



In the matter of Section 22 of the Chiropractors Act 1994 (“the Act”)

and

The General Chiropractic Council (Professional Conduct Committee) Rules 2000 (“the Rules”)

and

The consideration of an allegation by the Professional Conduct Committee

**NOTICE OF FINDING BY
THE PROFESSIONAL CONDUCT COMMITTEE
OF THE GENERAL CHIROPRACTIC COUNCIL**

Name of Respondent: Peter Norrie Welsh

Address of Respondent: Welsh Clinic
23 Clifton Lane
ROTHERHAM
S65 2AA

Registration Number of Respondent: 00904

On 03 and 24 November 2021, the Professional Conduct Committee (“the Committee”) of the General Chiropractic Council (“the GCC”) met at a meeting without the parties present to consider the following Allegation against you, referred to it by the Investigating Committee in accordance with Section 20(12)(b)(ii) of the Chiropractors Act 1994 (“the Act”). The Committee then met at a hearing to which the parties were invited on 02 February 2022.

THE ALLEGATION:

That being a registered chiropractor you are guilty of unacceptable professional conduct.

PARTICULARS OF THE ALLEGATION:

That being a registered chiropractor you are guilty of unacceptable professional conduct:

1. At all material times you were a registered chiropractor providing chiropractic care and/or treatment to patients at Welsh Clinic, 23 Clifton Lane, Rotherham, S65 2AA, United Kingdom.
2. On or around 5 December 2020 you posted a number of comments on the public Facebook page of Person A, underneath a post placed on the Facebook page by Person A on 5 December 2020 at 10:31, to which Person A had attached a link to an NHS post entitled "Coronavirus: Join the NHS COVID-19 vaccine team".
3. Your comments included content which was inappropriate, in that the posts had the potential to:
 - a. Bring the profession into disrepute; and/or
 - b. Undermine public confidence in the profession; and/or
 - c. Undermine and discredit fellow professionals in the eyes of patients and the public, including by suggesting that they and/or other health professionals are lying; and/or
 - d. Cause alarm amongst members of the public; and/or
 - e. Mislead members of the public in relation to the risks associated with vaccination; and/or
 - f. Undermine the government's public health programmes in respect of vaccination and other protective/preventative measures, at a time of heightened public anxiety due to the global pandemic; and/or
 - g. Discourage members of the public from seeking advice, treatment or from following government advice in relation to the prevention of Covid-19.

AMENDED PARTICULARS OF THE ALLEGATION:

That, being a registered chiropractor, you are guilty of unacceptable professional conduct:

1. At all material times you were a registered chiropractor providing chiropractic care and/or treatment to patients at Welsh Clinic, 23 Clifton Lane, Rotherham, S65 2AA, United Kingdom.
2. Between December 2020 and January 2021 you posted a number of comments on social media, in respect of the Covid-19 pandemic.
3. One or more of your comments at 2 above were inappropriate, in that they:
 - a) were contrary to official public health advice and/or information;
 - b) were intended to undermine public health advice and/or information;
 - c) were intended and/or had the potential to cause alarm or distress.

DECISION

1. In accordance with Rule 3(1) of the General Chiropractic Council (Professional Conduct Committee) Rules 2000, the Professional Conduct Committee had previously determined not to hold a public hearing to deal with the Allegation as notified to Peter Welsh on 07 July 2021.
2. In a document signed and dated 25 August 2021, Mr Welsh agreed to waive his right to attend. He accepted that, if the Committee found the Allegation proved, it could impose a sanction of Admonishment or an order for Conditions to be imposed on his registration at the meeting without considering any further written or oral representations from him.
3. The Committee therefore decided to proceed and considered the Allegation on the basis of documentary evidence with neither party present.

Background

4. In December 2020 and January 2021, Mr Welsh posted a number of comments on social media. Mr Welsh responded to posts put on Facebook by Professor DN, who is not a chiropractor, commenting on research and scientific matters. In these posts Mr Welsh made comments relating to the Covid-19 pandemic, the government's response to it and the public health measures that were being used to prevent the spread of the virus. A number of the posts placed by Mr Welsh caused deep concern to another chiropractor who had read the posts. As a result of the concerns, the chiropractor reported Mr Welsh to the GCC.

Application to amend the Particulars of the Allegation.

