

10 May 2010

**Executive Officer (Regulation)
General Chiropractic Council
44 Wicklow Street
LONDON
WC1X 9HL**

Dear Madam

Complaints against various chiropractors

Thank you for your letter dated 9 April 2010.

For the reasons set out below, I formally ask you to reconsider your decisions.

Please respond by Friday 14 May 2010 as it could adversely affect the information before the Investigating Committee meetings commencing 17 May 2010.

In your email dated 16 June 2009, you stated:

The observations of the chiropractor are generally disclosed to the complainant and they are given an opportunity to make comments. The complainant's comments are then provided to the respondent for additional observations. After this process is then complete, the Investigating Committee meets to consider the complaint. The Investigating Committee receives a copy of all complaint documentation in paper format.

In an email dated 24 September 2009 from your lawyers, Abi Condry said:

There is one further issue that the GCC have asked us to discuss with you.

As you may be aware, the chiropractors about whom you have raised a complaint will be given an opportunity to provide observations on the complaint that you have made against them and the information in support of it. The GCC would then be able to provide you with an opportunity to comment on those observations before the complaint proceeds to be considered by the Investigating Committee, if you would like to do so, although there is no obligation for you to take that step.

Please can you confirm whether you are likely to want to take an opportunity to provide such comments?

In my reply dated the same day, I replied:

Yes, I would like that opportunity to comment.

I received confirmation that this had been received, also the same day:

Thank you for letting me know.

This was again confirmed by Abi on 22 October 2009:

You have also indicated that you would like to make comments on the chiropractors' observations...

In your leaflet titled *How to complain about a chiropractor*, you state:

As part of our investigation we will:

a write to the chiropractor to tell them about your complaint. We must give them a copy of your complaint (and any other relevant documents) so that they know the details. If you are worried about this, please tell us

b send you a copy of what the chiropractor says about your complaint, so that you can comment if you want – we will give a copy of your comments to the chiropractor

This all clearly intimates that you were giving me the opportunity to comment on the observations made by the chiropractors and I was relying on that.

You then supplied me with some 290 sets of observations from chiropractors as you had promised. I consequently supplied you with my comments dated: 11 February 2010, 18 March 2010, 21 March 2010, 22 March 2010, 23 March 2010, 24 March 2010, 25 March 2010, 28 March 2010, 29 March 2010, and 02 April 2010. You acknowledged receipt of each of these a few days after I sent them.

I am therefore surprised that you have now rejected the comments you have told me I could make and I consider the reasons you give as spurious, discriminatory and contrary to natural justice.

Your explanation of these decisions appears to rest on a number of points:

- 1) **Printing of my response and references is burdensome.**
- 2) **You believe that disclosure of my response to chiropractors would:**
 - a) **'impose an unacceptable burden on the chiropractors'**
 - b) **'substantially interfere with the Investigating Committee's management of [my] complaints, as chiropractors may require substantial further time to read and prepare further responses...'**
 - c) **That this is 'likely to delay the Committee's consideration of the complaints'.**
- 3) **That the volume of material would take IC members a long time to read.**
- 4) **That point 3) is likely to delay consideration of my complaints and has serious implications for the committee's ability to deal with complaints in a timely and effective manner and is therefore not in the public interest.**

I will deal with each of these points in turn.

- 1) **The volume of the documentation supplied in evidence is irrelevant. However, if this is seen as a problem, then I can suggest several solutions to distributing my responses to the chiropractors concerned, including emailing the documents to the recipients or placing the documents on the GCC's website (hidden from public view if necessary) with a link sent to the chiropractors.**

Of course, there is no particular reason why you need to print out or otherwise supply copies of all the references to the chiropractors. In the observations you have supplied me, the chiropractors cited a large number of references in support of their position and I note that you did not supply me copies of those references.

In one case, a chiropractor cited some 268 references and I note that you did not supply me with the full text of any one of them.

You are treating me differently to the complainees and your actions are therefore discriminatory.

- 2) a) I note that you sent me observations from 290 chiropractors over a period of seven weeks and inviting my response with deadlines of just 14 days of posting. I further note that I was more than able to comply with your deadlines.

Once my responses are sent to the chiropractors, it is therefore not unreasonable to expect a individual chiropractor to be able to formulate any further observations they may have within, say, 14 days.

Additionally, in view of the fact that that the observations I have seen are all very similar and presumably written collectively, but slightly modified to suit individual circumstances, it is not an unreasonable assumption that the same would happen with my response document. I can therefore see no justification for you stating that this would be 'an unacceptable burden' on a chiropractor.

- b) Whether chiropractors individually or collectively write a response, 14 days would seem an entirely reasonable time in which to expect a response. I therefore reject your assertion that this would require 'substantial further time'.

Additionally, I understand that passing a complainant's observations to a complainee and waiting for their response has been standard practice in the past, presumably giving them seven or 14 days in which to respond. Given this, I can see no justification for asserting that this short period would 'substantially interfere with the Investigating Committee's management of [my] complaints' as you assert.

- c) Similarly, I do not agree that allowing chiropractors 14 days (or whatever is in line with your standard practice) will encumber the Investigating Committee. I note that it has already taken over 11 months to reach the current situation where the Investigating Committee has not yet even started to formally consider any of my complaints.

- 3) I cannot see how the length of time it might take to read through evidence can possibly be a legitimate justification that evidence be rejected.
- 4) You seem to be relying on your belief that a short delay would not be in the public interest. I think that, particularly considering the 48 weeks it has taken since I made my complaint and the Investigating Committee has not yet formally considered the first case, a further short delay cannot be considered onerous. Further, it cannot be in the public interest for the IC not to have before them all evidence submitted.

Additionally, you have decided that you will not provide me with any further observations. I consider that this substantially and materially hampers my ability to fully present my complaints and is contrary to natural justice.

Please acknowledge receipt by return and I look forward to receiving your response.

Yours

Alan Henness

cc Margaret Coates