

the Nightingale Collaboration

Accredited Voluntary Register
Call for information
*Complementary and Natural
Healthcare Council*

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13 August 2014

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Introduction

We would like respond to your call for information regarding an application to renew Accredited Voluntary Register accreditation by the Complementary and Natural Healthcare Council (CNHC).

We strongly object to the renewal of the CNHC’s accreditation for the reasons we give below.

*Please note that we give a summarised account of how the CNHC have dealt with our complaints below, but we have included the complete correspondence between ourselves and the CNHC in the Appendix. We have also provided a link to a zip file that contains screenshots, etc of the pages of the six remaining websites we raised concerns about, with specific text **highlighted**.*

Initial complaints

You are aware of the 100 complaints we submitted to the CNHC in May 2013 about claims made by its registrants on websites.

You are also aware of the difficulties we had in understanding how the CNHC chose to deal with our complaints and that they did not follow their published Complaints Procedure, instead, declaring that they would resolve them ‘informally’ despite there being no provision for this course of action in their published complaints procedure.

They persisted in processing our complaints in a manner that was not transparent and was contrary to their published procedure.

We believe that lack of transparency did not fit with their stated aim of protecting the public.

However, we believe they did not properly deal with our complaints and we outline below our attempts to get the CNHC to properly enforce their rules so the public were protected from misleading claims made by their registrants.

Complaints procedures

We are aware that the CNHC made changes to their published complaints document after our previous complaints and during the process of applying for AVR accreditation and these changes were necessary to ensure their process was open and transparent.

Many of their issues were caused because they followed a process that was not documented in their published complaints procedure. Instead, the steps they took were contradicted by that procedure and was conducted with no transparency or consistency. We believe they referred to some process steps that were written into another document, but these contradicted their published complaints procedure.

As such, it was impossible for a complainant or registrant to know what procedure would be followed in the event of a complaint, nor know what procedure was being followed once a complaint had been submitted.

However, even with those changes, the procedure is still not clear and far from transparent.

Documents

The CNHC seem to have two public documents that are concerned with complaints:

1. [Detailed Procedures For Dealing With Complaints](#) (First published July 2008, Last updated June 2014)
2. [How CNHC deals with complaints](#) (December 2013)

The first is [described](#) as the procedures the 'CNHC's investigating committee, conduct & competence panel, and health panel follow'.

The second is described as an 'Information leaflet' and is older.

It is clear to us that the first, a 36-page document, is the definitive complaints procedure document and that the second, 8-page leaflet, has no standing, merely being an attempt to describe a simplified complaints process.

However, the leaflet contradicts the *Detailed Procedures* and attempts to introduce additional steps, requirements and processes that are not part of the *Detailed Procedures*. The leaflet is not referenced in the *Detailed Procedures* (although, bizarrely, the words of the title of the leaflet, 'How CNHC deals with complaints', appear in the header of just one page, page 2 — we assume this is an error on their part since that page is simply the contents page).

For example, the leaflet states (page 4):

You have to complain in writing, using our complaint form.

There is no mention of any complaint form in the *Detailed Procedures*, never mind a requirement that only complaints submitted on that form will be accepted.

Additionally, the *Detailed Procedures* states (at Part 3 Complaints):

14 Procedure upon receipt of a Complaint or information about a Registrant

14.1 On receipt of a written Complaint about a Registrant, the Council shall first consider whether the nature of the Complaint is such that in the first instance it is appropriate to seek for it to be resolved informally or by mediation.

We note that this states that the procedure deals with 'information about a Registrant'. We believe that, whilst it may be convenient to have concerns raised on a special form, it should not

be a mandatory requirement and that many valid concerns could be ignored if insistence on this is rigidly adhered to. We feel it will always be in the interests of good regulation to consider any information received about a registrant to potentially be a complaint and dealt with accordingly, rather than a categorical refusal to accept such information. We believe that it is in this context that the procedure mentions 'information about a Registrant'.

It is also noted that the list of types of complaint that are deemed 'not suitable for informal resolution or mediation' are unnecessarily different in the two documents:

<i>Detailed procedures for dealing with complaints</i>	<i>How CNHC deals with complaints</i>
<p>There are some types of complaint that are not suitable for informal resolution or mediation. These include:</p> <ol style="list-style-type: none"> 1. serious misconduct 2. abuse of trust, boundary violations, predatory or manipulative behaviour 3. lapses in professional competence 4. dishonesty 5. fraud or other criminal acts 6. findings by a statutory regulator 7. serious concerns arising from the health of the registrant 8. alcohol or substance abuse 9. a registrant who has frequently been the subject of complaints 	<p>There are some types of complaint that we cannot deal with informally or by using mediation. These include (among other things) complaints about:</p> <ol style="list-style-type: none"> 1 conduct that falls well below the standard expected of a registrant 2 abuse of trust (including financial exploitation), stepping outside 'professional boundaries', and predatory or manipulative behaviour 3 lapses in professional competence 4 dishonesty 5 fraud or other criminal acts 6 findings by a statutory regulator 7 serious problems caused by the health of the registrant 8 alcohol or substance abuse 9 a registrant who has been the subject of more than two complaints, of a similar kind, that were dealt with informally at the time they were made.

Thus, it can only be concluded that the leaflet has no standing in any complaint and that the *Detailed procedures* is the only document that can be regarded as the definitive and transparent procedure that the CNHC can follow in pursuit of good regulation.

Informally resolved complaints

It took the CNHC some nine months to initially deal with all our complaints. We were finally told in ten emails from August 2013 to January 2014 that our complaints had been:

...resolved informally ie either the wording complained of has been removed from the relevant website or has been amended in line with advice that the registrant has sought from the Committee of Advertising Practice Copy Advice Team.

We were told that three of the registrants we complained about had let their registrations lapse before the CNHC had informally resolved their complaints, leaving 97.

As a result of our complaints, the CNHC referred six of their own registrants to Westminster Trading Standards for possibly breaches of the Cancer Act 1939. We have not been informed of the outcome of those referrals.

Website review

After we had been told all our complaints had been informally resolved, we looked at a sample of the websites concerned. We were anxious to check they had not been missed and that the CNHC were confident they were fully compliant.

In March 2014, we gave the list of the ten registrants and websites to the CNHC and asked:

I would be grateful if you could confirm that you are confident that all pages of these websites are fully compliant with your Code of Conduct, Performance and Ethics, your advertising and Cancer Act guidance and your Therapy Descriptors.