5. The Committee first considered the Application made on behalf of the GCC to amend Particulars 2 and 3 of the Allegation. It noted that the proposed amendment to Particular 2 extended the time period alleged, which was originally only December 2020, to include January 2021, which was supported by the evidence which was before the Committee. With regard to Particular 3, the application was to reduce the number of separate sub-Particulars which supported the principle allegation in the stem that comments in the posts were inappropriate. In respect of Particulars 3a and 3b, it was submitted that these were essentially judgments that the Committee would be invited to make when considering unacceptable professional conduct and that the reduction of the remainder would have the effect of simplifying the Particular.
6. The Committee noted that Mr Welsh had been informed of the proposed amendments and had not raised any objection to them. The Committee considered the application and determined that these amendments could be made without injustice to either party, and that it would not be unfair to either party if they were made. The Committee concluded that the proposed amendment to Particular 2 was consistent with the evidence before the Committee, in terms of the dates alleged in that posts had been placed in both December 2020 and January 2021. With regard to Particular 3, the

Committee gave consideration to whether there could be any question of there being under prosecution of the case in terms of the reduction of the number of sub-Particulars. The Committee considered that certainly Particulars 3a, 3b and 3c were all matters which it would require to consider if it reached the stage of considering unacceptable professional conduct and were more properly to be considered at that stage. With regard to the remaining sub-Particulars, the Committee was satisfied that, as amended, they properly represented the matters that the Committee should consider in relation to the allegation of “inappropriate” at this stage, and there was no issue of there being an under prosecution of the case.

Findings of Fact

7. The Committee considered all of the documentary evidence provided by the Respondent and by the GCC. It has borne in mind that the burden of proof on facts is on the GCC and that the standard of proof is the civil standard, which is the balance of probabilities.
8. The Committee made the following findings on the Particulars of the Allegation:

Particular 1: Found Proved

The Committee was satisfied on the evidence before it that this Particular was proved.

Particular 2: Found Proved

The Committee took account of the evidence placed before it. It noted that Mr Welsh had placed posts on Facebook in his own name in the period alleged in the Particulars of the Allegation. He also placed posts in the name of his practice, “Welsh Chiropractic” albeit on a date one day outside the dates alleged in the Particulars but which assisted the Committee by giving context to other posts which appeared in the period alleged in the Particulars.

The Committee noted that the evidence demonstrated that, over the period of December 2020 and January 2021, Mr Welsh placed a number of posts. It further noted that in his correspondence with the GCC, Mr Welsh has not denied that the posts under his name were written by him. The Committee determined that in considering Mr Welsh’s response to the GCC dated 19 January 2021, it could properly draw an inference that these posts were genuine and had been placed by Mr Welsh. On this basis, the Committee was satisfied that this Particular was proved on the balance of probabilities.

Particular 3 a: Found Proved

The Committee determined that in considering this Particular, there were essentially four areas of public health advice/information which were relevant for the Committee to consider. These were mask wearing, vaccination, isolation and PCR testing. The Committee noted the following posts by Mr Welsh:

On the issue of masks:

“Masks aren’t just a piece of cloth that a virus goes through easily! They are a suppression, a control of the people. They hide your face and your emotions. They provide everyone around you with a picture of fear, and every time you wear one you feel the need to stay safe and reject what is normal for human beings. And then there is the physiology of breathing through a mask, and its negative effects on your health.....So WHY would you choose to wear a mask which is UNPROVEN to work, when the better, more natural choice would be to choose NOT to wear a mask!”

Later in the same post Mr Welsh says: *“I’m arguing about masks...because the evidence is NOT there. And I choose normal human health, not political nonsense”*

In a further post Mr Welsh says: *“Your philosophy in life is wrong if you just agree we should all mask up due to the virus which is the same as seasonal flu statistically”, and “Masks are a good way of suppressing people, controlling people ...and if you want to look like an idiot, go ahead”.*

On the issue of vaccinations, the Committee noted the following post from Mr Welsh:

“So yes, I’m doing everything I can that is right and proper...and to go against that and inject an arm with potential poison would be the opposite”.

In further posts the Committee noted Mr Welsh stated: *“But to top that, you still insist that you would be helping your fellow man when offering yourself as a plunger for the untested vaccine which may bring permanent suffering or death to someone”, and “...but my total and utter point is why do you need to poison people, or from your scientifically correct, science never lies, perspective, possibly harm people, by injecting them whilst standing under the title chiropractor....”.*

On the issue of isolation, the Committee noted the following post from Mr Welsh posted on 30 November 2020:

“Then please remember that only exposure will get you through this year and into next year ready to fight against the next virus which will definitely be coming your way. So if you isolate, you will be no better off next year, and potentially worse”.

In further posts within the alleged period, Mr Welsh stated: *“.....so what point are you trying to make? That the whole world should run away from this virus and lock themselves up and never come out and embrace normal ever again? If that’s the future Dave, then I will fight that to the end of time. My kids will not embrace your anti-human future!”.*

On the issue of PCR testing, the Committee noted the following posts from Mr Welsh:

“The PCR is so unreliable, it doesn’t prove anything!!”

“If this is all covid, then prove it. How do we test for covid infection vs flu? A faulty PCR test. Does anyone disagree?? No.”

