

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

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

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Name of Respondent:	<b>Stuart Lawrence</b>
Address of Respondent:	<b>Body Active Chiropractic Clinics 81 Main Road Hockley ESSEX SS5 4RG</b>
Registration Number of Respondent:	<b>00978</b>

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On 4 – 8 October 2010 and 11 - 14 October 2010, the Professional Conduct Committee (“the Committee”) of the General Chiropractic Council met 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 ALLEGATION:**

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

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### **PARTICULARS OF THE ALLEGATION:**

That being a registered chiropractor:

1. At all material times you practised as a chiropractor at Body Active Hockley, 81 Main Road, Hockley, Essex SS5 4RG (“the Hockley Clinic”) and/or Body Active Benfleet, 112 Rushbottom Lane, Benfleet, Essex SS7 4DW (“the Benfleet Clinic”).

**FOUND PROVED**

2. During the Summer of 2007, while Ms A was undertaking a work placement at the Hockley Clinic, you made inappropriate comments to her:

(a) about your sex life;

**FOUND PROVED**

(b) about Ms A, using words similar to “nice bum”.

**FOUND PROVED**

3. Your conduct at 2 above was sexually motivated.

**FOUND PROVED**

4. On or around 19 July 2007, after carrying out an assessment of Ms A, you failed to provide any or any adequate explanation of your proposed treatment and/or treatment plan before carrying out treatment.

**FOUND NOT PROVED**

5. You sent inappropriate emails to Ms A via Facebook:

(a) at around 17.24 on 4 March 2008, stating “you look more attractive by the day!”;

**FOUND NOT PROVED**

(b) at around 19.03 on 18 March 2008, stating “hows [sic] life in the relationship world”;

**FOUND PROVED**

(c) at around 20.12 on 18 March 2008, stating “as to the interview everyone is naked”

**FOUND PROVED**

(d) at around 21.07 on 18 March 2008, stating “definitely naked.. unorthodox but fun” with reference to Ms A’s job interview with you;

**FOUND PROVED**

(e) at around 14.27 on 17 July 2008, stating “well done [Ms A]! A big X and a big Hug as well!”;

**FOUND NOT PROVED**

(f) at around 13.16 on 21 July 2008, stating “skiing..... u need to find something to ski down..... I wonder what mouns [sic] I could ski down... good between a crevice as well”.

**FOUND PROVED**

6. Your conduct at 5 above was sexually motivated.

**FOUND PROVED IN RELATION TO 5(b), 5(c), 5(d) AND 5(f)**

**FOUND NOT PROVED IN RELATION TO 5(a) AND 5(e)**

7. In July 2008, while driving Ms A to a veteran athletics competition in Birmingham, you made inappropriate comments to her in that you:

(a) asked Ms A about her sex life;

**FOUND PROVED**

(b) said to Ms A words to the effect of “have you done it up the bum, you should try it, it’s really good”.

**FOUND PROVED**

8. Your conduct at 7 above was sexually motivated.

**FOUND PROVED**

9. At around 7.00 on a date in July 2008, while with Ms A in a steam room at a hotel in Birmingham, you:

(a) made an inappropriate comment to Ms A in that you said to her words to the effect of “have you always been this hot and steamy?”;

**FOUND PROVED**

(b) having offered to help with the cramp in Ms A’s right calf, inappropriately placed your hand on her right thigh when pushing back her right foot;

**FOUND PROVED**

(c) inappropriately stroked Ms A’s right thigh when lowering her right leg.

**FOUND PROVED**

10. Your conduct at 9 above was sexually motivated.

**FOUND PROVED**

11. On a Sunday in July 2008, when driving Ms A home from Birmingham, you inappropriately touched her:

(a) on her knee, over her clothing;

(b) on her thigh, over her clothing;

(c) in the region of her inner thigh and/or vagina, over her clothing.

**ALL FOUND PROVED**

12. Your conduct at 11 above was sexually motivated.

**FOUND PROVED**

13. On 23 July 2008, while Ms A was driving you to Stansted Airport, you made inappropriate comments to Ms A:

(a) about your sex life;

(b) about her sex life.

**ALL FOUND PROVED**

14. Your conduct at 13 above was sexually motivated.

**FOUND PROVED**

15. On a date between 23 July 2008 and 4 August 2008, while attending a World Veteran Athletics event in Slovenia with Ms A, you:

(a) offered to provide an adjustment to Ms A in your hotel room;

**FOUND PROVED**

(b) asked Ms A to remove her outer clothing;

**FOUND PROVED**

(c) failed to offer Ms A a gown;

**FOUND NOT PROVED**

(d) failed to take any or any adequate case history;

**FOUND NOT PROVED**

(e) failed to provide any or any adequate explanation of your proposed treatment and/or treatment plan;

**FOUND NOT PROVED**

(f) failed to keep any or any adequate records of the treatment provided to Ms A;

**FOUND PROVED**

(g) when Ms A stood up after the treatment, you:

(i) asked how Ms A was “down there” or said words to that effect;

(ii) pulled Ms A’s knickers forward;

(iii) looked down Ms A’s knickers.

**ALL FOUND PROVED**

16. Your conduct at 15(b) and/or 15(c) and/or 15(g)(i - iii) above was sexually motivated.

**FOUND PROVED IN RELATION TO 15(b) AND 15(g)(i-iii)**

**FOUND NOT PROVED IN RELATION TO 15(c)**

17. During the period from 8 August 2008 to September 2009, while Ms A was engaged by you to work at the Benfleet Clinic, you:

(a) provided regular treatments to Ms A;

**FOUND PROVED**

(b) failed to keep any or any adequate records of the treatments provided to Ms A;

**FOUND PROVED**

(c) failed to provide any or any adequate explanation of the proposed treatment and/or treatment plan;

**FOUND NOT PROVED**

(d) failed to review the treatment plan;

**FOUND NOT PROVED**

(e) asked Ms A inappropriate questions about her sex life while providing treatments;

**FOUND PROVED**

(f) used your computer for matters unrelated to Ms A's treatment during her treatments;

**FOUND NOT PROVED**

(g) slapped Ms A's bottom with "wedges".