A month later, we were told:

...the Board can assure you that at the time when your complaints against 100 CNHC registrants were resolved informally, it is confident that the identified websites complied with the Cancer Act 1939 and the Committee of Advertising Practice (CAP) Code.

That wasn't what we asked, of course, and told us nothing about whether the websites we highlighted were, in the opinion of the CNHC, currently compliant. We had hoped that this would have been a concern of the CNHC, and we had hoped that the CNHC would have inspected the websites to ascertain whether or not they were still compliant. However, they did not say whether or not they had done this.

Since we believed we were providing the CNHC with information about registrants that we believed were advertising contrary to their *Code of Conduct, Performance and Ethics*, therapy descriptors and the CAP Code, we had assumed they would have taken our email to be raising concerns about those websites and registrants.

Since the websites we highlighted were part of our ongoing initial complaint that had not yet been resolved by the CNHC, we were disappointed that they did not seem to be taking the matter seriously and were not acting on the new information we had provided that indicated that they were still not compliant.

We brought to the CNHC's attention the fact that the relevant section of their published *Detailed Procedures For Dealing With Complaints* is titled:

Part 3 Complaints

14 Procedure upon receipt of a Complaint or information about a Registrant

We believe we had provided the CHNC with 'information about a registrant', yet they chose not to follow their published procedure and did nothing with the information we had provided.

Given that the CNHC had already told us they believed them compliant we were at a loss to understand their inaction and apparent lack of concern.

Continued complaints

Note that, because we believed the websites we had highlighted to the CNHC were complaints that had not yet been properly resolved, we considered that these complaints were still active and not concluded as the CNHC seemed to maintain. So, the sample websites we brought to their attention were not new complaints to us, but simply continuations of the original complaints that had not yet been properly and fully resolved.

However, in an attempt to get the CNHC to take our complaints seriously, we found it necessary to clearly state (on 23 June 2014) that we were making formal complaints about those ten

websites. We had hoped that this would be sufficient for the CNHC to take the correct and responsible course of action.

However, they imposed further conditions on accepting the information we provided as complaints. The first requirement (2 July 2014) was that they insisted that we filled in their complaints form for each of the unresolved complaints:

As set out on page 4 of the CNHC information leaflet <http://www.cnhc.org.uk/assets/pdf/5-002.pdf>, I must ask you to make your complaints in writing, using the CNHC complaint form. When doing so, in each case please provide a hard or scanned copy of the website pages that are the subject of your complaint and make clear reference to the specific relevant wording.

Although we noted that these additional requirements are not mentioned in their published *Detailed Procedures For Dealing With Complaints*, we provided ten such forms duly completed. These forms gave all the necessary details requested and we listed the individual website pages we were raising concerns about.

Since we have provided them with the website urls of the pages we were concerned about, we saw no reason to provide hard copies of those pages — they were available for them to inspect and record as they saw fit. We also noted that this was another requirement that is not mentioned in their published *Detailed Procedures For Dealing With Complaints*.

We made this clear to the CNHC (2 July 2014):

For the avoidance of doubt, my complaints concern all the wording on all the pages listed in the attachments and they can all be conveniently viewed using the urls given.

We believed this was more than adequate for them to consider the information we had provided.

The CNHC then told us:

A registrant is entitled to know precisely what is complained of. I trust you will appreciate that this is essential and reasonable. I must ask you again therefore to identify in each case the specific wording that is the subject of your complaint.

We believed we had done this but again emphasised that we were concerned with all the wording on the pages we had listed.

It became clear that the CNHC were not going to consider our complaints without this additional information, so we provided them with a file of the pages we had listed, with some text highlighted.

Most of the websites in the list we provided had no more than a few pages, but some had a much larger number. The registrants, their registration number and websites are:

1. Mandy Elliott (000072-L10) www.naturalsolutionsforhealth.co.uk 3 files
2. Gabi Heyes (or Forrester) (000103-L10) www.natural-practices.co.uk, www.health-detective.co.uk 75 files + 22 files (on two websites)
3. Georgina Block (000476-L10) www.hypnotherapykettering.co.uk 6 files
4. Janie Godfrey (000209-B10) www.bowenclinicfrome.co.uk 56 files
5. Helen Barnard (000115-B10) www.helenbarnard.co.uk 3 files
6. Paul Blacker (000101-K11) www.longfieldpolyclinic.co.uk 1 file
7. ~~Kim Holmes (000132-F11) www.yorkshirebodyclinic.co.uk 4 files~~
8. ~~Elaine Thompson (000378-A11) www.soundtherapyuk.com 5 files~~
9. ~~Leigh Blyth (000001-F12) www.handsonfeet.com 1 file~~
10. ~~Rosanna Bickerton (000346-I09): 6 files~~

Note that of these ten, we were later told that four (marked with ~~strike-through~~ above) of the registrants were no longer registered with the CNHC, so we withdrew our complaints against them, leaving just six complaints to be dealt with.

The reason two websites had large numbers of files was because of the number of website pages we found that had claims that concerned us.

As illustrations of the extent and seriousness of our concerns, it is worth listing just some of the claims here, demonstrating that these were not vexatious complaints, but concerned claims about sometimes very serious medical conditions, and conditions that we believed it was irresponsible to make. The following list of claims comes from just one [website](#) advertising Naturopathy:

Abscess	Diarrhoea	ME - Chronic Fatigue Syndrome
Acne	Depression	Mood Swings
Alcoholism	Diverticulitis	Migraine
Anaemia	Exhaustion / Fatigue/Tiredness	Menopause
Angina	Endometriosis	Memory / Concentration Loss
Anxiety	Eczema	Muscle Pain
Arthritis	Electromagnetic Sensitivity	Nausea
Asthma	Gallstones	Osteoporosis / Porous Bones
Bloated Stomach / Wind	Glue Ear	Overweight
Breast Pain / Cysts	Gout	Parasites
Blood Sugar Imbalance	Halitosis	Prostate
Blood Pressure	Hayfever	Polycystic Ovaries (PCOS)
Bruises	Hot Flushes	Premenstrual Tension - PMT
Candidiasis, Fungal Infections & Yeast	Herpes Simplex	Periods
Cellulite	Heart & Arteries	Psoriasis
Cholesterol	Headache	Sinusitis
Circulation	Hypoglycaemia	Stress
Coeliac Disease	IBS	Thyroid - Hypothyroidism - Underactive Thyroid
Cold Sores	Impotence	Thyroid Unexplained Weight Gain
Colds & Flu	Immunity	Toxin Elimination
Colitis	Insomnia	
Constipation	Lymphatic Congestion or Lymphoedema	
Crohn's	Libido	
Cystitis	Lyme Disease	
Dandruff		
Diabetes Mellitus		