The Committee was satisfied that the posts set out above are examples of a pattern of posts from Mr Welsh which were inappropriate in that they were contrary to official public health advice and or/information concerning the wearing of masks, the encouragement of the public to receive vaccinations, to isolate when required and regarding the PCR testing.

Particular 3b: Found Proved.

The Committee determined that there was a considerable overlap between matters alleged in Particular 3a and Particular 3b. It considered the posts set out above and concluded that Mr Welsh, in the tone and content of the posts intended to undermine public health advice and/or information. The Committee noted that in his posts, Mr Welsh appeared overly assertive, he appears not to be weighing evidence and responding in the measured tones of an on-line debate, but rather seeks to browbeat others with his opinions to the extent that the Committee was satisfied that his purpose was to undermine the public health advice and information being put out by the government and the NHS.

Particular 3c: Found Proved.

The Committee noted its decision under Particular 3b above. It noted its finding that Mr Welsh appeared overly assertive in his posts, he appeared not to be engaged in a debate with colleagues but expressed his views in manner which appeared to browbeat other contributors and to shut down debate rather than to encourage it. The Committee decided that in expressing the views that he did and in the way that he did, Mr Welsh’s comments were intended to cause alarm or distress, or certainly had the potential to do so. The Committee noted a post from Mr Welsh in the context of posts concerning people who had suffered from Covid and some of whom had died: *“Tested positive? Lol...”* and another post: *“You guys-such a waste of talent. Firstly 3000 new admissions per day, if accurate, is 7 per hospital. Some of these will be triaged and given antibiotics and sent home within 24 hours. Nobody knows because the BBC just want to scare everyone”*.

The Committee considered that Mr Welsh exaggerated information and mischaracterised public health advice in order to cause alarm or distress, an example of this was the quote:

“...so what point are you trying to make? That the whole world should run away from this virus and lock themselves up and never come out and

embrace normal ever again? If that's the future Dave, then I will fight that to the end of time. My kids will not embrace your anti-human future!"

And by his reference to the vaccine as “*potential poison*” and by his reference to masks as a means for “*suppression, a control of the people.*”

The Committee concluded on the balance of probabilities that some of Mr Welsh’s posts were intended to cause alarm and distress and that others had the potential to do so.

UNACCEPTABLE PROFESSIONAL CONDUCT

9. The Committee had regard to its findings on the facts and noted it had found all the Particulars of the Allegation proved. It also had regard to all the evidence that had been placed before it. It reminded itself that whether Mr Welsh is guilty of unacceptable professional conduct is a matter for its judgement. It also reminded itself that not all breaches of the Code would necessarily lead to a finding of unacceptable professional conduct. The Committee received and accepted the advice of the legal assessor regarding what constitutes unacceptable professional conduct.
10. The Committee considered the matter with care, acknowledging that the case raises significant issues that go to understanding the boundaries of what chiropractors should and should not say or do.
11. The Committee was clear about what it was not required to do: the Committee was clear that it was not within its remit to adjudicate on the validity of Mr Welsh’s views regarding the wearing of masks in the Covid-19 pandemic, the value of vaccinations, the validity of the PCR test or the value of social-isolation to counter the spread and harm caused by the virus.
12. The Committee was satisfied that its task was to adjudicate on Mr Welsh’s conduct when posting messages on social media at the time he was a registered healthcare practitioner, namely a chiropractor.
13. The Committee had regard to the fact that, within this jurisdiction, citizens have freedom of thought. In this case, Mr Welsh is free to think whatever he likes, however unreasonable, irrational or unjustified those thoughts may be.
14. Further, the Committee noted that within this jurisdiction citizens also have freedom to express themselves: people, including Mr Welsh, have a freedom to express themselves, orally or in writing including on social media. However, this freedom has limits. Most obviously within the context of healthcare professionals, registrants are not uninhibited in what they can tell others about their patients since maintaining patient confidentiality is an important aspect of professionalism.
15. The issue of patient confidentiality does not arise in this case but the point illustrated to the Committee that the right to freedom of expression has limits.

It also illustrated that the limitations on freedom of expression are there for good reason, often to prevent harm being caused to others.

