94 Woodlands Road

Ansdell

Lytham St Annes

FY8 1DA

07980733684

[www.mark-russell.net](http://www.mark-russell.net)

23 March 2018

Mr Mark Menzies MP

House of Commons

Westminster

London

Dear Mark

**Health & Care Professions Council**

Thank you for your recent letter which accompanied the Minster’s reply to earlier correspondence with Jeremy Hunt.

It is now four years since you first alerted the Health Secretary to the incongruous position of the HCPC’s ability to protect the public with the deficiencies in the legislation that were disclosed during evidence in my Old Bailey Appeal in February 2014.

You have, of course, written several times to Mr Hunt since then; particularly during the course of my second prosecution and Crown Appeal – and more crucially, last year, when it became clear that the regulator and government were fully aware of these deficiencies from the time the legislation was published in 2004, but had never disclosed or admitted to them until recently.

My previous correspondence details the implications for the Health Secretary and the HCPC arising from the deliberate non-disclosure of this evidence during my prosecution(s), This is now properly a matter for the Police, CPS and the Criminal Cases Review Commission – and I do not intend to repeat what has been provided previously.

I would, however, like to draw your attention to a related matter, which I only became aware of last week.

In May 2016, one month before my Crown Appeal concluded, Phillip Batten was convicted at Guilford Crown Court for a number of serious sexual offences and sentenced to 17 years in prison. Batten had been a teacher at the Royal Alexandra and Albert School in Surrey and his assaults were on young boys during the 1970s and 1980s. One of his victims committed suicide as a result of Batten’s attacks. Like many of these cases, the assaults were unreported at the time.

Following another incident, Batten was dismissed from teaching in the late 1990’s and moved to Stogumber in Somerset, where he commenced practice as a chiropodist/podiatrist, until his arrest in 2015. He was not HCPC registered and was thus able to evade statutory regulatory scrutiny – and as we now know – he may have been able to do so perfectly legally. Batten was on the Sex Offenders Register throughout the time he was practising chiropody in Somerset.

This was precisely the scenario I warned about ten years ago and whilst I do not, as yet, have any evidence members of the public were harmed or assaulted by this individual through his practice, the risk he posed was clearly of the highest order.

Because of the deficiencies in the primary legislation, HCPC were unable to act and public safety was undoubtedly compromised.

Isn’t it somewhat ironic that I was prosecuted by the HCPC for highlighting this deficiency and warning of the safeguarding risks to the public it creates? What else does it take before the Government intervenes in this matter?

Steven Barclay, replying on behalf of the Health Secretary on 6 March 2018, has compounded matters by once again disingenuously misquoting the legislation.

Article 39.1.b of the HPO 2001 reads:

*A person commits an offence* ***if*** *with intent to deceive (whether expressly or by implication) he uses a title to which he is not entitled.*

Perhaps it would be advisable for the Minister to acquaintance himself with the correspondence you have generated over the last four years so that he properly understands the lawful provisions and deficiencies in the legislation that the word ‘if’ creates.

The rest of his letter is, as you have observed, complete nonsense and it is deeply concerning that he has ignored the allegations of misconduct, deliberate non disclosure of evidence and fraudulent misrepresentation, by the HCPC and Department of Health officials as detailed in your letter to Jeremy Hunt on 24 January. His silence on this matter is instructive.

In addition, Barclay writes that he is “unable to comment on an individual *fitness to practise* case” and in doing so, implies my conduct or competence has been impaired. I have never been the subject of a FtP hearing in thirty-five years of practice and I would be pleased if the Minster can acknowledge that fact.

This has been a dishonest and dangerous affair – and deeply damages the trust that is essential between the health professions, government and the public. I am very grateful for your diligence and perseverance in pursuing this case robustly over the last four years and I am only sorry we have been unable to resolve this through the usual channels before it becomes a major issue. Thank you once again for all you have done.

On a more positive note.

On 9th June this year, I am hosting a fundraising concert for a very worthwhile charity called *Forgotten Feet*, set up by some exceptional and dedicated colleagues from across the UK. The aim of the group is to provide a free, regular chiropody/podiatry service for those most in need with no access to NHS or private care, such as the homeless and socially isolated. This care is provided *pro bono* by volunteer podiatrists and foot health professionals and is a rapidly expanding nationwide project, desperately needed by some of the most vulnerable and medically complex people in society.

I would like to help raise some funds to assist with their project.

The concert will feature many excellent musicians from the Fylde and further afield. Aside from collections on the day, we will also be broadcasting the event live on social media with a pledge/donation utility – so other colleagues and their patients across the country can help too. BBC North West will feature the concert on the regional news.

I would be great if you were able to attend and perhaps say a few words in support. You probably have more experience in foot-related matters than most of your colleagues by now and I’m sure it will be an enjoyable day! If you are able, please let me know and I will forward the details to Chris.

As always, with best wishes.

Yours sincerely

Mark Russell

Links:

<http://www.somersetcountygazette.co.uk/news/14510865.Stogumber_paedophile_jailed_for_42__horrendous__historic_sex_offences/>

<https://www.misterwhat.co.uk/company/211066-philip-batten-taunton>

[www.forgottenfeet.uk](http://www.forgottenfeet.uk)