

# MARK MENZIES MP



## HOUSE OF COMMONS

LONDON SW1A 0AA

Jeremy Hunt MP  
Secretary of State for Health and Social Care  
Department of Health and Social Care  
39 Victoria Street  
London  
SW1H 0EU

10 May 2018

Dear Jeremy,

**RE: Deficiencies in HCPC legislation which pose a risk to the public**

I am writing following our long-standing correspondence concerning my constituent Mr Mark Russell and his prosecution by the HCPC in a test case.

Mr Russell has written once again to highlight some of the serious dangers patients face because of the lax legislation used by the HCPC.

He raises the case of predatory paedophile Phillip Batten, who used a 'protected title' for 14 years without HCPC registration, until his conviction in 2016; police informed the HCPC Batten was on the sex offenders' register but the HCPC took no action because he was not registered with them.

Batten was found guilty of some 42 offences, including gross indecency, serious sexual assault and child cruelty, yet was allowed to practice as a health professional due to lax legislation.

This man had access to people of all ages through his practice, and operated outside any regulatory framework. This loophole is surely a danger for the public, and a matter which needs addressing with some urgency.

Mr Russell also raises the case of Yvonne Thomas from Liverpool, who practiced as a chiropodist without HCPC registration, and was found guilty of a number of offences against vulnerable adults and the elderly in January this year.

In both of these cases, the HCPC has refused to answer Freedom of Information requests asking if any cease and desist letters were sent to the guilty parties, and if any notes and correspondence on them exist at all.

I include correspondence from Mr Russell herein, including copies of news reports of the prosecutions and the HCPC's refusal to answer the Freedom of Information requests.

You will be well aware the HCPC refuses to answer my questions regarding Mr Russell's case; this does not give me confidence the HCPC can actually answer the questions I have asked of it. It is not the action of an organisation with nothing to hide.

## MEMBER OF PARLIAMENT FOR FYLDE

Westminster: 020 7219 7073 Constituency: 01253 739848

Email: [mark.menzies.mp@parliament.uk](mailto:mark.menzies.mp@parliament.uk) Website: [www.markmenzies.org.uk](http://www.markmenzies.org.uk)



Mr Russell decided not to re-register with the HCPC after raising concerns that unscrupulous people in his profession – podiatry – could continue practicing with no oversight so long as they did not use protected titles. Those using ‘podologist’ or ‘foot health practitioner’ can carry on without any oversight whatsoever.

It is clear to me, given the huge amount of correspondence I have read on the matter, that the HCPC can only prosecute someone if it can prove an intent to deceive regarding membership of the HCPC, not the use of protected titles.

Mr Russell was pursued through the courts to the tune of hundreds of thousands of pounds after he essentially whistle-blew the situation; it appears no such action was taken against the two criminals mentioned above.

Mr Russell’s fears are playing out in front of our eyes. He long argued function should be protected, rather than title, to ensure public safety. I have to agree with him, and I believe the Department of Health and Social Care needs to look into this situation with urgency.

I would be very appreciative if you could look into the matter further and come back to me with an answer to the issues raised and how they are being resolved.

Many thanks in advance for your assistance in this matter.

Yours sincerely,

A handwritten signature in blue ink, appearing to read 'Mark Menzies'.

**Mark Menzies MP**