

Mark Russell
25 Westby Road
Lytham St Annes
Lancashire
FY8 2EJ

25 August 2016

Chair: Elaine Buckley

Chief Executive and Registrar: Marc Seale

Dear Mr Russell

In your letter of 19 August 2016, you ask me to respond to numerous detailed points, all of which appear to stem from your belief that you should not have been prosecuted by the HCPC, nor convicted by the court, for any offence of use of a protected title with intent to deceive.

I note that the prosecution was only brought following numerous warnings in which the elements of the offence were drawn to your attention. I am told that the Crown Court found that you "*could not be in any doubt*" about the particulars of the offence and that you demonstrated an intention to deceive in your use of the title. It follows from this that the decision to prosecute was correct and I see no basis for seeking to go behind your conviction.

With regards to guidance to the profession, Council will be considering a new prosecution policy shortly and, whilst I trust that any published policy will be of assistance to registrants and others, it is important to bear in mind that the interpretation of offences under the 2001 Order is a matter of general criminal law for the courts and not something upon which the HCPC can give definitive advice.

Yours sincerely



Elaine Buckley
Chair