Another [website](#) advertising Bowen therapy had articles on:

Asthma	Bowen Technique, an effective complement	Fibromyalgia
Asthma revisit	Braces and loss of wellbeing	Giving the Right Signals
Babies	Cerebral Palsy	Healing Power of Gentle Touch
Back Pain	Children and anxiety	Hydrocephalus and hemiplegia
Bear Grylls' battle with back pain	Drug and alcohol abuse help	Knee and ankle study
Bell's Palsy	Eczema	Lingering symptoms
Birth Traumas	Engaging the immune system	Lump in the throat
Born Survivor	Exercise induced tachycardia	Lymphatic drainage
Bowen , Integration and Wholeness		Lymphoedema
Bowen and Health Care		Ménière's disease
		Migraine help

Migraines	Pelvic area treatment	Sleep problems
Mind-body integration	Peripheral Neuropathy	Slipped discs
Mothers and Babies	Post head-injury problems	Sound Learning Centre
Motor Neurone disease	Respiratory treatment	Sport and Bowen
Neck pain becomes history	with Bowen	Tinnitus
Pain and Anxiety	Rheumatoid arthritis	TMJ Syndrome
Pain Control	Seasonal Allergic Rhinitis	Veterans – help with
Parkinson’s Disease	Sinus – chronic problems	recovery

The claims made by some of the other websites were not so egregious, but they were still claims that we were concerned about and ones that we believed the CNHC had a responsibility to investigate thoroughly and deal with to protect the public.

Because of the number of claims being made, we had to provide the CNHC with some 182 files as a zip archive. We also provided a spreadsheet containing an index of these files.

In all these files, we had highlighted some text on every page, but, given the nature of some of the pages and documents, the claims being made and the context in which they were being made, some pages had most of the text highlighted. We were not comfortable picking out any specific words and felt that it was not our responsibility to isolate concerns about specific claims and expected the CNHC to have taken responsibility for doing that as part of their formal process.

You can download the pages from the six remaining websites [here](#) so you can examine the seriousness and extent of all the claims the CNHC have so far not dealt with.

If we had isolated some words, we believed that the CNHC would look only at those few words themselves. We had been given an assurance that claims would be looked at in context, but we had no confidence that this would be done such it covered all the areas we were concerned about. We were therefore left with no option but to try to insist that the CNHC accept our complaints as we had submitted them without weakening them by cutting back on the words we were concerned about.

As we understood the complaints process, it was the responsibility of the CNHC’s Investigating Committee to take the complaint information, examine the evidence provided and identify any potential breaches of their Code and, from that, determine if there was a case to answer and to then derive Formal Allegations to be presented to their Conduct and Competence Panel.

The onus cannot be placed on a complainant to identify and formulate specific and detailed allegations; all that a complainant should be required to do is to present information to the CNHC and for them to decide whether or not, after due investigation and consideration, that information was sufficient evidence with which to proceed with a complaint and that there was a case to answer.

Vexatious complaints

Having provided what had been requested (their Complaints Forms, copies of the pages and highlighted text), we were told:

You state you have provided “...just one file per url”. I have made a quick check and in one instance the file provides individual links to 75 pages. In total there appear to be links to 180 or so pages. Bearing in mind this and your reiterated statement that all of the text on all the pages specified are the subject of your complaint, I will be asking the CNHC Board to consider whether your complaints should be categorised as vexatious, on the following grounds

- you have failed to specify precisely what you are complaining about

- you are seeking to make unreasonable demands on CNHC resources

The next meeting of the Board is scheduled for 6 August and I will be in touch with you again after that.

We found it disappointing that our complaints were now being considered vexatious.

We argued that there was nothing in their published procedure that permitted this action.

The grounds on which the CNHC seek to reject and ignore our complaints are spurious and, particularly given the nature and extent of the concerns we have highlighted to them, not the behaviour we would have expected of any organisation whose stated key purpose is:

...to act in the public interest and enable proper public accountability of the complementary therapists that it registers.

Board meeting

We received the decision of their Board on 12 August:

At the meeting of the CNHC Board held on 6 August, members considered the correspondence to date between us since your email of 23 June, in which you stated that you were making complaints with regard to claims made on 10 websites, subsequently reduced to six websites because four of the practitioners are not currently registered with CNHC. The Board noted that

- you had been requested on three occasions to identify in each case the specific wording relevant to your complaint
- you had responded on each occasion that you were complaining about all the words on all the website pages you had listed.

The decision of the Board was that

- you should be offered this one further opportunity to identify in each case the specific wording about which you are complaining
- in the event that you do not identify the specific wording, the complaints will be categorised as vexatious, in accordance with the attached Policy.

We seem to be at an impasse. We have done all that has been asked of us and we have highlighted the specific wording in each case.

However, it is worth noting that on many pages we did highlight paragraphs, words and sometimes even down to a few bullet points containing claims that concerned us.

We have still to decide how to respond to this further delay, but it seems clear to us that they are not interested in dealing with our complaints; they see them as no more than vexatious and simply an attempt to waste their resources. They are not; they are born of a desire to ensure that misleading claims are dealt with so that the public are protected. We are disappointed that the CNHC do not appear to share that aim.

With the email they sent us, they attached a copy of their *Policy for dealing with Vexatious Complaints and Abusive Complainants*. This is dated August 2014 and only appeared on their website on 11 August. The document meta data gives the creation date as 08 August 2014, so it looks as if this policy has only just been created — we speculate it may only have been approved at the same Board meeting at which they considered their above response.

They would appear to be citing the following point in their new policy in relation to our complaints:

...a complaint may be regarded as vexatious where the complainant:

fails to clearly identify the substance of a complaint or the precise issues which may need to be investigated, despite being given every opportunity by CNHC to do so;

It is plain that we have clearly identified the substance of our complaints: it concerns the claims made by registrants on the pages of the websites we identified.

This point also talks about 'precise issues which may need to be investigated'. We believe we have identified the precise issues: those precise issues are claims on the pages we identified about treating sometimes serious medical conditions.

We believe that these conditions are clearly to be seen on those pages.

Summary

Our complaints should not have been necessary; the CNHC should have been taking steps to ensure their registrants were only making claims that were compliant with their *Therapy Descriptors*, their *Code of Conduct, Ethics and Performance* and the ASA's CAP Code.