16. The Committee had regard to the fact that limitations of freedom of expression impact on chiropractic professionals. Being a chiropractor is a privilege that is hard earned but it comes with significant responsibilities. In essence, the responsibility is to act at all times in ways that meet the statutory objectives of regulation, namely the protection of patients and the wider public, the maintenance of public confidence in the profession, and the upholding of professional standards. A professional who acts otherwise risks harming others, undermining public confidence and undermining professional standards, each and all of which can have serious consequences on the well-being of individuals.
17. The Committee concluded that how chiropractors act, therefore, matters, and it is why regulation is in place to ensure professional standards are adhered to and to deal with instances when they are not.
18. The Committee was satisfied that this applies to how professionals express themselves to others, whether orally or in writing and whether or not the expression is on social media. What a professional expresses may very well be given extra weight by others because they are a professional. This is particularly so when it is a healthcare professional expressing views about healthcare issues as in this case. Mr Welsh clearly identified himself as a chiropractor and was expressing views about health care issues, in particular, the Government's public health response to the Covid-19 pandemic.
19. The Committee concluded that it therefore matters whether Mr Welsh acted responsibly in expressing himself, in particular to have regard to when, where and how he expressed himself. In the Committee's judgement, Mr Welsh did not act responsibly in how he expressed himself; he did so at the wrong time, in the wrong place and in the wrong way for reasons that are given below.
20. In the Committee's analysis, there were two aspects of Mr Welsh's posts to assess, though they were very closely inter-twined. First, there are the views he expresses regarding the Government's response to the pandemic, in particular with regard to the wearing of masks, the use of vaccinations, the validity of the PCR testing, and the practice of social isolation. Secondly, there is the language, tenor and tone in which he expresses himself. The Committee considered both these elements, though as noted above they are inter-twined, and did so considering first the timing of his expression of views, secondly where they were expressed and thirdly how they were expressed.
21. First of all, the Committee considered the timing of Mr Welsh's posts which were evident on the posts. It appears from Mr Welsh's social media posts that he was responding relatively quickly to the comments of others. There is no sense of him taking time to consider a measured response. Rather, his responses were characterised by being 'knee-jerk' reactions to dismiss what others had written who did not agree with him. The Committee considered that professionalism would have been demonstrated by Mr Welsh taking time to respond in a measured, thoughtful way, by demonstrating an intellectual rigour

that might have been expected of a healthcare professional, but these are not characteristics evident in his posts.

22. The Committee considered that there was a second element to the timing of his posts. They occurred over December 2020 into January 2021 when the UK was into a second wave of the Covid 19 pandemic. This was a difficult time for individuals and society as a whole, as illustrated by the evidence before the Committee. There was very great concern about rising numbers of reported cases, concerns about the capacity of hospitals and medics to cope over the coming weeks and months, and concern about the rate of deaths. For reasons that the Committee outline below, Mr Welsh's comments were inappropriate and could have been so whenever they were expressed; but to express them at the time he did, in the course of that second wave of the pandemic when concerns were so high, the Committee determined, was simply wrong given that the comments could only aggravate people's anxieties, as indeed is illustrated by the upset expressed by others in response to Mr Welsh's posts.
23. Secondly, the Committee had regard to where his views were expressed. In his response to the Allegation, Mr Welsh wrote that the posts were "*within a private chiropractor-only group on Facebook*". This description of his posts was to a degree misleading and in part wrong. The Committee has read one post from the public page of his Clinic's Facebook page of which, for reasons already given above, the Committee has noted. Further, the posts seen by the Committee appear on Facebook pages able to be accessed by members of the public, including those people on Professor DN's Facebook page. Professor DN states "my [Facebook] account is, and always has been, public to anyone who accesses it." He further states " I currently have between 1300 and 1400 friends on Facebook. Of these I would estimate I know 150 and 200 of them personally. The remainder are people I have added because they had some link to the chiropractic profession or were mutual friends with someone I was already friends with." Mr Welsh does not claim to have known all of Professor DN's Facebook "friends".
24. The Committee was satisfied that, to all intents and purposes, the posts were publicly accessible as evidenced by a GCC employee who accessed relevant posts.
25. In any event, the Committee was minded to conclude that it made no difference to its conclusions whether Mr Welsh thought the posts were on a private page or not. The moment content is placed onto the internet, control of where it goes is very hard to achieve with complete certainty. To post items believing, as Mr Welsh in his response to the allegation states, that they were comments expressed in private and could be expected to remain in private was naïve and irresponsible. Anyone using social media should know that when they post content online they have lost control of the content and it can end up in a public domain and they must carry responsibility for that, as must Mr Welsh.

