



Mr Howard Lamb  
The Surgery  
48 Marsh Road  
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HA5 5NQ

12 March 2018

Dear Mr. Lamb,

Since receiving your letter of 12th February, I have taken some time to review the file of correspondence between the General Chiropractic Council (GCC) and yourself. I am now in a position to respond formally.

You raise two matters: the first is a request for assistance related to an adolescent chiropractic patient; the second is a complaint about Rosalyn Hayles, the Chief Executive and Registrar (CER). I will address these matters separately.

On the first matter, I regret that I am unable to be of assistance. A number of your letters dating back to 2012 set out the concerns you had, and continue to have, about your patient. However, as stated by the previous CER, David Howell, in correspondence with both you and your solicitor, the GCC's statutory role and duties do not enable the GCC to intervene in these matters.

The GCC is an independent statutory body established by Parliament to regulate the chiropractic profession. We protect the health and safety of the public by ensuring high standards of practice in the chiropractic profession.

Our statutory functions are to:

- set the standards of chiropractic education, conduct and practice
- recognise chiropractic degree programmes that achieve our standards
- maintain the register of individuals who meet our requirements in respect of character, health, competence and CPD, and
- investigate and determine all complaints against our registrants

The functions of the GCC do not include:

- investigations of complaints about non-chiropractors (except for cases of complaint against staff)
- protection of chiropractors from allegations made by others
- giving backing to a chiropractor's diagnosis
- dealing with matters that should properly be referred to other authorities

While I understand that it may be a disappointment and frustrating for you that the GCC is unable to respond in the way you would like, that is none the less the case. For the avoidance of doubt, my view on this matter is the same as that of Mr. Howell and Mr. Dunshea.

In his letter to you on 28.04.17 Mr Dunshea, Acting Chair of the GCC, dealt in detail with the large number of issues and complaints you had raised in the course of your correspondence with the GCC. I have read that letter carefully and concur with his analysis and responses. There is nothing further I can add.

Turning to your complaint about Rosalyn Hayles, your letter to me raises what you describe as a "serious complaint". I am taking that to mean a formal complaint and it is therefore my responsibility, as Chair of the GCC, to deal with the case and make a determination. The substance of your complaint is that Ms Hayles, having been fully briefed by her predecessor about the matters you had raised, did nothing about it. I am setting out below the facts, as I understand them, and the conclusions I have reached.

On 17th January 2017, you wrote to Ms Hayles, with a query concerning the status of your registration and asking what action she proposed to take relating to previous letters of complaint. The letter also contained the allegation that there had *been a cover up between the GCC, BCA and Hertfordshire County Council over child abuse, and breaches of rules, regulations and laws under your predecessors' regimes*. (I am using italics wherever I quote extracts from correspondence).

On 27.01.17 Ms Hayles responded to a) confirm the situation concerning your registration, b) confirm that she had read the relevant correspondence, and c) to state how she planned to take the matter forward. She enclosed a table setting out what she understood to be all the aspects of your complaint and listed what she believed to be the relevant correspondence. She asked you to confirm that this table was both correct and complete in order that she might then deal with the issues.

On 07.02.17 you wrote giving further background on the substance of the matter you had originally raised with her predecessor. You also raised the possibility, without further explanation, that Ms Hayles might have a conflict of interest.

On 17.02.17 you wrote expressing concern that Ms Hayles appeared to be starting from scratch. You stated that you would ask your practice manager to *check on the chronology*.

On 22.02.17 you wrote to identify two letters which were missing from the document sent on 27.01 and stated that you would let Ms Hayles know if *anything else comes to mind*.

On 07.04.17 you wrote to enquire about progress. You made the further comment that *your investigations have probably allowed everyone to get their stories straight and as such will have perverted the course of justice*.

On 13.04.17 Ms Hayles wrote to explain that it had taken *some time to review the entirety of the correspondence, before deciding on next steps*. She committed the GCC to make a substantive response within 2-3 weeks.

On 28.04.17 Mr. Dunshea (Acting Chair) wrote with a full response to all the issues listed in the document provided by Ms. Hayles to you on 27.01.17. He explained that the decision for him to review the matter and respond related to the suggestions you had made in letters of 07.02.17 and 07.04.17 that Ms Hayles might have a conflict of interest.

On 05.05.17 you wrote criticising the response from Mr. Dunshea as *most certainly not a suitable response*. You raised again the matter of your patient.

Between May and September there is correspondence between you and Ms Hayles about the possibility of publishing all the letters associated with this matter on the GCC website, which was refused, and about receiving copies of all the paperwork relating to the case.

On 11.08.17 you wrote requesting a copy of *all the paperwork and emails*. The Deputy Chief Executive responded to this request on 22.09.17, with an explanation of what had been provided.

On 08.12.17 you wrote giving notice that you intended to use the GCC's complaints procedure and requested details of how to do that. You referred again to the substantive matter of your patient.

On 14.12.17 Ms Hayles wrote to provide details of the GCC's complaints procedure and to confirm that any complaint about her should be made to the Chair.

On 10.01.18 and 09.02.18 she wrote further to clarify the differences between the complaints process relating to a registered chiropractor and that relating to a member of staff.

On 12.02.18 you sent your letter of complaint to me.

I have reflected on these facts and the contents of the various pieces of correspondence and reached a number of conclusions concerning the actions of Ms Hayles. These are as follows:

1. That Ms Hayles responded appropriately in January 2017 when, as a recently appointed CER, she sought to establish with you the full extent of your issues and complaints so that she could deal with them comprehensively.
2. That the period between 22.02.17, when you confirmed that the table of issues was complete bar two documents, and 28.04.17, when you received a substantive reply, was quite long. However, that delay is explained in part by the time taken for consideration of all the correspondence and in part by the fact that Ms Hayles decided to ask Mr. Dunshea to review the matter separately to give you reassurance regarding your concerns about conflict of interest.
3. That the letter sent by Mr. Dunshea addresses all the items in the agreed document and explains again that the GCC has no remit to take the action you originally requested on behalf of you and your patient.

On the basis of that analysis, I am unable to agree with the view expressed in your letter of complaint that Ms. Hayles did nothing about the matters you had raised. She instigated a thorough examination of the case, had a further review conducted by the Acting Chair of the GCC's Council and provided a full response. The fact that she has not done what you wanted from both her and her predecessor is explained by the fact that the GCC, and therefore its CERs, have no authority to act outside of their statutory duties. I consider the complaint to be unjustified and intend to take no further action in connection with it.

Ms. Hayles has continued to respond to your subsequent queries on procedural and communications matters up to the date of your letter of complaint to me.

I am very concerned that the correspondence between yourself and the GCC has continued for 6 years without there having been a resolution. It seems to me that you are not prepared to accept that the GCC cannot play the role you wished, and still wish, it to play with regard to your patient. Successive members of staff and Council have endeavoured to clarify the statutory responsibilities of the professional regulator. I have set out again our statutory functions in the early part of this letter. I have also set out examples of things the GCC cannot undertake. I sincerely hope that you will recognise that it can serve no purpose to pursue this matter further.

If you are not satisfied with this response, or wish further clarification of the GCC's role and responsibilities, you may wish to approach the Professional Standards Authority for Health and Social Care (the body that oversees the performance of the nine statutory regulators for health and social care) referred to by Mr. Dunshea in his letter of 28.04.17.

Yours sincerely,



Mary M Chapman  
Chair, GCC