However, when it has been clearly pointed out to them that the problems with their registrants were widespread and endemic, we would have expected a competent and responsible regulator to have embraced the criticism and dealt with those complaints efficiently and comprehensively.

The CNHC have not done this: they have been obstructive at every step.

Conclusion

The CNHC failed to deal properly with our initial 100 complaints, leaving claims made by their registrants that could mislead members of the public.

The CNHC failed to deal with our continued complaints about the sample of ten websites to ensure continued breaches were properly and thoroughly dealt with.

The CNHC failed to be transparent in the process by which they dealt with our complaints.

The CNHC failed because, even though it is attempting to declare our complaints as vexatious, continue to ignore the content of those complaints and the *prima facie* evidence we provided that indicated that their registrants were making egregious claims that breached their *Therapy Descriptors*, their *Code of Conduct, Ethics and Performance* and the ASA's CAP Code.

We believe the above makes the CNHC unfit to hold AVR accreditation.

We urge you to consider this matter carefully and not renew their accreditation until such time as they can demonstrate that they are a professional organisation that, at its core, has the ability, willingness and resolve to be a credible, professional regulator that has, at the forefront of everything it does, its aim to protect the public, not its registrants.

Appendix: Correspondence with the CNHC

28 May 2013

To: info@cnhc.org.uk

FTAO: The Fitness to Practice Officer

Please see attached complaints against CNHC registrants as detailed below.

Please acknowledge receipt by return and please keep us fully informed of your progress in dealing with each of the complaints, including notifying us of the outcomes.

Please quote the reference given on each complaint form in all correspondence.

If you require any further information, please do not hesitate to contact us.

Best regards.

Alan Hennes

Group A-01-0001 Glenys Underwood (000189-I09)
 Group A-01-0002 Tony Burt (000113-C13)
 Group A-01-0003 Gail Seddon-Davies (000161-D10)
 Group A-01-0004 Hannah Mackay (000288-D10)
 Group A-01-0005 Marlene Munoz (000080-G11)
 Group A-01-0006 Niki Lawal (000050-A13)
 Group A-01-0007 Helen Rigler (000062-B10)
 Group A-01-0008 Julie Elder (000060-H10)
 Group A-01-0009 Jean Lymath (000006-G12)
 Group A-01-0010 Liz Cunningham (000056-L10)

[10 emails in total, each with 10 complaints attached]

28 May 2013

From: info@cnhc.org.uk

Thank you for your enquiry.

Please be assured that we will respond to your email at our earliest opportunity and certainly within 3 working days.

...

[Automated receipts for all 10 emails]

28 May 2013

From: Joan Feakes

Dear Mr Hennes

We acknowledge receipt of the one hundred complaints received this afternoon

Yours sincerely

Joan Feakes

9 June 2013

To: Margaret

Margaret

I received the documents that you had sent by post yesterday, Saturday 08 June 2013, including

a paper copy of an email.

I note however, that you appear to have sent the email to an incorrect email address and as a consequence, I did not receive it. I ask that you ensure that future emails are correctly addressed.

I had asked that you use the email address I had provided for all correspondence. I appreciate that you may have a policy of sending out paper copies of your procedures, but it would have been quicker and more convenient if you could simply have sent me links to these documents on your website or to have attached copies to the email.

However, I note that the document you enclosed titled 'Procedure for processing Complaints referred to the Complementary and Natural Healthcare Council (CNHC)', dated December 2008, included a loose amendment sheet and I would be grateful if you would provide the dates on which these two amendments came into force.

I also note that the version you sent me, even with those amendments incorporated, is different to the one currently on your website and would be grateful if you could provide a list of all subsequent amendments and the dates on which they came into force.

Please confirm which version, with which amendments, you believe applies to my complaints.

I also note you enclosed a document titled 'Complaints Handling Process', also dated December 2008, but it is not clear what the purpose and status of this document is, particularly since it contradicts your 'Procedure for processing Complaints' document in many places. I further note that 'Procedure' document does not refer to the 'Complaints Handling Process' document.

I would be grateful for clarification and, unless you state otherwise, I assume that the more comprehensive 'Procedure' document is the one that defines your complaints procedure and is the procedure you are following.

I further assume that these documents were provided as required by section 14.5 of your Procedure, although I note that that section refers to 'Council's guidance about making a complaint'. It is not clear what that refers to and appears to be something different to the 'Procedures' that are sent to registrants as mentioned in section 14.8 b. I would be grateful for clarification. Please also confirm whether the relevant registrants have been notified as required by section 14.8 or indicate when this will done.

Assuming for the time being that the procedure you are following is as stated in the version of the document you sent me by post, please confirm that you agree that the requirements of section 14.2 a. and 14.2 b., viz:

14.2 Information shall only be considered to be a Complaint if such information:

- a. relates to an identifiable Registrant; and
- b. makes a specific allegation or allegations relating to the fitness to practice of a Registrant.

have been met and that therefore the Council considers the information and allegations I have supplied to be Complaints. If this is the case, please confirm that the cases have been referred, or shortly will be referred, to the Investigating Committee as required by section 14.5 of this Procedure.

In the paper copy of the email you sent, you ask about the details of the complaints. On the complaint form, I have provided you with relevant textual extracts from each of the website

pages I identified as making questionable claims. These forms are fully searchable and all the text from each website is on one page so any particular word or phrase can be found easily..

For clarification, my allegations are as detailed in the section titled 'Please describe what you think happened.':

The website pages listed below make claims that are not in compliance with the appropriate therapy descriptor, CNHC advertising guidance or the ASA's CAP Code, ASA Guidance and adjudications. The registrant is therefore in breach of the Code of Conduct, Performance and Ethics. There may be other claims made that are not listed.

In the 'Additional Information' section, as it requests, I provided additional information that might help the Investigating Committee deal with this matter and further matters for them to consider as appropriate to help them identify any other breaches of the Code, etc.

Additionally, I have provided the URLs of the relevant pages. You are entirely free to view those referenced pages, store them, capture them or print them for whatever purpose you deem necessary.

I believe that this gives satisfactory notification to you of my concerns and I have provided all the details necessary with which to proceed. I understand it is the responsibility of the Investigating Committee to identify the possible breaches of the various guidance and codes in its preparation of the Formal Allegations for submission to the Conduct and Competence Panel or Health Panel as appropriate and I look forward to receiving those in due course.

In terms of those registrants who might be in breach of the Cancer Act 1939, I have included examples of the use of the word 'cancer' on the relevant website pages. As I'm sure you will fully appreciate, the context in which the word is used is important, so I must leave it to you in the first instance to seek appropriate qualified advice to enable you to identify potential offences under the Cancer Act and to take what further action is necessary and appropriate in line with your responsibility to act in the public interest and to enable proper public accountability of your registrants.

