

## Summary of Professional Conduct Committee cases where the Chiropractor was found guilty of Unacceptable Professional Conduct (2017)

<b>Name and registration number</b>	<b>Source of complaint</b>	<b>Summary of allegation(s) found proved</b>	<b>Outcome</b>
FOLEY, Christopher 00112	Police	Conviction relating to sexual assault, recording of persons doing a private act, possession of extreme pornographic material	Removed from the register
AKINDELE, Kolawole 01047	Registrar	Dishonesty – failure to inform GCC of conviction	Suspension order of nine months
CLAD, Robert 01888	Patient/Relative of	Loss of patient records, lack of co-operation with GCC investigation	Suspension order of two months
SMYTH, Carolyn 00119	Patient/Relative of	Sexual boundaries	Admonishment
AMBROSE, Belinda 00035	Member of public	Advertising on registrant's website	Admonishment
JACKSON, Andrew 01554	Patient/Relative of	Lack of credible evidence for treatment plan and unreasonably raising patient's expectations of care, poor record keeping	Admonishment
REES, John 01666	Patient/Relative of	Sexual boundaries	Admonishment
MAMUN, Muhammed Sadique 03901	Chiropractor/Clinic where worked	Conviction relating to obtaining confidential personal data	Admonishment

# GCC v Christopher Foley

Registration number: 0112

Date of decision: 25 January 2017

Sanction: Removed from the Register

## Summary of allegations found proved

Mr Foley was convicted of a criminal offence in that:

- On 18 May 2016 at the Crown Court at Maidstone Mr Foley pleaded guilty to and was convicted on indictment of the following matters:
  - 11 counts of recording a person doing a private act;
  - 5 counts of sexual assault on a female.
- On 27th May 2016 at the Crown Court at Maidstone Mr Foley pleaded guilty to and was convicted on indictment of the following matter:
  - 1 count of possession of extreme pornographic material.
- On 14 July 2016 Mr Foley was sentenced in relation to the above matters to a total of 4 years 6 months imprisonment and made subject to a Sexual Harm Prevention Order for 10 years which prevents him from practising as a chiropractor.

# GCC v Kolawole Akindele

Registration number: 01047

Date: 9 August 2017

Sanction: Suspension order of nine months

## Summary of allegations found proved

On 4 April 2014 Mr Akindele was convicted at Grantham Magistrates' Court, having been found guilty of the offence of failing to give information relating to the identification of the driver of a vehicle, namely a Peugeot EK09 LFA, who was alleged to have been guilty of an offence, contrary to section 172(3) of the Road Traffic Act 1988. Mr Akindele was sentenced to a fine of £600 and his driving license was endorsed with 6 points.

Mr Akindele did not inform the General Chiropractic Council within 7 days or at all of the conviction set out above. Mr Akindele's actions were dishonest in that he knew he was under a duty to report the conviction above to the General Chiropractic Council but did not do so.

In an online application form for the retention of Mr Akindele's practising certificate completed on/or about 1 December 2014 Mr Akindele confirmed that he had not been convicted of any criminal offence since his last application for registration retention. In doing so his actions were dishonest in that he knew this statement to be false as he had been convicted of the criminal offence set out above.

# GCC v Robert Clad

Registration number: 01888

Date of decision: 24 November 2017

Sanction: Suspension order of two months

## Summary of allegations found proved

Between approximately 30 October 2014 and January 2015, Mr Clad provided chiropractic treatment to Patient A.

From around 3 March 2016 to 29 June 2016, Mr Clad failed to co-operate with an investigation of the GCC into his treatment of Patient A in that he did not:

- Respond to a request for information adequately or at all; and/or
- Provide Patient A's chiropractic records.

From 30 June 2016 to 20 July 2016, Mr Clad failed to co-operate with an investigation of the GCC into his treatment of Patient A in that he did not:

- respond to requests for information adequately or at all; and/or
- provide Patient A's chiropractic records.

On or about 20 July 2016, Mr Clad stated in an email to the GCC in respect of Patient A's chiropractic records that 'we were hoping to find her missing file but we haven't been successful.'

On 21 May 2017, Mr Clad made a statement that 'During around Easter 2016 we had damage to our roof which caused leaking through our ceiling...this had caused water damage...' and 'Patient A's file must be one of the water damages [sic] files disposed of.'

Mr Clad failed in his professional and/or legal obligations to retain adequate records in respect of Patient A.

# GCC v Carolyn Smyth

Registration number: 00119

Date of decision: 15 May 2017

Sanction: Admonishment

## Summary of allegations found proved

From about September 2009 until October 2014, Patient A (a male) was a patient of Ms Smyth.