**FOUND PROVED**

18. Your conduct at 17(e) and/or 17(g) above was sexually motivated.

**FOUND PROVED**

19. During the period from 8 August 2008 to September 2009, you:

- (a) made inappropriate comments to Ms A in that you:
- (i) asked Ms A about her sex life;
  - (ii) said to Ms A words to the effect of "where's my kiss";
  - (iii) told Ms A about your sex life;

**ALL FOUND PROVED**

- (b) touched Ms A inappropriately in that you:
- (i) touched her bottom;
  - (ii) touched her hips;
  - (iii) touched her waist;
  - (iv) touched her breasts;
  - (v) stroked her hair;
  - (vi) touched and/or massaged her shoulders;

**ALL FOUND PROVED**

(vii) kissed her cheek.

**FOUND NOT PROVED**

20. Your conduct at 19 above was sexually motivated.

**ALL FOUND PROVED WITH THE EXCEPTION OF 19(b)(vii) WHICH WAS FOUND NOT PROVED**

21. On an occasion between January 2009 and May 2009, while at the Benfleet Clinic, you:

- (a) provided advice to Ms A about improving pelvic floor muscles "internally";
- (b) offered to show Ms A how to improve pelvic floor muscles;
- (c) told Ms A that she could recommend this to her clients and advise them how to do it if they consented, or used words to that effect;
- (d) told Ms A to remove her trousers and knickers;
- (e) told Ms A to lie down on the couch in your treatment room;
- (f) repeatedly inserted one or more fingers into Ms A's vagina.

**ALL FOUND PROVED**

22. Your conduct at 21 above was sexually motivated.

**FOUND PROVED**

23. You led Ms A to believe that your conduct at 21 above was a medical and/or chiropractic procedure.

**FOUND PROVED**

24. After the incident outlined at 21 above, you made inappropriate comments to Ms A in that you:
- (a) asked how the “training” was going with her boyfriend;
  - (b) asked her how many fingers her boyfriend had inserted in her vagina;
  - (c) asked how far up her vagina her boyfriend had inserted his fingers;
  - (d) offered to help Ms A again with her pelvic muscles.

**ALL FOUND PROVED**

25. Your conduct at 24 above was sexually motivated.

**ALL FOUND PROVED**

26. On an occasion between January 2009 and September 2009, while at the Benfleet Clinic, you:
- (a) offered to check if Ms A’s “training” had been working;
  - (b) instructed Ms A to remove her lower clothes;
  - (c) said words to the effect of “you can take your top off if you want”;
  - (d) repeatedly inserted one or more fingers into Ms A’s vagina;
  - (e) said words to the effect of “have you done this and come with [your boyfriend]?”;
  - (f) said words to the effect of “it’s always better if you orgasm with it as it’s a better contraction for your muscles”;
  - (g) said words to the effect of “you should get a whole fist up there, it’s much better”
  - (h) said words to the effect that you had put your fist “up there” with girls;
  - (i) touched Ms A’s clitoris with your thumb.

**ALL FOUND PROVED**

27. Your conduct at 26 above was sexually motivated.

**FOUND PROVED**

28. You led Ms A to believe that your conduct at 26 above was a medical and/or chiropractic procedure.

**FOUND PROVED**

29. On 16 September 2009, while at the Benfleet Clinic, you:
- (a) said to Ms A words to the effect that you were feeling “horny”;
  - (b) inappropriately touched Ms A’s waist;
  - (c) said to Ms A words to the effect of “show me your tan line”;
  - (d) said to Ms A words to the effect of “you’re boring, show me how you’re being kept down there”;
  - (e) said to Ms A words to the effect of “behave yourself, stand still”;
  - (f) leant the back of your body against Ms A while she had her back to the wall;
  - (g) put your hand or hands down the front of Ms A’s underwear and touched her in the

- region of her clitoris;  
(h) attempted to insert your finger or fingers into Ms A's vagina.

**ALL FOUND PROVED**

30. Your conduct at 29 above was sexually motivated.

**FOUND PROVED**

31. You knew, or ought to have known, that Ms A did not consent to your conduct at 29 above.

**FOUND PROVED**

In accordance with the provisions of Rule 18(1) (a) of the General Chiropractic Council (Professional Conduct Committee) Rules 2000 ("the Rules"), notice is hereby given of the decision of the Committee.

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## **DECISION**

This Allegation arose from a complaint that was made by Ms A. The Committee heard direct evidence from Ms A about events that took place while she was undertaking a work placement at Mr Lawrence's clinic while she was a student and, subsequently, when she was considering employment, and then employed, at his clinic. Ms A was also a patient of Mr Lawrence.

Many of the events alleged occurred when there were no independent witnesses and so the Committee had to consider whether or not Ms A was a credible witness. The Committee determined that she was. She gave evidence to the Committee that was consistent with that provided to the Police in September 2009 and in her complaint letter to the GCC in October 2009.

Ms A also told the Committee that she has outstanding Employment Tribunal proceedings that relate to the time when she was employed by Mr Lawrence.

The Committee concluded Ms A had been naive and that she had genuinely trusted Mr Lawrence at a time when she was young and facing a situation that she could not deal with. She had also been very anxious to keep her job and not jeopardise her fledgling career.

When challenged about minor inconsistencies in her evidence, the Committee found Ms A provided reasonable explanations as to why she could not be clear about specific words spoken.

Ms A's partner, Mr B, also gave evidence. Although he had not witnessed many of the alleged events, the Committee determined that he too was credible and provided some evidence that corroborated Ms A's account.

Many of the particulars of this Allegation related to matters of a sexual nature. The Committee has also borne in mind that Mr Lawrence has not disputed that there was some sexual activity, although he has claimed that it was consensual. His colleague at the time, Mark Davies, has suggested that there was some flirty behaviour between Ms A and Mr Lawrence.

