of this, and provide the same quality care to 13,000 patients. In light of your added request, IPS Pharma has until 10<sup>th</sup> September 2023 to comply with your request, one month from your updated Subject Access Request. Despite this, I hereby inform you of the date IPS Pharma held for you along with an explanation of the reason your data is held in:

- IPSE System (IPSE System)** - IPSE System is used for recording patient details. This is no longer in use and they store on the IPSE Pharma. Patient to record patient details received from other clinics. This system is also used to contact patients and issue payment links.
- Dispensing and Delivery:** Label generation for both dispensing and Royal Mail is managed through IPS Pharma's in-house S4P system. This just prints out a label with your name and address on, which is the same data held on the PMSR system. The label is attached to the medication and sent out for delivery.

Personal Information held on file:

- Name: Kieron Holmes
- Date of Birth: 21/11/1998
- Age: 25 years, 9 months
- Residential Address: 85 Lambly Crescent, Hobbins, NE31 2ND
- Delivery Address: 85 Lambly Crescent, Hobbins, NE31 2ND