26. The third consideration of the Committee was how Mr Welsh expressed himself. The language, tenor and tone of Mr Welsh's posts sustained a tone that was consistently disrespectful of anyone who did not agree with him, which appeared to the Committee to be most of the people responding. The Committee concluded that Mr Welsh was overly assertive and definitive in the manner in which he expressed his opinions and was dismissive of those who disagreed with him or how he expressed himself. He demonstrated a lack of reasonable sympathy or even professional empathy to those who disclosed that they knew people who had been ill or who had died. He was generally abusive towards those who did not agree with him.
27. The Committee noted that one contributor suggested to Mr Welsh "*Everyone is entitled to their own opinion*" and that Mr Welsh did not have to "*read or follow*" Prof DN's opinions. It further noted Mr Welsh's response which compared the contributor's advice to "*the beautiful ideology of Nazism*" which the Committee concluded in most contexts, including this one, was not only unwise but abusive for what was plainly meant as genuine common-sense advice. The Committee further noted that Mr Welsh accused one contributor, who had objected to the tone and content of Mr Welsh's posts, as being "*pathetic*" and then sought to justify the comment when he was again challenged. This, the Committee noted, was followed by another contributor who commented to Mr Welsh "*Stooping to personal insults is hardly a way to get your comments taken seriously*" clearly signalling that others regarded Mr Welsh's posts as insulting, as does the Committee. One contributor, expressing concern about the tone of Mr Welsh's posts commented: "*The fact that you perceive this as an argument rather than a professional discussion between respectful healthcare professionals indicates that there is no point engaging further with you.*" The Committee concluded that this, again, should have been a signal to Mr Welsh that he was over-stepping the mark in the hectoring manner in which he expressed himself. Yet despite these clear indications from others that his tone was causing offence and was not professional, the Committee noted that Mr Welsh continued in the same manner with his posts.
28. The Committee had regard to the fact that Mr Welsh's abuse was particularly targeted at Prof. DN accusing him of "*scaremongering*" and referring to his views as a "*tide of crap*" which, in the context of his posts was language that the Committee did not regard as characteristic of a professional contribution to a debate.
29. The Committee was particularly concerned by the abuse Mr Welsh directed at Prof DN which was aggravated when he linked his abusive tone to the fact that Prof DN has supported a complaint against him to the GCC. To the Committee that was particularly troubling: it is important that professionals can raise concerns about other professionals without the fear of being abused for doing so. In one post, addressed directly to Prof DN, Mr Welsh wrote "*You are a pure antagonist of everything chiropractic...My request is that whilst you helped a lot ... you now need to go. Our profession does not want your rhetoric...*". That post by Mr Welsh was followed by posts from several contributors indicating that they did value the engagement of Prof DN and which, again, objected to the tenor of Mr Welsh's message.

30. The Committee concluded that Mr Welsh's posts were abusive towards other healthcare professionals who may have been assisting the Government's efforts to tackle the pandemic. For example, he likened those assisting with the vaccine roll-out to injecting people with "*potential poison*", the opposite of "*helping*" someone and "*only helping pharma get rich*". In the Committee's mind, the views Mr Welsh expressed could only be read as disrespectful of the senior healthcare professionals, experts in their fields who had developed the vaccines and approved them for use, and those who were advising the Government on how to respond to the pandemic.
31. The Committee noted that Mr Welsh, in his responses, has offered to provide evidence supporting the views he expressed, though he has not in fact provided any actual evidence. As it is, as the Committee has set out, this case is not about whether Mr Welsh can now justify his views; it is about how he expressed himself at the time he sent the posts.
32. The Committee has already concluded that Mr Welsh's posts contradicted the public health advice that was being given. The Committee has also concluded that Mr Welsh's posts were intended to undermine the public health advice and were in some instances intended to cause alarm or distress, and in other instances had the potential to cause alarm or distress.
33. For a healthcare professional, who has no expertise or established authority on the issue, to intentionally contradict and undermine public health messages in the middle of a pandemic, and to act in ways that could cause alarm and distress, can only, in the Committee's view, be regarded as a serious matter. The consequences could be serious by dissuading others from following the public health advice, putting themselves and others at risk of serious illness and death, putting at risk the capacity of hospitals to cope, and undermining society's collective effort to deal with what was widely regarded as a global crisis. The Committee would not wish to over-state Mr Welsh's actual influence or impact. There was no evidence before the Committee that anyone actually chose not to wear a mask or not to have the vaccine, or to hug others because of what Mr Welsh wrote. But, the Committee concluded, the potential was there for all of that to happen because of the views Mr Welsh was expressing and the fact that he is a healthcare professional whose word can carry significant weight.
34. In expressing his views, the Committee determined, Mr Welsh stepped outside his area of professional expertise: he is a chiropractor not a virologist or immunologist or public health expert, yet he proclaimed on all these areas of specialism. This represents a breach of the GCC's Code.
35. The Committee has found that his posts were abusive towards others and were written in a manner that was disrespectful towards other healthcare professionals. Both these aspects of his conduct amount to breaches of the Code.