You stated in the copy of the email that your immediate concern was to identify potential offences under s.4 of the Cancer Act 1939. I trust that you have been able to make good progress with this in the past week and I would appreciate being informed of the steps you have taken to identify any other registrants who may also be making claims in breach of the Cancer Act. Please also confirm that you will be urgently issuing clear, mandatory guidance to all registrants, highlighting the seriousness and potential consequences of making such claims.

I can confirm that I have not submitted any complaints about these websites to Trading Standards, as I had stated on each complaint form.

You also mention that the 'Complaints Handling Process' document asks that an attempt is made to resolve complaint locally. As I have stated above, the status of this document is not known. However, I can confirm that I have not drawn my concerns to the attention of the relevant registrants.

I have attached a spreadsheet with the details used to create the complaints forms which may be of use to you. This is in addition to the complaint forms themselves, which still constitute my complaints.

I look forward to receiving your reply by email.

Best regards.

Alan

14 June 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email. I apologise that my initial email was sent to an incorrect address. Please see below for my responses (in bold) to the matters you have raised – for ease of reference I have numbered your paragraphs.

Yours sincerely
Margaret Coats

Margaret

(1) I received the documents that you had sent by post yesterday, Saturday 08 June 2013, including a paper copy of an email.

(2) I note however, that you appear to have sent the email to an incorrect email address and as a consequence, I did not receive it. I ask that you ensure that future emails are correctly addressed.

(3) I had asked that you use the email address I had provided for all correspondence. I appreciate that you may have a policy of sending out paper copies of your procedures, but it would have been quicker and more convenient if you could simply have sent me links to these documents on your website or to have attached copies to the email.

(4) However, I note that the document you enclosed titled 'Procedure for processing Complaints referred to the Complementary and Natural Healthcare Council (CNHC)', dated December 2008, included a loose amendment sheet and I would be grateful if you would provide the dates on which these two amendments came into force.

The amendments to paragraphs 14.8(c) and 11.2 were made in June 2012 and May 2013 respectively.

(5) I also note that the version you sent me, even with those amendments incorporated, is different to the one currently on your website and would be grateful if you could provide a list of all subsequent amendments and the dates on which they came into force.

An error in paragraph numbering on page 13 of the hard copy was corrected in February 2013. A difference in the typesetting of the website document has reduced the number of pages.

(6) Please confirm which version, with which amendments, you believe applies to my complaints.

The website version will apply to any initiation of the formal procedures in relation to your complaints.

(7) I also note you enclosed a document titled 'Complaints Handling Process', also dated December 2008, but it is not clear what the purpose and status of this document is, particularly since it contradicts your 'Procedure for processing Complaints' document in many places. I further note that 'Procedure' document does not refer to the 'Complaints Handling Process' document.

This information/guidance leaflet is intended to provide an overview of CNHC's approach to dealing with complaints.

(8) I would be grateful for clarification and, unless you state otherwise, I assume that the more comprehensive 'Procedure' document is the one that defines your complaints procedure and is the procedure you are following.

Please see (6) above.

(9) I further assume that these documents were provided as required by section 14.5 of your Procedure, although I note that that section refers to 'Council's guidance about making a complaint'. It is not clear what that refers to and appears to be something different to the 'Procedures' that are sent to registrants as mentioned in section 14.8 b. I would be grateful for clarification. Please also confirm whether the relevant registrants have been notified as required by section 14.8 or indicate when this will be done.

It is our normal practice to send a copy of the Complaints Handling Process to the complainant immediately upon receipt of complaints, rather than waiting until a decision has been taken to refer the case to the Investigating Committee. On this occasion, we also chose to send you a copy of the detailed Procedures.

(10) Assuming for the time being that the procedure you are following is as stated in the version of the document you sent me by post, please confirm that you agree that the requirements of section 14.2 a. and 14.2 b., viz:

14.2 Information shall only be considered to be a Complaint if such information:

- a. relates to an identifiable Registrant; and
- b. makes a specific allegation or allegations relating to the fitness to practice of a Registrant.

have been met and that therefore the Council considers the information and allegations I have supplied to be Complaints. If this is the case, please confirm that the cases have been referred, or shortly will be referred, to the Investigating Committee as required by section 14.5 of this Procedure.

CNHC's view is that in the first instance it will attempt to seek to resolve these complaints through appropriate intervention and advice [though see (17) below in respect of clear breaches of the Cancer Act 1939]. Given the number of complaints you have made, consideration is being given to how best to achieve this.

(11) In the paper copy of the email you sent, you ask about the details of the complaints. On the complaint form, I have provided you with relevant textual extracts from each of the website pages I identified as making questionable claims. These forms are fully searchable and all the text from each website is on one page so any particular word or phrase can be found easily..

(12) For clarification, my allegations are as detailed in the section titled 'Please describe what you think happened.':

The website pages listed below make claims that are not in compliance with the appropriate therapy descriptor, CNHC advertising guidance or the ASA's CAP Code, ASA Guidance and adjudications. The registrant is therefore in breach of the Code of Conduct, Performance and

Ethics. There may be other claims made that are not listed.

(13) In the 'Additional Information' section, as it requests, I provided additional information that might help the Investigating Committee deal with this matter and further matters for them to consider as appropriate to help them identify any other breaches of the Code, etc.

(14) Additionally, I have provided the URLs of the relevant pages. You are entirely free to view those referenced pages, store them, capture them or print them for whatever purpose you deem necessary.

(15) I believe that this gives satisfactory notification to you of my concerns and I have provided all the details necessary with which to proceed. I understand it is the responsibility of the Investigating Committee to identify the possible breaches of the various guidance and codes in its preparation of the Formal Allegations for submission to the Conduct and Competence Panel or Health Panel as appropriate and I look forward to receiving those in due course.

(16) In terms of those registrants who might be in breach of the Cancer Act 1939, I have included examples of the use of the word 'cancer' on the relevant website pages. As I'm sure you will fully appreciate, the context in which the word is used is important, so I must leave it to you in the first instance to seek appropriate qualified advice to enable you to identify potential offences under the Cancer Act and to take what further action is necessary and appropriate in line with your responsibility to act in the public interest and to enable proper public accountability of your registrants.

