15 August 2016

Elaine Buckley

Chair

HCPC

184 Kennington Park Road

London

SE11 4BU

Dear Mrs Buckley

You will no doubt be aware that I have regrettably been subject to criminal proceedings by the HCPC for ‘Misuse of title’, which spanned over three years and concluded in Preston Crown Court last month.

I would be very grateful if you would read the enclosed article, with supporting documentation, which provide factual and accurate detail to the background and events throughout the prosecution. I am deeply concerned by the manner in which the HCPC has advanced this case, in particular their concealment of the essential element of ‘intent to deceive’ during the initial hearings when I was unrepresented.

The relevance of an ‘intent to deceive’ has never been highlighted by your organisation at any time, to either the professional bodies or registrants. As a profession, we were under the impression that ‘protected’ titles offered indicative closure and it was simply an offence to use a title without registration. However, this position was not only refuted by the prosecution QC during the appeal, the Court was repeatedly told that I “must have known” about the provisions of the legislation in respect of the offence.

This is clearly untrue, as you will note from the comments from colleagues at the end of the article, along with the Witness Statement from Ralph Graham, who was Chair of the Society of Chiropodists and Podiatrists as well as the Allied Health Federation during the time that the Order was implemented.

You will also note the Judges’ comments. I have been characterised as a dishonest and deceitful individual, intent on undermining the regulatory regime. Nothing could be further from the truth.

I regret to say that I have been repeatedly misled and deceived by your officers and legal agents throughout this case. I was never informed that the charge that I was facing included intent to deceive and indeed this essential part of the offence was not included in the summons or in any of the preliminary discussions.

Since I ceased registration in 2008, I have been open and honest about my registration status to all patients, colleagues and other agencies associated with my practice. I would, likewise, appreciate the same honesty and candour from your organisation in answering the following questions;

1. Why have you concealed the importance of the intent to deceive element of the offence from the professions up until last year?
2. Why did you not advise me, when I ceased registration, that I could practice, lawfully, as an unregistered podiatrist, provided I took every precaution not to deceive anyone?
3. Why did you repeatedly send me “cease and desist” letters threatening prosecution when you were aware that I was complying fully with the legislation?
4. What justification is there for spending hundreds of thousands of pounds of registrant’s money to prosecute an individual for simply raising a concern?
5. Will you publicly acknowledge that your organisation cannot prevent individuals who have been struck-off the register from continuing in practice under a non-designated title – and when that occurs, those individuals continue to endanger the public with the risk that you identified in the first place?
6. Will you take immediate steps to inform the Court that I could not possibly have known that the offence was conditional on an accompanying “intent to deceive”?
7. Will you, as the prosecuting authority, seek leave to appeal this conviction on my behalf on the grounds that the evidence submitted in court by your legal agents was factually wrong?

This unnecessary prosecution has put me in an invidious position where I have lost my practice, my income and savings and I am shortly to lose my home, all of which is insignificant in comparison of being labeled as dishonest. I am not prepared to accept this under any circumstances.

I look forward to hearing from you in due course.

Yours Sincerely,

Mr Mark Russell