36. The potential damage done to the reputation of the profession, in the Committee's view, is illustrated by some of the posts submitted in response to Mr Welsh's posts. One contributor referred to the Registrant's posts as "worrying" given that they came from a healthcare professional. Another contributor wrote "*When I here [sic] Chiropractors arguing Covid isn't that bad it makes me worry for their patients.*" and in this context it is Mr Welsh's abusive intransigence in arguing his points in the face of others who reject his assertions that is the cause of the damage done to the profession's reputation. This is clear evidence of Mr Welsh having brought the profession into disrepute and underscores the Committee's view that Mr Welsh's conduct had the potential to bring the profession into disrepute and in fact did so.
37. The Committee's concerns were underscored by reference to the GCC's guidance issued on 3 December 2020 to chiropractors. It is headed "Professionalism and Covid-19 vaccines". The guidance is re-produced in full as follows:
- "The UK has become the first country in the world, with the exception of Russia, to approve the Pfizer/BioNTech coronavirus vaccine, paving the way for mass vaccination. This is hugely significant for the UK and globally. The UK regulatory authority, the Medicines and Healthcare Products Regulatory Agency (MHRA), gave approval. The MHRA itself was advised by the Commission on Human Medicines (CHM), the government's independent expert scientific advisory body. The MHRA scientists and clinicians carried out a rigorous, scientific and detailed review of all the available data, starting in October 2020.*
- "Our expectation of the chiropractic profession is that registrants will work to ensure that their patients are referred and signposted to trusted sources of information and recognise the dangers of misinformation. Patient safety and public trust in immunisation are vital and we emphasise that while immunisation is an important area of public health it is outside the scope of chiropractic competence.*
- "We further expect all registrants to check the validity of information they pass on or comment on either online or offline and to refrain from engaging with or making unsubstantiated claims that are not supported by concrete scientific evidence or credible sources."*
38. In an email dated 3 February 2021 Mr Welsh wrote: "*I am fully compliant with all guidance issued by the GCC over the past 10 months*" which includes the guidance referred to above.
39. In the Committee's judgement Mr Welsh has not been compliant with that guidance. Whilst the "*expectation of signposting others to trusted sources of information*" is couched in terms of patients, it must apply equally to when addressing members of the public in the context of a pandemic. Mr Welsh has not met that expectation. The guidance emphasises that "*public trust in immunisation [is] vital*" yet his posts contradict and undermine that message. He failed to take heed of the caution that "*immunisation...is outside the scope of chiropractic competence*". He failed to "*refrain from ...making unsubstantiated claims*" since he did not, at the time of his posts, support

them with anything like adequate authoritative sources. The guidance makes a specific cautionary reference to the use of social media which the Registrant has not taken heed of.

40. Accordingly, the Committee concluded that Mr Welsh failed to follow the GCC's guidance in its document of 3 December 2020.
41. Taken overall, at the conclusion of this analysis, the Committee was satisfied that the facts found proved do amount to unacceptable professional conduct on the part of the Mr Welsh. He has breached the Code of standards and failed to follow relevant guidance. It is conduct that risked bringing and, to a degree, did bring the profession into disrepute and thereby undermined confidence in the profession, represented a significant falling short of professional standards, and had the potential of putting others at risk of harm either by not following public health advice in a pandemic or by failing to seek chiropractic help when needed.
42. The Committee's task was to adjudicate on the manner in which Mr Welsh engaged in a debate. The Committee concluded that he did so in a manner that was not consistent with the professionalism expected of a chiropractor for all the reasons given above.
43. The Committee determined that Mr Welsh's conduct was sufficiently serious to cross the threshold of seriousness to warrant a finding of unacceptable professional conduct. The Committee therefore determined that Mr Welsh is guilty of unacceptable professional conduct.

Consideration of the provisions of Rule 3 (4) of the Rules.

44. Before considering what sanction it should impose, the Committee determined that under Rule 3 (4), for the purpose of considering what sanction to impose, the matter should be the subject of a hearing rather than a meeting. This will enable the parties to attend, in particular Mr Welsh will have the opportunity to attend and make representations in person and/or for him to provide written representations, and for the Committee to be able to consider the full range of sanctions available to it. The Committee will also have the benefit of hearing submissions on sanction from the GCC.
45. On 02 February, the Committee reconvened at a public hearing to which the GCC and Mr Welsh were invited to attend and could give evidence and make representations. The GCC attended and was represented by Mr Rickett.

Application to proceed in Absence

46. Mr Welsh did not attend the hearing to consider Sanction. Mr Rickett made an application that the hearing proceed in Mr Welsh's absence under Rule 6 (1) of the Rules. He indicated that notice of this hearing had been sent to Mr Welsh dated 15 December 2021. He drew the Committee's attention to an email sent to the GCC by Mr Welsh in which he essentially stated that he did

not intend to take any part in the proceedings and indicated that he was proposing to retire. Mr Rickett invited the Committee to conclude that even if the Committee were to adjourn the case, it was very unlikely that Mr Welsh would attend.