(17) You stated in the copy of the email that your immediate concern was to identify potential offences under s.4 of the Cancer Act 1939. I trust that you have been able to make good progress with this in the past week and I would appreciate being informed of the steps you have taken to identify any other registrants who may also be making claims in breach of the Cancer Act. Please also confirm that you will be urgently issuing clear, mandatory guidance to all registrants, highlighting the seriousness and potential consequences of making such claims.

CNHC has identified from among your complaints six registrants who appeared to be directly breaching s.4 of the Act. Five of them were able to immediately remove the offending material and the sixth is making arrangements for the website to be taken down as a matter of urgency. In each case, CNHC has provided the relevant details to Trading Standards. All CNHC registrants have been sent information about the Act and legal advice is being taken on the appropriate wording of detailed guidance.

(18) I can confirm that I have not submitted any complaints about these websites to Trading Standards, as I had stated on each complaint form.

(19) You also mention that the 'Complaints Handling Process' document asks that an attempt is made to resolve complaint locally. As I have stated above, the status of this document is not known. However, I can confirm that I have not drawn my concerns to the attention of the relevant registrants.

(20) I have attached a spreadsheet with the details used to create the complaints forms which may be of use to you. This is in addition to the complaint forms themselves, which still constitute my complaints.

(21) I look forward to receiving your reply by email.

Best regards.

Alan

16 June 2013

To: Margaret Coats

Margaret

Thank you for your email.

You state at paragraph 17 that you have identified six registrants who you believed may have been breaching s.4 of the Cancer Act and I note that you have already informed the relevant registrants and that they have taken action to remove the material. I note also that you state that you have passed the 'relevant details' to Trading Standards. I would be grateful if you could say what details you have passed to TS.

I would be also grateful if you were able to send me a copy of the advice you have already sent registrants and for a copy of any future guidance issued.

Thank you for the clarification of the different Complaints Procedure documents and the one you are following. However, I am concerned by your replies to paragraphs 6, 9 and 10.

In your reply to paragraph 6, you state:

The website version will apply to any initiation of the formal procedures in relation to your complaints.

and paragraph 9:

...rather than waiting until a decision has been taken to refer the case to the Investigating Committee.

and paragraph 10:

CNHC's view is that in the first instance it will attempt to seek to resolve these complaints through appropriate intervention and advice [though see (17) below in respect of clear breaches of the Cancer Act 1939]. Given the number of complaints you have made, consideration is being given to how best to achieve this.

It would be possible to read this as implying that you have not yet initiated your Complaints Procedure. I hope I have misunderstood and would be grateful for your assurance that you are already following your published Complaints Procedure as required by it.

For clarification, your published Complaints Procedure clearly states at paragraph 14, titled Procedure upon receipt of information about a Registrant, the formal procedure to be initiated upon receipt of information about a Registrant.

You are in receipt of information about registrants and, further, this information meets the requirement of 14.2 a. and 14.2 b. There are no other hurdles specified in your published Complaints Procedure that need to be overcome for the information you have to be considered complaints.

Please therefore confirm that the complaints have now been referred to the Investigating Committee as required by 14.5.

I look forward to receiving your reply.

Best regards.

Alan

19 June 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email. Please see below for responses to the matters you have raised.

Again, for ease of reference, I have numbered your paragraphs.

Yours sincerely

Margaret Coats

Margaret

Thank you for your email.

(1) You state at paragraph 17 that you have identified six registrants who you believed may have been breaching s.4 of the Cancer Act and I note that you have already informed the relevant registrants and that they have taken action to remove the material. I note also that you state that you have passed the 'relevant details' to Trading Standards. I would be grateful if you could say what details you have passed to TS.

Trading Standards have been provided with the full contact details and website links in respect of

Colin Doherty

Mandy Elliott

Pippa Neve

Maria Olsthoorn

Lynda Shearer-Newall

Nici Vining

(2) I would be also grateful if you were able to send me a copy of the advice you have already sent registrants and for a copy of any future guidance issued.

Here is the link to the relevant document <http://www.cnhc.org.uk/assets/pdf/7-079.pdf>

(3) Thank you for the clarification of the different Complaints Procedure documents and the one you are following. However, I am concerned by your replies to paragraphs 6, 9 and 10.

In your reply to paragraph 6, you state:

The website version will apply to any initiation of the formal procedures in relation to your complaints.

and paragraph 9:

...rather than waiting until a decision has been taken to refer the case to the Investigating Committee.

and paragraph 10:

CNHC's view is that in the first instance it will attempt to seek to resolve these complaints through appropriate intervention and advice [though see (17) below in respect of clear breaches of the Cancer Act 1939]. Given the number of complaints you have made, consideration is being given to how best to achieve this.

(4) It would be possible to read this as implying that you have not yet initiated your Complaints Procedure. I hope I have misunderstood and would be grateful for your assurance that you are already following your published Complaints Procedure as required by it.

I re-iterate that in the first instance (in line with the general principle of proportionality) CNHC will seek informal resolution of the complaints.

(5) For clarification, your published Complaints Procedure clearly states at paragraph 14, titled Procedure upon receipt of information about a Registrant, the formal procedure to be initiated upon receipt of information about a Registrant.

(6) You are in receipt of information about registrants and, further, this information meets the requirement of 14.2 a. and 14.2 b. There are no other hurdles specified in your published Complaints Procedure that need to be overcome for the information you have to be considered complaints.

(7) Please therefore confirm that the complaints have now been referred to the Investigating Committee as required by 14.5.

Please see (4) above.

I look forward to receiving your reply.

Best regards.

Alan

23 June 2013

To Margaret Coats

Margaret

Thank you for your email.

1. I am disappointed to note that you confirm that you are not following your published Complaints Procedure.

2. I would be grateful if you would keep me informed of the progress of the Trading Standards investigation and outcomes.

3. I note the six registrants whom you have reported to Trading Standards, but there are others that we complained about who also made claims about cancer and I would be grateful if you could explain what criteria you used to determine which registrants to report.

Best regards.

Alan

24 June 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email. Please see my responses below.

Yours sincerely

Margaret Coats

Margaret

Thank you for your email.

1. I am disappointed to note that you confirm that you are not following your published Complaints Procedure.

As I trust I made clear in my previous response, the published Complaints Procedure applies following a decision to refer a complaint to the Investigating Committee. I also explained that in the first instance, in line with our published Complaints Handling Process, CNHC will be seeking to resolve your complaints through appropriate intervention and advice. Your interpretation of my response, therefore, does seem to be somewhat of a misrepresentation.

2. I would be grateful if you would keep me informed of the progress of the Trading Standards investigation and outcomes.