The Committee rejects Mr Lawrence's claim that the relationship between Ms A and him was an ongoing consensual relationship. Even if it had been, the Committee would have found that some of his conduct was indefensible bearing in mind that she was both a work placement student, a patient, and then a junior employee.

At the close of the GCC's case the Committee considered, under Rule 6(7), whether insufficient evidence had been adduced on any individual Particular of each Allegation which would lead the Committee to conclude that it was not capable of proof, bearing in mind that the onus is on the GCC to prove its case. It was satisfied that there were no Particulars which were not capable of proof.

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## **DECISION ON THE FACTS**

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- 1. At all material times you practised as a chiropractor at Body Active Hockley, 81 Main Road, Hockley, Essex SS5 4RG ("the Hockley Clinic") and/or Body Active Benfleet, 112 Rushbottom Lane, Benfleet, Essex SS7 4DW ("the Benfleet Clinic").**

The Committee found this particular proved.

Mr Lawrence has not disputed this and records from the clinic show that he was practising at the clinic at that time.

- 2. During the Summer of 2007, while Ms A was undertaking a work placement at the Hockley Clinic, you made inappropriate comments to her:**

- (a) about your sex life;**

The Committee found this particular proved.

Ms A gave clear evidence that she recalled Mr Lawrence asking her questions about her sex life. The Committee was satisfied that although she could not recall how frequently these comments were made, he did ask her about her relationships and sex life.

- (b) about Ms A, using words similar to "nice bum".**

The Committee found this particular proved.

Ms A accepted that she could not be sure of the exact words Mr Lawrence had made; however she had recalled in her statement to the police and in her affidavit and repeated in her oral evidence to the Committee that comments of this nature had been made. The Committee accepted her evidence.

- 3. Your conduct at 2 above was sexually motivated.**

The Committee found this particular proved.

The Committee has accepted your submissions that Ms A was a young workplace student and in a vulnerable position and that there could have been no justification for such comments in

that context. The Committee concluded this was not an equal relationship and that Mr Lawrence could only have been making these comments because of sexual motivation.

**4. On or around 19 July 2007, after carrying out an assessment of Ms A, you failed to provide any or any adequate explanation of your proposed treatment and/or treatment plan before carrying out treatment.**

The Committee found this particular not proved.

The Committee has seen Ms A's chiropractic records and has noted that Mr Lawrence has written a clear diagnosis and treatment plan. He recorded his findings and his diagnosis in her notes. He also noted that her treatment plan would be 2 x 6 (the Committee has accepted that this referred to 2 treatments per week for 6 weeks).

Although she asserted that he had not explained her treatment, Ms A acknowledged, in her affidavit and in her evidence to the Committee, that Mr Lawrence did ask her a lot of questions, told her that she would not require x-rays and that she had category 2 displaced hip. The Committee accepted that having recorded a diagnosis it would be likely that Mr Lawrence would have explained this to Ms A especially as she recalled that she had asked him a lot of questions at the time. She had also been observing him treating other patients as part of her work placement and therefore was likely to have been curious about his proposed treatment. The Committee concluded that Mr Lawrence did explain the treatment to Ms A.

**5. You sent inappropriate emails to Ms A via Facebook:**

The Committee has seen copies of the emails between Ms A and Mr Lawrence via Facebook. The Committee was satisfied that these emails were genuine; however it noted that Ms A said that she could not be sure that she had provided the Committee with all of the communications that had taken place between them via Facebook. She confirmed that she had not copied them in their entirety and had handwritten in some parts that had not been reproduced.

In considering these particulars, the Committee had regard to the advice of the Legal Assessor and considered whether the emails were appropriate in the context of a working relationship.

**(a) at around 17.24 on 4 March 2008, stating “you look more attractive by the day!”;**

The Committee found this particular not proved.

The Committee was not satisfied it had sufficient evidence to determine whether or not there had been any communication between Ms A and Mr Lawrence between September 2007 and March 2008 or who had initiated the communication on this date. The Committee was not satisfied that it had been proved to the required standard that the comments were made inappropriately on that date because it was not sure of the context in which they were made.

**(b) at around 19.03 on 18 March 2008, stating “hows [sic] life in the relationship world”;**

The Committee found this particular proved.

The Committee noted that this email was made during a “conversation” relating to Ms A’s prospective employment by Mr Lawrence and that in those circumstances it concluded it was not appropriate for Mr Lawrence to be raising matters regarding Ms A’s personal relationships.

- (c) **at around 20.12 on 18 March 2008, stating “as to the interview everyone is naked” with reference to Ms A’s job interview with you;**

The Committee found this particular proved.

The Committee concluded that it was inappropriate for a healthcare professional to state that he required a prospective employee to attend an interview naked.

- (d) **at around 21.07 on 18 March 2008, stating “definitely naked.. unorthodox but fun” with reference to Ms A’s job interview with you;**

The Committee found this particular proved.

The Committee was satisfied that this was an inappropriate comment.

- (e) **at around 14.27 on 17 July 2008, stating “well done [Ms A]! A big X and a big Hug as well!”;**

The Committee found this particular not proved.

The Committee accepted that while Ms A was just about to start working at Mr Lawrence’s clinic, this particular comment was made about her having passed her degree and the Committee concluded that it could not, in isolation, be considered inappropriate.

- (f) **at around 13.16 on 21 July 2008, stating “skiing..... u need to find something to ski down..... I wonder what mouns [sic] I could ski down... good between a crevice as well”.**

The Committee found this particular proved.

The Committee was satisfied that this comment was inappropriate when made to a young woman who was just about to start work with Mr Lawrence and someone who was due to attend an event away from home with him. More particularly Ms A had recently been treated by him.

## **6. Your conduct at 5 above was sexually motivated.**

The Committee found this particular proved in relation to 5(b), (c), (d) and (f).

The Committee accepted your submissions that there was no genuine justification for such comments being made and that Mr Lawrence could only have made them for reasons that were sexually motivated.