47. The Committee heard and accepted the advice of the legal assessor. The Committee took account of Mr Welsh's emails and noted that he had stated that he did not wish to attend hearings. Since the Committee met in early November 2021, three emails had been sent by the GCC to Mr Welsh using the email address he had previously used to communicate with the GCC. Those emails were to send him the written facts and UPC determination, the Notice of Hearing, and an email with the electronic links to join this Video Hearing. There was no acknowledgment nor reply from Mr Welsh to any of these emails.
48. It had regard to provisions of the Rule 6 (1) and to the authorities to which it had been referred, namely *GMC v Adoegba and Visvardis* [2106] EWCA Civ 162 and *R v Jones* [2003] 1 AC 1. It also reminded itself that it had a discretion whether to allow the hearing to proceed in Mr Welsh's absence but that that discretion must be exercised with great care and caution. The Committee determined that it was satisfied the Notice of Hearing had been properly served on Mr Welsh. It was satisfied that even if it were to adjourn the hearing in order to give Mr Welsh a further opportunity to attend, Mr Welsh would be unlikely to attend the hearing. It balanced Mr Welsh's right to attend and take part in this hearing with the public interest in the expeditious disposal of the case and determined that it would allow the hearing to proceed in Mr Welsh's absence.

SANCTION

49. The Committee took account of all the evidence that it received in the case. It also took account of the submissions made by Mr Rickett on behalf of the GCC. It heard and accepted the advice of the legal assessor.
50. The Committee reminded itself that the purpose of a sanction is not to be punitive but to protect the public, in particular, patients and the wider public interest which would include the maintenance of public confidence in the profession and the declaring and upholding of proper standards of conduct in the profession. It further reminded itself that it must act proportionately, balancing the public interest with that of Mr Welsh. It took account of the GCC Guidance on Sanctions, dated April 2018, in considering the appropriate sanction in this case.
51. The Committee considered the mitigating and aggravating factors which were present in the case. It concluded that the mitigating factors included some engagement with the process including engagement with the Investigating Committee and agreeing to the matter being dealt with by way of a Meeting of the Committee. The Committee noted that Mr Welsh has had no previous regulatory history. The Committee also noted there was no evidence that Mr Welsh's posts had not gone beyond social media, he had not sought a

national platform or had his views reported in newspapers or expressed on main stream broadcast media. The Committee also had regard to the documents it had seen which appeared to show that Mr Welsh had sought to comply with the national requirements placed on health professionals in the management of Covid-19 within the context of his clinic; although it noted that the Guidance Mr Welsh presented to the Committee appeared to be produced by NHS Scotland. His clinical competence as a Chiropractor was not in question in this case.

52. With regard to aggravating factors that the Committee determined were present in this case, the Committee considered that Mr Welsh's conduct was deliberate, not accidental, he had placed multiple posts over a period of two months and persisted with them even when others raised concerns, not only as to the content of the posts, but also their tone. The Committee noted that in his posts, Mr Welsh had been abusive towards those who had criticised his posts. The Committee concluded that whilst there was no question of there being harm to Mr Welsh's own patients, there was the potential for indirect harm to a wider public in the sense that readers of Mr Welsh's posts may have decided, on the basis of the posts, not to wear masks, not have the vaccinations nor undergo tests and isolate when required in line with the Government's public health response to the pandemic. The Committee also considered that the tone of the posts may have caused some people, who would have been potential chiropractic patients, to decide that they would not go to a chiropractor to seek treatment if needed. In conclusion, the Committee considered that this conduct would have had the affect of undermining confidence in the chiropractic profession and that this was a serious aggravating factor in this case.

53. The Committee further considered Mr Welsh had demonstrated a lack of integrity in that he considered it appropriate to express himself as he did. In the Committee's judgement, this showed a lack of judgement which could be considered a lack of integrity. The Committee also considered that the abusive tone which Mr Welsh deployed in many of his posts was, in itself, an aggravating feature. The posts were disrespectful of others who appeared to hold different views to Mr Welsh. His posts were disrespectful of other healthcare professionals, including those who put themselves at risk whilst caring for others in the course of a global health crisis. Finally, the Committee concluded that Mr Welsh had displayed a lack of insight in failing to recognise that his expression of personal opinions could reflect on his professional standing as a chiropractor. The Committee noted that all aspects of the life of a health professional could be subject to scrutiny if generally accepted standards were not adhered to, both in a professional and a personal capacity. The Committee considered that Mr Welsh had failed completely to reflect upon these matters and had, in particular in his email of 21 January 2021, far from reflecting that perhaps the tone and content of his posts were inappropriate, had stated that the posts merely reflected a difference of opinion and that, if anything, he was the injured party, criticising the person who reported him to the GCC. In the absence of any reflection, Mr Welsh expressed no regret or remorse for his conduct.