- a) Between 17 June 2014 and 19 July 2014 Ms Smyth exchanged emails of a personal nature with Patient A.
- b) After receiving texts of a personal nature from Patient A, Ms Smyth met Patient A for a coffee, or in similar circumstances, outside of the clinic:
  - On or about 13 July 2014;
  - On one or more subsequent occasions after 13 July 2014.
- c) On or about 15 July 2014, Ms Smyth gave Patient A a bottle of wine for his birthday with a note which read “Dosage Take 175ml twice daily with food! Happy Birthday x”
- d) Ms Smyth kissed and/or were otherwise intimate with Patient A during appointments at the clinic on one or more of the following dates:
  - 12 August 2014;
  - 19 August 2014;
  - 26 August 2014;
  - 15 September 2014;
  - 29 September 2014.
- e) On or about 2 September 2014, Ms Smyth
  - went to Patient A’s home address on a personal visit;
  - kissed and/or were otherwise intimate with Patient A whilst at his home address;

Ms Smyth’s conduct at (a) – (e) above was inappropriate, an abuse of the patient/practitioner relationship and likely to bring the profession into disrepute.

Ms Smyth’s conduct at (d) and (e) above failed to establish and maintain clear sexual boundaries with a patient.

# GCC v Belinda Ambrose

Registration number: 00035

Date: 11 August 2017

Sanction: Admonishment

## Summary of allegations found proved

The facts found proved in this case related to three articles published in Ms Ambrose's name in a local newspaper distributed to approximately 30,000 households in the Tyne Valley and also published on-line. The Articles entitled 'Ear Infections and the lies we are told', 'Cow's Milk- a cause of Reflux in Babies' and 'The Irritable Baby' were emotive and each contained assertions about conventional medical treatment which were inaccurate, unqualified and unsubstantiated.

The Professional Conduct Committee found 11 separate statements in the articles that had in various ways breached Code C4 ('Publicising your work or practice') of the 2010 Code of Practice and Standard of Proficiency. The statements ranged from issues to do with vaccinations, the use of Gaviscon and Metoclopramide, the use of anti-biotics, the birthing process - including irritation to the brain stem and pressures on the spine or cranium, and chiropractors being the first port of call for stress on the brainstem.

The breaches of Code C4 were wide-ranging and the Committee found that a number of the statements were not only misleading and not supported by adequate scientific evidence, but also were likely to instil fear, likely to cause harm and likely to bring the profession into disrepute.

# GCC v Andrew Jackson

Registration number: 00035

Date of decision: 17 October 2017

Sanction: Admonishment

## Summary of allegations found proved

On a date unknown prior to 14 September 2012, Mr Jackson issued a voucher for a charity auction that inappropriately guaranteed the bearer an x-ray when there was no evidence that the bearer would require such an x-ray.

When Patient A consulted Mr Jackson on or around 18 September 2012, Mr Jackson failed to obtain and/or document an adequate case history in that he failed to acquire and record relevant and necessary details of Patient A's presenting complaint of high blood pressure.

Between about 18 September 2012 and the conclusion of Patient A's course of treatment on or about 21 January 2013, Mr Jackson failed to record any reassessment of the positive neurological findings he had identified in the form of weakness in the L5/S1 myotomes.

On or around Patient A's second appointment on 24 September 2012, Mr Jackson inappropriately told Patient A that, by treating his spinal abnormalities, he would cure or alternatively improve his hypertension and hypothyroidism, when that advice lacked any or any adequate foundation on best available evidence.

From about 24 September 2012, Mr Jackson provided Patient A with chiropractic treatment for which he lacked credible evidence to justify his provision of:

- the imposition of a course of spinal manipulative therapy that aimed to address the symptoms of hypertension and underactive thyroid.
- the continuation of that course of therapy for 24 sessions.

# GCC v John Rees

Registration number: 01666

Date of decision: 8 November 2017

Sanction: Admonishment

## Summary of allegations found proved

Patient A (a female) registered as a Patient under Mr Rees' care on 20 May 2016. Mr Rees provided chiropractic treatment to Patient A on various dates between 20 May 2016 and 10 June 2016.

Between 24 May 2016 and 4 June 2016, Mr Rees became 'friends' with Patient A on Facebook and shared photographs of Patient A on his Facebook account. In doing so, Mr Rees failed to maintain a clear professional relationship with Patient A.

Between 24 May 2016 and 9 August 2016, Mr Rees:

- had lunch with Patient A at the Station cafe at Ilkley on one or more occasions;
- suggested that Patient A work as a private occupational therapist from a room at his premises;
- discussed with Patient A the possibility of employing her as Practice Manager.

On 15 June 2016 Mr Rees' behaviour failed to maintain a clear professional relationship and was sexually motivated in that he:

- took Patient A to a Spa;
- gave Patient A a bikini;
- gave Patient A a power kite;
- took Patient A to lunch;
- paid for a spa treatment for Patient A.

On one or more dates in August 2016 and September 2016, Mr Rees' behaviour was sexually motivated in respect of:

- contacting Patient A on her mobile telephone asking to meet up and saying "can I see you?" or words to that effect

On an occasion in September 2016, Mr Rees attended Patient A's home address.

In September 2016, Mr Rees caused or allowed his friend to contact Patient A to discuss her complaint against him.

# GCC v Muhammed Sadique Mamun

Registration number: 03901

Date of decision: 28 November 2017

Sanction: Admonishment

## **Summary of allegations found proved**

On 5 April 2017 you were convicted at Cardiff Magistrates' Court of an offence of knowingly or recklessly obtaining personal data without the consent of the data controller contrary to sections 55(3) and 60(2) of the Data Protection Act 1998.