Consequently the Committee was satisfied that these comments were sexually motivated.

**7. In July 2008, while driving Ms A to a veteran athletics competition in Birmingham, you made inappropriate comments to her in that you:**

- (a) asked Ms A about her sex life;**

The Committee found this particular proved.

Ms A clearly recalled Mr Lawrence asking her questions about her sex life and that his comments made her feel uncomfortable. The Committee accepted her evidence. The Committee concluded it was inappropriate for Mr Lawrence to be making such comments to a young woman who had previously been a patient and was soon to start as an employee.

- (b) said to Ms A words to the effect of “have you done it up the bum, you should try it, it’s really good”.**

The Committee found this particular proved.

Ms A recalled him saying words to this effect and the Committee accepted her evidence.

**8. Your conduct at 7 above was sexually motivated.**

The Committee found this particular proved.

Ms A told the Committee that at the time she had felt uncomfortable about the comments made by Mr Lawrence but that she had not thought that they were sexually motivated. However the Committee accepted your submissions that Mr Lawrence’s conduct while driving to Birmingham was sexually motivated, even if Ms A had not identified it as such at the time.

**9. At around 7.00 on a date in July 2008, while with Ms A in a steam room at a hotel in Birmingham, you:**

- (a) made an inappropriate comment to Ms A in that you said to her words to the effect of “have you always been this hot and steamy?”;**

The Committee found this particular proved.

The Committee accepted that there may be some occasions when such a comment could be made and it would not be inappropriate. However the Committee was satisfied that in the context of previous and subsequent events and the fact that Ms A was due to start work for Mr Lawrence this comment was inappropriate.

- (b) having offered to help with the cramp in Ms A’s right calf, inappropriately placed your hand on her right thigh when pushing back her right foot;**

The Committee found this particular proved.

The Committee was satisfied that to help Ms A with her cramp Mr Lawrence would have touched Ms A. However Ms A gave clear evidence to the Committee about being in the steam room; she recalled what she had been wearing and described a woman coming into the

steam room and leaving promptly when she had seen Mr Lawrence touching Ms A's thigh. In light of her evidence the Committee was satisfied that the way in which Mr Lawrence had touched her thigh was inappropriate and not simply part of the treatment for cramp.

**(c) inappropriately stroked Ms A's right thigh when lowering her right leg.**

The Committee found this particular proved.

The Committee again relied on Ms A's evidence and was satisfied that she gave a clear and accurate account demonstrating how Mr Lawrence stroked her thigh causing her to leave the steam room.

**10. Your conduct at 9 above was sexually motivated.**

The Committee found this particular proved.

In the light of Ms A's evidence and its findings above, the Committee accepted your submissions that Mr Lawrence's conduct was sexually motivated as there could be no other justification for such behaviour.

**11. On a Sunday in July 2008, when driving Ms A home from Birmingham, you inappropriately touched her:**

- (a) on her knee, over her clothing;**
- (b) on her thigh, over her clothing;**
- (c) in the region of her inner thigh and/or vagina, over her clothing.**

The Committee found all parts of this particular proved.

The Committee was satisfied that Ms A gave a clear and credible account of Mr Lawrence touching her. She felt vulnerable but because they were on the motorway she could do nothing about it. The Committee concluded that Mr Lawrence touched her inappropriately.

**12. Your conduct at 11 above was sexually motivated.**

The Committee found this particular proved.

Ms A said that she had thought at the time that perhaps Mr Lawrence's conduct was intended to be something of a joke. However the Committee agreed with your submissions that Mr Lawrence's conduct could not be considered a joke bearing in mind what had already happened and in light of Ms A's vulnerability. The Committee therefore concluded that it must have been sexually motivated.

**13. On 23 July 2008, while Ms A was driving you to Stansted Airport, you made inappropriate comments to Ms A:**

- (a) about your sex life;**
- (b) about her sex life.**

The Committee found both parts of this particular proved.

Ms A recalled this journey very clearly and the Committee accepted her evidence.

The Committee bore in mind that these events had taken place immediately prior to Ms A commencing employment. She was about to embark on her career and felt dependent on Mr Lawrence for her initial employment. It had been recorded in her chiropractic notes that she had been treated by him on the 15<sup>th</sup> July 2008 so at that stage she was also his patient. In those circumstances it was not appropriate for Mr Lawrence to be making such comments.

**14. Your conduct at 13 above was sexually motivated.**

The Committee found this particular proved.

The Committee accepted your submissions that Mr Lawrence's conduct could not have been anything other than sexually motivated. He had taken advantage of being alone in the car with Ms A.

**15. On a date between 23 July 2008 and 4 August 2008, while attending a World Veteran Athletics event in Slovenia with Ms A, you:**

**(a) offered to provide an adjustment to Ms A in your hotel room;**

The Committee found this particular proved.

Ms A explained to the Committee the circumstances in which she had required treatment that day and why she had accepted the offer of an adjustment from Mr Lawrence.

The Committee was satisfied that Mr Lawrence had offered the adjustment as described.

**(b) asked Ms A to remove her outer clothing;**

The Committee found this particular proved.

Ms A was very clear in her evidence that she had undressed, that she was used to undressing for treatments when she had been training as a sports therapist and that she was willing to undress because Mr Lawrence had said that he needed to see her spine.

**(c) failed to offer Ms A a gown;**

The Committee found this particular not proved.

The Committee noted that the GCC's Code of Practice at A3.4 states that chiropractors "must..... make gowns available..... if the patient wishes to use one".

It had regard to the context in which these events took place.

The Committee noted that Dr Hennius stated in his report that it was not unreasonable for Mr Lawrence not to have gowns available on this occasion; bearing in mind that he was away from his clinic. The Committee noted Ms A's evidence that she was not unhappy about the lack of a gown. The Committee heard no evidence as to whether a gown was in fact available at that time.

Based upon this evidence, the Committee was not satisfied that it was a failure on the part of Mr Lawrence not to offer Ms A a gown.