54. The Committee first considered whether admonishment would be the appropriate and proportionate sanction. The Committee determined that the factors as set out in paragraph 81 of the Sanction Guidance were not present in this case with the exception of the fact of Mr Welsh's previous good history and that the Committee had not seen no evidence of any repetition of the conduct. In the circumstances the Committee determined that Mr Welsh's conduct was too serious for admonishment to be the appropriate sanction in this case.
55. The Committee went on to consider a conditions of practice order. The Committee noted that, as defined in the Sanctions Guidance, the main purpose of a conditions of practice order is to protect patients from harm whilst the chiropractor is putting right any shortcomings found. The Committee had regard to the fact that the matters found proved in this case did not concern Mr Welsh's clinical practice and concluded that, given the nature of its findings it would be difficult to formulate conditions which would be specific to the matters found proved, or would be workable or measurable, nor would conditions of practice reflect the seriousness of the conduct. Consequently, the Committee concluded that a conditions of practice order would neither be the appropriate or proportionate sanction in this case.
56. The Committee went on to consider a suspension order. The Committee considered that there had been serious breaches of the Code in this case and a serious departure from the standards expected of registered chiropractor. The Committee concluded that Mr Welsh had displayed deep seated attitudinal problems and had not displayed any insight into his conduct. He had expressed no regret or remorse but had, if anything, maintained his position when made aware of the complaint and had at no time reflected even to the extent of concluding that he had overstepped the mark in the abusive and harmful way he had expressed himself in the posts. Further, he might have reflected that at a time of a pandemic when the nation and indeed the world, was seeking to find ways of managing the pandemic, whatever his personal views, to express them as he did whilst other healthcare professionals were working long hours to save others, and sometimes dying of the disease in the process, his posts were less than helpful but in fact were harmful and offensive.
57. The Committee concluded that a considerable number of the factors relevant to a removal order were present in this case. His conduct represented a serious departure from the principles set out in the code and demonstrated a reckless disregard for the health of others. He had acted without integrity and had abused his professional standing. Despite the passage of time, there was no evidence of Mr Welsh reflecting on his conduct, having insight into the seriousness of his conduct or the consequences, nor had he expressed any regret or remorse. Consequently, the Committee determined that a suspension order would not be the appropriate or proportionate order to impose. Therefore, the Committee determined that the appropriate and proportionate sanction to impose was the sanction of removal from the register. In reaching its decision, the Committee bore in mind the public interest, the overarching objective of the GCC and balanced these with Mr Welsh's interests.

58. The Committee therefore directs the registrar to remove the name of Peter Norrie Welsh from the register.

Interim Order

59. Mr Rickett made an application under Section 24 (2) for an interim order suspending the registration of Mr Welsh to cover the appeal period of 28 days or such longer period if Mr Welsh appeals until that appeal is dealt with or withdrawn. The Committee heard and accepted the advice of the legal assessor.

60. The Committee had regard to the decision that it had made ordering the removal of Mr Welsh's name from the register. It bore in mind the basis upon which it reached this decision. It was satisfied that it is necessary to make an interim suspension order in order to protect members of the public and consequently orders the Registrar to suspend Mr Welsh's registration accordingly.

In accordance with Section 31 of the Chiropractors Act 1994, this decision will not have effect until the expiry of 28 days from the date on which notification is served on you or, where an appeal is made, until the appeal is withdrawn or otherwise disposed of.

That concludes this case.

Chair of the Professional Conduct Committee

In accordance with provision of Rule 18(1)(a) of the General Chiropractic Council (Professional Conduct Committee) Rules 2000, we must remind you of your right of appeal under Section 31 of the Chiropractors Act 1994, as amended by Section 34 of the National Health Service Reform and Health Care Provisions Act 2002, to the High Court of Justice in England and Wales against this decision of the Committee. Any such appeal must be made before the end of the period of 28 days, beginning with the date upon which this notice is served upon you.

Please note that the decision of this Committee is a relevant decision for the purposes of Section 29 of the National Health Service Reform and Health Care Professions Act 2002.

The Professional Standards Authority has a period of 40 days, in addition to any appeal period provided to the chiropractor, in which to lodge an appeal.

Signed:

Dated: 02 February 2022



Satpal Singh Bansal

On behalf of the Professional Conduct Committee

Explanatory Notes:

Notices of Finding are normally divided into three sections, which reflect different stages of the hearing process:

1. The Allegation: This section contains the full allegations as drafted by the Investigating Committee and as considered by the Professional Conduct Committee.
2. The Decision: This section contains the findings of fact reached by the Professional Conduct Committee on the allegation and the reasons therefore. In particularly complex cases the reasons may be given separately from the findings of fact for purposes of clarity.
3. The Sanction: This section contains details of the sanction applied by the Professional Conduct Committee. In certain cases the section may be sub-divided for the purposes of clarity.