3. I note the six registrants whom you have reported to Trading Standards, but there are others that we complained about who also made claims about cancer and I would be grateful if you could explain what criteria you used to determine which registrants to report.

The criterion we applied was whether there appeared to be a direct claim to treat or cure cancer.

Best regards.

Alan

30 June 2013

To: Margaret Coats

Margaret

Thank you for your email, but I am still unable to comprehend your position regarding the procedure you are following.

As I detailed previously, your published Complaints Procedure clearly states, at section 15, the 'Procedure upon receipt of information about a Registrant'. I cannot see any other way of interpreting this other than it stipulating the procedure you must follow whenever you receive information about a Registrant.

Your Code of Conduct, Performance and Ethics For Registrants (dated December 2008) confirms that this is the procedure you must follow: it states at section D:

Every complaint is considered in line with the CNHC Complaints Procedure which is available to all registrants at www.cnhc.org.uk.

To reiterate, your published Complaints Procedure stipulates:

14.1 On receipt of information about a Registrant, the Council shall first consider whether such information is a Complaint.

14.2 Information shall only be considered to be a Complaint if such information:
a. relates to an identifiable Registrant; and
b. makes a specific allegation or allegations relating to the fitness to practice of a Registrant.

14.3 If the information is not considered to be a Complaint, the Council shall inform the provider of the information that no further action will be taken and that the matter will be closed.

14.4 In order to assist the Council in making a decision under 14.2 above, the Council may request further evidence from any relevant party.

14.5 If the information is considered to be a Complaint, the Council shall refer the case to the Investigating Committee. The Complainant will be sent a copy of the Council's guidance about making a Complaint and may also be informed of alternative methods of resolving disputes.

You are clearly in 'receipt of information about a Registrant'. The next procedural step that must be followed is for the Council to ascertain that this information is a Complaint according to the requirements of 14.2 a. and 14.2.b. I believe the information I have provided meets both these requirements and I will again ask if you could confirm that this is the case.

In your last email, you stated:

the published Complaints Procedure applies following a decision to refer a complaint to the Investigating Committee.

I believe it is clear that this is not the case and that it is untenable to hold such a position. Your published Complaints Procedure does not start at the point 'following a decision to refer a complaint to the Investigating Committee' as you state, but clearly starts at the point where you receive information about a Registrant; it then goes on to stipulate the procedure you must follow in order to determine that the information received constitutes a Complaint and then the procedure to be followed in order to make a decision to refer a Complaint to the Investigating Committee.

If, as you claim, your published Complaints Procedure only starts to apply 'following a decision to refer a complaint to the Investigating Committee', I would be grateful if you could answer the following:

1. Why your published Complaints Procedure includes procedural steps that apply before you say it starts to apply?
2. If your published Complaints Procedure does not yet apply, how do you decide whether information received about a Registrant is a Complaint or not and how do you come to a decision to refer to the Investigating Committee?
3. Since your position is at odds with your published Complaints Procedure, how are Registrants and members of the public supposed to know what procedure you will follow in the event of a Complaint?

Given this conflict between your published Complaints Procedure and what you have said you were doing, I would ask you to comply with your published Complaints Procedure.

Given that it is now over four weeks since I submitted my complaints, I am disappointed that so little progress seems to have been made.

Best regards.

Alan

3 July 2013

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email. I appreciate that the Complaints Procedure makes no cross reference to the Complaints Handling Process paragraph in relation to the resolution of complaints through appropriate intervention and advice, without referral to the Investigating Committee. This is a point to be taken into consideration when these documents are revised, which is likely to be before the end of 2013.

For avoidance of doubt, I reiterate that in the first instance, in line with the principle of proportionality, CNHC will be seeking informal resolution of the remaining 94 of your 100 complaints. Where this is not achieved, the relevant complaints will be referred to the Investigating Committee for formal investigation.

Yours sincerely
Margaret Coats

7 August 2013

To: Margaret Coats

Margaret

I would appreciate a detailed report on your progress in dealing with my complaints.

Thanks and best regards.

Alan

16 August 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email and please accept my apologies for the delay in responding. In line with our normal process, we will notify you when the complaints have been resolved informally. In any cases where this is not achieved, you will be notified when the complaint is referred to the CNHC Investigating Committee. You will also be invited to comment on any written representations that the registrants in question choose to submit to the Investigating Committee.

Yours sincerely
Margaret Coats

16 August 2013

To: Margaret Coats

Margaret

Thank you for your email.

I note your use of the phrase 'normal process', yet the process you have chosen to follow is contrary to your published Complaints Procedure and therefore contrary to the principle of natural justice. I therefore wish to - yet again - lodge my objections to the way in which you have chosen to deal with my complaints.

However, I requested a detailed report on your progress in dealing with my complaints, but you

have not yet provided it. It is now nearly three months since I submitted the complaints and I would be grateful, therefore, if you could provide details, by return, of your progress in dealing with them and the date by which they will all be referred to the Investigating Committee for their consideration. I would also be grateful for details of the progress of the cases of the registrants you reported to Trading Standards for possible breach of the Cancer Act 1939.

Best regards.

Alan

cc Rick Borges, Accreditation Manager, Professional Standards Authority

22 August 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email. I note your repeated objections to the CNHC's use of the process of informal resolution. The CNHC Board is aware of your views.

To date we have been in direct contact with 37 of the registrants against whom you have made complaints. I attach copies of the 12 complaints that have been resolved informally so far. I will notify you as and when further complaints are resolved.

With regard to the reports we made to Trading Standards, we have heard nothing further since our 'home' authority confirmed that the details had been passed to the 'home' authorities of the individuals concerned.

Yours sincerely
Margaret Coats

23 August 2013

To: Margaret Coats

Margaret

Thank you for your email.

I note you state that the CNHC Board is aware of my views. For the avoidance of doubt, my objection is that you are not following your published Complaints Procedure. Given that, I would be grateful for an explanation from the Board explaining why it appears to be sanctioning this.

I am very disappointed to note that you have only contacted just over one third of the registrants I complained about. Given that you received my complaints over 12 weeks ago, this is a rate of just three per week. If you were to continue at this rate, you may still be writing to your registrants in February 2014.

These complaints should have been easily and quickly resolved and I am disappointed that you do not seem to be dealing with them with any degree of urgency.

I note also that you have so far only managed to 'informally resolve' less than one third of these (less than 8% of the total). However, although you say these have been resolved - presumably to your satisfaction - you have provided no details of that resolution. I would therefore be grateful for these details at your earliest convenience.