**(d) failed to take any or any adequate case history;**

The Committee found this particular not proved.

The Committee heard that Ms A had been treated by Mr Lawrence earlier that month. He was therefore aware of her history. She also said that he had noticed that she was in some discomfort and was consequently aware of her symptoms.

Ms A said that she had specifically agreed to treatment from Mr Lawrence because it would prevent the need for her having to repeat her case history to a different chiropractor.

The Committee also accepted that the absence of adequate notes did not mean that Mr Lawrence had not taken any history.

**(e) failed to provide any or any adequate explanation of your proposed treatment and/or treatment plan;**

The Committee found this particular not proved.

Ms A's evidence was that she was aware of where and how Mr Lawrence was going to treat her. The Committee again accepted that the absence of notes did not mean that he had not explained what he was going to do. The Committee was not satisfied that it had sufficient evidence to find this proved.

**(f) failed to keep any or any adequate records of the treatment provided to Ms A;**

The Committee found this particular proved

Ms A recalled that Mr Lawrence had not made any notes on this occasion. While the Committee had seen some of Ms A's notes there were none that related to this occasion and they were satisfied that Ms A's evidence was credible.

**(g) when Ms A stood up after the treatment, you:**

- (i) asked how Ms A was "down there" or said words to that effect;
- (ii) pulled Ms A's knickers forward;
- (iii) looked down Ms A's knickers.

The Committee found all parts of this particular proved.

Ms A provided the Committee with a clear account of Mr Lawrence's conduct at the end of the treatment. The Committee accepted her evidence and was satisfied that the events had taken place as she described.

**16. Your conduct at 15(b) and/or 15(c) and/or 15(g)(i-iii) above was sexually motivated.**

In the light of its findings above the Committee found this not proved in relation to 15 (c).

The Committee found this proved in relation to 15(b) and 15(g)(i-iii).

With regard to 15(b), despite Ms A's evidence that she accepted Mr Lawrence's request that she undress, as she understood it, in order for him to see her spine, the Committee determined, on the basis of the evidence as a whole, that this Particular is proved. The Committee was mindful that on previous occasions when Mr Lawrence treated Ms A, she had been fully clothed. Furthermore Ms A confirmed that Mr Lawrence generally treated all his patients fully clothed.

The Committee accepted your submissions that Mr Lawrence's motivation could not be construed as anything other than sexually motivated.

**17. During the period from 8 August 2008 to September 2009, while Ms A was engaged by you to work at the Benfleet Clinic, you:**

**(a) provided regular treatments to Ms A;**

The Committee found this particular proved.

The Committee accepted Ms A's evidence that Mr Lawrence treated her regularly throughout the time she was employed at his clinic. She was able to describe the sort of treatment that she had received and recalled that other employees were given treatments.

**(b) failed to keep any or any adequate records of the treatments provided to Ms A;**

The Committee found this particular proved.

The Committee has seen Ms A's chiropractic notes where treatments that Mr Lawrence had provided to Ms A had been recorded. However these related to earlier occasions and there were no treatments recorded during this period.

The Committee concluded that Mr Lawrence failed to keep adequate records.

**(c) failed to provide any or any adequate explanation of the proposed treatment and/or treatment plan;**

The Committee found this particular not proved.

The Committee was told by Ms A that she had been given some information about her treatment by Mr Lawrence. In those circumstances the Committee did not conclude that Mr Lawrence had failed to provide any or adequate explanation of the treatment.

**(d) failed to review the treatment plan;**

The Committee found this particular not proved.

In his report Dr Hennius stated that the absence of notes meant that it was not possible to determine whether any review of the treatment plan had been carried out.

Ms A recalled that Mr Lawrence had done some tests on her arms.

The Committee considered that it had not been given sufficient evidence to conclude that Mr Lawrence had failed to review Ms A's treatment plan.

- (e) asked Ms A inappropriate questions about her sex life while providing treatments;**

The Committee found this particular proved.

The Committee heard from Ms A that Mr Lawrence frequently asked her questions about her sex life and accepted her evidence.

- (f) used your computer for matters unrelated to Ms A's treatment during her treatments;**

The Committee found this particular not proved.

Although Ms A gave evidence that she had seen Mr Lawrence using the computer for matters unrelated to chiropractic, she accepted that when she was being treated she could not see the computer screen.

- (g) slapped Ms A's bottom with "wedges".**

The Committee found this particular proved.

The Committee accepted Ms A's evidence that Mr Lawrence had slapped her with "wedges". She told the Committee that it was his way of indicating that the treatment was over.

**18. Your conduct at 17(e) and/or 17(g) above was sexually motivated.**

The Committee found this particular proved.

Ms A told the Committee that she thought that Mr Lawrence's conduct at 17(g) was perhaps playful rather than sexually motivated. However the Committee accepted your submission that Mr Lawrence's conduct was sexually motivated in both Particulars.

**19. During the period from 8 August 2008 to September 2009, you:**

- (a) made inappropriate comments to Ms A in that you:**
  - (i) asked Ms A about her sex life;**
  - (ii) said to Ms A words to the effect of "where's my kiss";**
  - (iii) told Ms A about your sex life;**

The Committee found all parts of this particular proved.

Ms A told the Committee that Mr Lawrence had made such comments throughout this period. The Committee accepted your submission that each comment was inappropriate. In reaching this decision, the Committee took into account that during this period Ms A was an employee and also a patient.

- (b) touched Ms A inappropriately in that you:**
  - (i) touched her bottom;**
  - (ii) touched her hips;**
  - (iii) touched her waist;**
  - (iv) touched her breasts;**
  - (v) stroked her hair;**
  - (vi) touched and/or massaged her shoulders;**

The Committee found each of these parts of the particular proved.

The Committee was satisfied that Ms A gave an accurate account of these events.

Mr Lawrence indicated in his answers during his police interview that he had had an intimate relationship with Ms A. The Committee noted these answers and concluded that they provided some corroboration for Ms A's evidence as to what occurred between them.

