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13 September 2016

Elaine Buckley

Chair

HCPC

184 Kennington Park Road

London

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Dear Mrs. Buckley

Your letter of 25 August refers. Given that I have raised a number of serious matters in my previous correspondence, which you have failed to even acknowledge, I consider your response wholly unsatisfactory.

The Council has materially misled the professions and registrants regarding the use of designated titles since 2003 – and it’s officers and legal agents sought to maintain that deception after I ceased registration; during discussions prior to the initial hearings – and throughout the Crown Appeal proceedings. It is now perfectly clear that the Prosecuting Counsel was instructed on the same terms as the advice given to Mr Mark Menzies MP by the Registrar in his letter of 17 August 2016 where he wrote:

“*The HCPC has never sought to conceal the intent to deceive element of the offence.”*

I suggest to you that this is a blatant lie. In my letter of 19 August, I asked you to provide me with any information that offers clear advice to registrants and/or the professional bodies, which sets out the necessity of an accompanying “intent to deceive” for an offence to be committed, but you have neglected to do so.

Today I received a response to two FOI requests served on the HCPC last month and I enclose them for your attention. I requested copies of any guidance notes or advice rendered to my professional body explaining the intent to deceive element of the offence. The same request I asked of you in my last letter.

The HCPC replied by referring me to an article published in our professional journal last December, almost three years after you initiated proceedings against me. The article itself is highly misleading and contains several inaccuracies – and in a style consistent with that of the Registrar in his response to Dr Sarah Wollaston MP – it fails to answer the questions asked in regard to use of title. Nonetheless, if this is the only statement attempting to explain the necessity of the intent to deceive element offered to the profession, it renders the Registrar’s position untenable.

The other FOI request asked the total cost of the prosecution, which I am informed was £171,727.77 of which over £100K was paid to the firm complicit in the concealment of the exemption. On one hand, given that the fine was £200, there may be a question of “value for money” when considering best use of registrant funds. But given the foregoing, the use of registrant funds to advance a criminal prosecution against someone unknowingly and quite lawfully exploiting that exemption – in an attempt to cover-up the deception, is a scandalous, if not criminal misuse of registrant funds.

All that has been achieved by this prosecution is that the lie foisted on the professions has been exposed. I now know that I can lawfully practice as a chiropodist or podiatrist without registration – as can any registrant who has been struck-off for misconduct. I guess you can argue that I have been punished for my “defiance” – but the motivation for doing so is immoral if not illegal.

I understand you are about to embark on a UK tour promoting the revised standards of conduct and proficiency. One of the standards you will be impressing on registrants is:

*You must be open and honest when something has gone wrong*

It is abundantly clear that Council and its solicitors have acted improperly, dishonestly and deceitfully in its presentation of the regulatory requirements of the designated titles to all the professions, registrants and the public – and despite the unraveling of this disgraceful fraud during my prosecution, your Registrar has now expressly misled and lied to a Member of Parliament.

Before I escalate this matter further and make this information publicly available will you please address the questions I asked of you in previous correspondence? I look forward to hearing from you at your earliest convenience.

Yours sincerely

Mark Russell