- (vii) kissed her cheek.**

The Committee found this particular not proved.

Ms A said that this was done in front of other people and she separated this from the other examples of inappropriate touching because she had seen him do it to others. On this basis the Committee was not satisfied that this particular had been proved.

**20. Your conduct at 19 above was sexually motivated.**

The Committee found this particular proved in relation to all parts of 19 with the exception of 19(b)(vii) which it had found not proved.

The Committee accepted your submissions that Mr Lawrence's comments and inappropriate touching were entirely sexually motivated as there could be no other justification for it. It noted Mr Lawrence's answers to the police which described a consensual relationship between him and Ms A. The Committee concluded that there was no consensual relationship between them and was satisfied that his conduct was sexually motivated.

**21. On an occasion between January 2009 and May 2009, while at the Benfleet Clinic, you:**

- (a) provided advice to Ms A about improving pelvic floor muscles "internally";**

The Committee found this particular proved.

Ms A said that Mr Lawrence had agreed to provide advice about improving pelvic floor muscles. Although Mr Lawrence said he did not physically do anything, he confirmed he had given Ms A some advice on improving her pelvic floor muscles.

The Committee was satisfied, in light of his acceptance, that some advice was given, and it concluded that Ms A had provided an accurate account.

- (b) offered to show Ms A how to improve pelvic floor muscles;**

The Committee found this particular proved.

Mr Lawrence disputed that he showed Ms A; he said that he just told her. The Committee rejected his response and accepted Ms A's evidence.

- (c) told Ms A that she could recommend this to her clients and advise them how to do it if they consented, or used words to that effect;**

The Committee found this particular proved.

The Committee accepted Ms A's evidence. She was certain that Mr Lawrence had told her that she could share the advice with her patients. This was confirmed by Mr Lawrence's answers as recorded in the police interview.

- (d) told Ms A to remove her trousers and knickers;**

The Committee found this particular proved.

Ms A gave the Committee a clear description of this and explained why she felt she should remove her trousers and knickers. The Committee accepted her version.

- (e) told Ms A to lie down on the couch in your treatment room;**

The Committee found this particular proved.

Again the Committee accepted Ms A's account as to why she lay down on Mr Lawrence's couch and concluded that this had happened as described.

- (f) repeatedly inserted one or more fingers into Ms A's vagina.**

The Committee found this particular proved.

Ms A told the Committee why she had allowed Mr Lawrence to insert his fingers into her vagina. The Committee concluded that she had recalled the events clearly and accurately and that this was sufficient to prove this particular.

## **22. Your conduct at 21 above was sexually motivated.**

The Committee found this particular proved.

In his report Dr Hennius stated that it was not normal chiropractic practice to undertake internal procedures associated with pelvic floor muscles. Such internal procedures would only be undertaken by medical specialists with appropriate specialist qualifications/training. There was no evidence that Mr Lawrence had such specialist qualifications/training.

In the police interview Mr Lawrence said he considered that it would have been an inappropriate procedure for him to undertake.

The Committee accepted your submissions that Mr Lawrence's conduct was sexually motivated and was satisfied that in the absence of any valid justification, this particular was proved.

**23. You led Ms A to believe that your conduct at 21 above was a medical and/or chiropractic procedure.**

The Committee found this particular proved.

It was very clear from Ms A's evidence that Mr Lawrence presented this as a medical/chiropractic procedure. She described that he had been very "professional" and given her a detailed explanation which convinced her that it was a legitimate procedure for him to carry out.

Mr B was not present at this event but he gave evidence of how Ms A had described how to improve the muscles to him and he had also understood it to be in the context of a medical procedure from what she told him.

The Committee was satisfied that Ms A believed this was a medical and/or a chiropractic procedure.

**24. After the incident outlined at 21 above, you made inappropriate comments to Ms A in that you:**

- (a) asked how the "training" was going with her boyfriend;
- (b) asked her how many fingers her boyfriend had inserted in her vagina;
- (c) asked how far up her vagina her boyfriend had inserted his fingers;
- (d) offered to help Ms A again with her pelvic muscles.

The Committee found all parts of this particular proved.

The Committee relied on Ms A's evidence and was satisfied that she had given a credible account about each of these matters.

Mr B also referred to "training" which supported Ms A's assertion that Mr Lawrence had inappropriately commented on "training" to her.

**25. Your conduct at 24 above was sexually motivated.**

The Committee found this particular proved.

The Committee accepted your submissions that Mr Lawrence's conduct was sexually motivated. It concluded that there was no clinical justification for Mr Lawrence to be making such comments.

**26. On an occasion between January 2009 and September 2009, while at the Benfleet Clinic, you:**

- (a) offered to check if Ms A's "training" had been working;
- (b) instructed Ms A to remove her lower clothes;
- (c) said words to the effect of "you can take your top off if you want";

- (d) repeatedly inserted one or more fingers into Ms A’s vagina;
- (e) said words to the effect of “have you done this and come with [your boyfriend]?”;
- (f) said words to the effect of “it’s always better if you orgasm with it as it’s a better contraction for your muscles”;
- (g) said words to the effect of “you should get a whole fist up there, it’s much better”
- (h) said words to the effect that you had put your fist “up there” with girls;
- (i) touched Ms A’s clitoris with your thumb.

The Committee found all parts of this particular proved.

The Committee was satisfied that Ms A gave them a clear and credible account of the events on this occasion. She explained that she had agreed to this second incident because she was still under the impression that it was a procedure that Mr Lawrence was qualified to undertake. She explained that during this incident she realised that what Mr Lawrence was doing was not right but that she lacked the confidence to do anything about it because she was frightened of jeopardising her immediate employment and future career. The Committee accepted her evidence.

**27. Your conduct at 26 above was sexually motivated.**

The Committee found this particular proved.

The Committee accepted your submissions and concluded that this conduct was sexually motivated and that it was particularly serious because it included actions that were even more overtly sexual in nature.

**28. You led Ms A to believe that your conduct at 26 above was a medical and/or chiropractic procedure.**

The Committee found this particular proved.

The Committee heard from Ms A as to why she still considered this to be a medical/chiropractic procedure. The Committee accepted her evidence that Mr Lawrence had persuaded her that he could assess whether her muscles had improved and that she found him plausible.

The Committee accepted that although Ms A had initially agreed to the procedure it was because she was convinced that it was clinically justified. However, by the end of that occasion Ms A realised that what Mr Lawrence was doing was wrong.

**29. On 16 September 2009, while at the Benfleet Clinic, you:**

- (a) said to Ms A words to the effect that you were feeling “horny”;
- (b) inappropriately touched Ms A’s waist;
- (c) said to Ms A words to the effect of “show me your tan line”;
- (d) said to Ms A words to the effect of “you’re boring, show me how you’re being kept down there”;
- (e) said to Ms A words to the effect of “behave yourself, stand still”;

- (f) **leant the back of your body against Ms A while she had her back to the wall;**
- (g) **put your hand or hands down the front of Ms A's underwear and touched her in the region of her clitoris;**
- (h) **attempted to insert your finger or fingers into Ms A's vagina.**

The Committee found all parts of this particular proved.

The Committee accepted Ms A's evidence as being credible. She recalled the events in detail and explained why she had not been able to prevent Mr Lawrence from acting in the way he did. The Committee noted Ms A's evidence that she was frightened of what might happen in the future and this incident led her to report the matter to the police.

The Committee noted that Mr Lawrence had said, as detailed in the record of his interview with the police, that there had been some sexual contact between them and that he was aware that Ms A had not given her permission. He said that he had put his hands into her knickers and touched her vagina.

The Committee rejected his assertion that this sexual contact was part of a consensual relationship but considered that his description of what happened supports Ms A's version of events.

**30. Your conduct at 29 above was sexually motivated.**

The Committee found this particular proved.

In light of its findings above, the Committee accepted your submissions that Mr Lawrence's conduct was completely unjustifiable and concluded that his conduct was sexually motivated.

**31. You knew, or ought to have known, that Ms A did not consent to your conduct at 29 above.**

The Committee found this particular proved.

Ms A was clear that she did not consent to Mr Lawrence behaving in the way he did on 16 September 2009.

As already noted, the Committee has seen evidence that Mr Lawrence, in his answers to the Police, stated that he was aware that Ms A had not consented to his conduct.

The Committee concluded that Mr Lawrence knew that he did not have Ms A's consent.

## **UNACCEPTABLE PROFESSIONAL CONDUCT**

In light of the facts found proved, the Committee went on to consider whether the facts found proved amounted to Unacceptable Professional Conduct. Section 20(2) of the Chiropractor's Act 1994 states that Unacceptable Professional Conduct is conduct which falls short of the standard required of a registered chiropractor.

The Committee determined, upon all the facts found proved, that Mr Lawrence's conduct amounted to Unacceptable Professional Conduct.

The reasons are as follows:

The Committee considered that the findings of fact related to very serious matters of a sexual nature. Ms A was, during the period 2007 to 2009 a workplace student, a patient and then an employee of Mr Lawrence. She was young, naive and vulnerable and, from the time she commenced employment in August 2008, she believed that if she were to complain about his conduct, she would lose her job and this could jeopardise her career.

The GCC's Code of Practice says that:

“Chiropractors must act with integrity and never abuse their professional standing”.

More specifically at C1.4 it says that chiropractors:

“must not use their professional position as a means of pursuing a sexual relationship...”

The Committee considered that chiropractors must establish and maintain clear boundaries in respect of their patients. These boundaries are intended to protect patients. The Committee considered that the onus is on the chiropractor to maintain those boundaries because the relationship between the chiropractor and patient is unequal. In this case the patient (who was also an employee) was vulnerable and Mr Lawrence abused the trust she placed in him and exploited her naivety.

Equally, it is the responsibility of chiropractors to establish and maintain clear boundaries with regard to their staff. Such boundaries are particularly important where young and inexperienced staff are concerned. The Committee considered that to place a member of staff in a position where they feel unable to prevent an abuse of their position is reprehensible.

## **SANCTION**

Mr Bradly,

You reminded the Committee that the decision as to the appropriate sanction is a matter for its judgment and that it should be made with reference to the Indicative Sanctions Guidance, October 2004. You also referred the Committee to the Council for Healthcare Regulatory Excellence (“CHRE”) documents:

- Clear Sexual Boundaries between Healthcare Professionals and Patients: Guidance for Fitness to Practise Panels, January 2008;
- Clear Sexual Boundaries between Healthcare Professionals and Patients: Information for Patients and Careers: April 2009

The Committee also considered CHRE's:

- Clear Sexual Boundaries between Healthcare Professionals and Patients: Responsibilities of Healthcare Professionals, January 2008.

As Mr Lawrence was not present, you read his statement to the Committee as he had requested. While the statement was being read, the Legal Assessor advised the Committee that it should not allow one paragraph to be read. He said that he would have advised Mr Lawrence, if he had been present, that it contained information that was not relevant to the issue before the Committee and it should not be placed in the public domain. The Committee accepted his advice and it was provided with a redacted version of the statement.

In this statement Mr Lawrence said that “as far as I was concerned Miss A was never a patient in the sense of not crossing professional boundaries” and that “I can never accept the fact that I acted improperly”. He asked the Committee “to choose one of two sanctions, admonishment in which case I can remove myself from the register or for you to remove me from the register”.

The Committee was not presented with any testimonials or references in mitigation, but bore in mind the statements presented in evidence on behalf of Mr Lawrence earlier in the proceedings.

The Committee accepted the advice of the Legal Assessor.

Although the Committee noted Mr Lawrence’s request in relation to sanction it has reached its own independent decision.

During its deliberations, the Committee took account of the documents it had been referred to by you and of the GCC’s Code of Practice and Standard of Proficiency (effective 8 December 2005).

In relation to the CHRE Guidance for Panels the Committee took into account its need to be aware of certain critical factors when adjudicating this case concerning the breaching of sexual boundaries. It noted that:

*“healthcare professionals who breach sexual boundaries ... use strategies such as minimisation, normalisation and denial when challenged about their behaviour”.*

The Committee is mindful that its role is to protect patients and the wider public, to maintain public confidence in the profession and to declare and uphold proper standards of conduct. In determining the appropriate sanction, the Committee has taken into account the GCC’s Indicative Sanctions Guidance, and been mindful that any sanction should be proportionate and is not intended to be punitive, although that may be its effect.

The Committee was satisfied that harm had been caused to Ms A.

The Committee considers that Mr Lawrence’s violation of sexual boundaries represents a serious departure from the relevant professional standards. His conduct was not a single, isolated incident but carried out over a long period.

Ms A’s position was a difficult one given the circumstances that she was a patient, workplace student, and subsequently a junior employee. In any of those circumstances, Mr Lawrence should not have exploited her potential vulnerability. In exploiting her vulnerable position, Mr Lawrence breached the standards expected of a registered chiropractor.

There were a number of aggravating factors:

- Ms A was young and vulnerable
- Mr Lawrence was a registered healthcare professional and ought to have understood his responsibilities and the need to establish and maintain professional boundaries
- The abuse occurred on numerous occasions over a significant period

- Mr Lawrence tried to mask some of his inappropriate conduct under the guise of a genuine medical/chiropractic procedure
- Some of Mr Lawrence's abuse of Ms A occurred at his clinic
- The matters amount to a significant abuse of Mr Lawrence's position and he breached the trust placed in him by Ms A
- The Committee could not be satisfied that Mr Lawrence is no longer a risk to other employees or patients
- There is no evidence that Mr Lawrence has understood the consequences of his actions and their impact on Ms A

The Committee is concerned that Mr Lawrence has yet to comprehend professional boundaries.

First the Committee considered an Admonishment, but did not consider this to be sufficient to reflect the seriousness of the matters found proved or adequate to protect the public. It took into account the factors in the Indicative Sanctions Guidance and it was not satisfied that most of those factors were present. With the exception of a previous good history and there being no evidence of repetition of behaviour since the incident, the Committee concluded that none of the other factors which it should consider were present in this case. In light of this, it concluded that an Admonishment would not be the appropriate or proportionate sanction.

The Committee then went on to consider whether or not a Conditions of Practice Order would be sufficient. It concluded that such an order would not be sufficient to protect the public, maintain confidence in the profession and uphold standards of practice. The Committee was strongly of the view that continued registration with conditions would not be appropriate in the circumstances and no appropriate, practicable or measurable conditions could be formulated. It took account of the factors in the Indicative Sanctions Guidance and, with the exception of there being no evidence of general incompetence, none of the other factors were apparent.

The Committee then considered whether or not a Suspension Order was appropriate and determined that it was not an appropriate or proportionate sanction in the circumstances of this case. The Committee concluded that Mr Lawrence's conduct was fundamentally incompatible with his being a chiropractor.

The Committee has not had the benefit of hearing directly from Mr Lawrence but it has had the benefit of seeing the statement that he placed before it at this stage and has taken account of the earlier documents that were placed in the bundle. The Committee is not satisfied that Mr Lawrence has demonstrated any insight into the seriousness of his failings. Mr Lawrence asserted that he had a consensual relationship with Ms A and that Ms A was not a patient. The Committee rejects both these assertions as Mr Lawrence has fundamentally failed to understand the nature or importance of boundaries between chiropractors and patients and between chiropractors and members of staff.

On this basis the Committee has concluded that Mr Lawrence's name should be removed from the Register of Chiropractors. It is satisfied that this is proportionate and the minimum sanction necessary to protect the public, uphold standards of practice and maintain confidence in the chiropractic profession.

## **INTERIM SUSPENSION**

The Committee has considered whether or not to make an Interim Suspension Order in this case pending the coming into force of the substantive Order that it has just made to require the Registrar to remove Mr Lawrence's name from the Register of Chiropractors.

The Committee heard evidence from Ms Willis, Executive Officer (Regulation) of the GCC, who told the Committee that she had informed Mr Lawrence of its decision in relation to Sanction and that the Committee were about to consider making an Interim Suspension Order. Ms Willis informed the Committee that Mr Lawrence had told her that he did not wish to attend or make any written representation. She confirmed that Mr Lawrence understood the Committee would now immediately proceed to consider whether or not to make an Interim Suspension Order.

You have submitted that, in order to protect members of the public, it is necessary for an Interim Order to be imposed, bearing in mind the terms of the Committee's determination.

The Committee was reminded by the Legal Assessor that it could only make such an order under Section 24(2) of the Chiropractors Act 1994 if it was satisfied that it is necessary to protect members of the public.

The findings against Mr Lawrence are very serious. The Professional Conduct Committee does not lightly order the removal of a chiropractor's name from the Register.

The Committee considered that allowing Mr Lawrence to continue to practise before the substantive Order comes into force would be an unnecessary risk to the public and patients.

Accordingly, the Committee has determined that it is necessary to impose an Interim Suspension Order in this case.

This concludes the proceedings.

*Chairman of the Professional Conduct Committee*

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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.

Section 24(6) of the Chiropractors Act 1994 states that where an interim suspension order has been made, the chiropractor concerned may appeal against it to the appropriate court ('appropriate court' is defined in section 24(10) of the Act). Under section 24(7), any such appeal must be brought before the period of 28 days beginning with the date on which the order appealed against is made.

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.

*As of 1 January 2009, the Council for Healthcare Regulatory Excellence has a period of 40 days, in addition to any appeal period provided to the chiropractor, in which to lodge an appeal.*

Signed:

Dated: 15 October 2010

**Felicity Seagar**

Specialist Officer (Regulation)

On behalf of the Professional Conduct Committee

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*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.