With regard to Trading Standards, I note you say that you have heard nothing from them. Please let me know what efforts you will be making to ascertain the current status of these complaints and please update me on this as soon as possible.

Best regards.

Alan

8 September 2013

To: Margaret Coats

Margaret

I would appreciate the information I requested in my email of 23 August at your earliest convenience.

Best regards.

Alan

8 September 2013

From: Margaret Coats

I am out of the office until 10 Sept and will respond to your message as soon as possible after my return. If your message requires urgent attention please telephone 020 3178 2199.

10 September 2013

From: Margaret Coats

Dear Mr Henness

Thank you for your email and I apologise for the delay in my reply. Your request for an explanation from the Board will be brought to the Board's attention when it meets next on 30 October. I note your other comments and assure you that there is no lack of urgency on the part of CNHC. You will appreciate that dealing with the complaints is just one of the demands on the time of CNHC staff.

What is meant by 'resolution' is that either the wording complained of has been removed, or it has been amended in line with advice that the registrant has sought from the Committee of Advertising Practice Copy Advice Team. With regard to Trading Standards, I am seeking to establish whether any feedback/update should be provided via the 'home Authority' or whether they can provide me with the contact details for the various 'local Authorities'.

Yours sincerely

Margaret Coats

14 November 2013

From: Margaret Coats

Dear Mr Henness

Further to my email of 24 October 2013, I attach herewith copies of a further 12 complaints that have been resolved informally ie either the wording complained of has been removed from the relevant website or has been amended in line with advice that the registrant has sought from the Committee of Advertising Practice Copy Advice Team.

Yours sincerely

Margaret Coats

[Similar emails, dealing with other complaints were received on:

22 August 2013 (see above)

12 September 2013

26 September 2013

04 October 2013

24 October 2013

14 November 2013

20 November 2013

05 December 2013
13 January 2014
31 January 2014 (see below)]

14 November 2013
To: Margaret Coats

Margaret

Thanks for these.

Can you please give me an update on the status of the possible breaches of the Cancer Act you reported to Trading Standards?

Thanks and best regards.

Alan

15 November 2013
From: Margaret Coats

Dear Mr Henness

Thank you for your enquiry. I have heard nothing further from the CNHC home authority, Westminster. Nor have I heard anything from the relevant authorities who were provided with details by Westminster.

Yours sincerely

Margaret Coats

15 November 2013
To: Margaret Coats

Margaret

Can you tell me what you will be doing to progress and resolve these serious matters?

Thanks and best regards.

Alan

18 November 2013
From: Margaret Coats

Dear Mr Henness

In the public interest, CNHC ensured that the references to cancer on registrants' websites were removed immediately. As you know, the matter is now in the hands of the prosecuting authorities.

Yours sincerely

Margaret Coats

31 January 2014
From: Margaret Coats

Dear Mr Henness

Further to my email of 13 January 2014, I attach herewith copies of a further 2 complaints that have been resolved informally ie either the wording complained of has been removed from the relevant website or has been amended in line with advice that the registrant has sought from the Committee of Advertising Practice Copy Advice Team.

For completeness you will wish to know that Judith Down, Paul Lee and Amanda Potter chose to allow their registration with CNHC to lapse prior to resolution of your complaints against them. These complaints therefore remain on file here, to be dealt with should any of these three practitioners decide to apply for renewal of registration with CNHC at any time.

Yours sincerely

Margaret Coats

At this point, the CNHC have stated they have 'informally resolved' our 100 complaints. For each batch of these as they were resolved, they sent me back the Complaint Form I had originally sent to them.

18 March 2014

To: Margaret Coats

Margaret

Thank you for your emails about our complaints.

I note you have stated that our complaints:

...have been resolved informally ie either the wording complained of has been removed from the relevant website or has been amended in line with advice that the registrant has sought from the Committee of Advertising Practice Copy Advice Team.

The following are a sample of ten of the 97 websites of those members to which you have said this statement applies:

Group A-02-0016 Mandy Elliott (000072-L10) www.naturalsolutionsforhealth.co.uk
 Group A-03-0022 Gabi Heyes (000103-L10) www.natural-practices.co.uk
 Group A-04-0032 Kim Holmes (000132-F11) www.yorkshirebodyclinic.co.uk
 Group A-04-0038 Georgina Block (000476-L10) www.hypnotherapykettering.co.uk
 Group A-04-0040 Janie Godfrey (000209-B10) www.bowenclinicfrome.co.uk
 Group A-06-0054 Helen Barnard (000115-B10) www.helenbarnard.co.uk
 Group A-06-0059 Elaine Thompson (000378-A11) www.soundtherapyuk.com
 Group A-07-0064 Daniel Constans (000106-A13) www.steppingstonesgreenwich.co.uk
 Group A-08-0080 Rosanna Bickerton (000346-I09) www.handsonfeet.com
 Group A-09-0087 Paul Blacker (000101-K11) www.longfieldpolyclinic.co.uk

I would be grateful if you could confirm that you are confident that all pages of these websites are fully compliant with your Code of Conduct, Performance and Ethics, your advertising and Cancer Act guidance and your Therapy Descriptors.

Can you also say what you are doing to verify that the websites of all registrants are compliant?

I look forward to receiving your reply.

Thanks and best regards.

Alan

19 March 2014

From: Margaret Coats

Dear Mr Hennes

I acknowledge receipt of your email below. I will be away from the office for much of the next two weeks, so I trust you will appreciate that it will be some time before I can respond in full.

Yours sincerely

Margaret Coats

26 March 2014

From: Margaret Coats

Dear Mr Henness

Your email of 18 March will be considered by the CNHC Board when it meets next on 30 April. I will be in touch with you again after that date.

Yours sincerely

Margaret Coats

14 May 2014

From Sheila Inglis (by letter)

Dear Mr Henness

At the meeting of the CNHC Board held on 30 April, very careful consideration was given to your email of 18 March in which you

1. sought confirmation that CNHC is confident that all pages of ten identified websites are fully compliant with its Code of Conduct, Performance and Ethics, advertising and Cancer Act guidance and therapy descriptors
2. asked CNHC to say what it is doing to verify that the websites of all registrants are compliant.

In the first instance, the Board can assure you that at the time when your complaints against 100 CNHC registrants were resolved informally, it is confident that the identified websites complied with the Cancer Act 1939 and the Committee of Advertising Practice (CAP) Code.

With regard to your requests, the Board must stress that in common with statutory healthcare regulators CNHC does not police the actions of individual registrants. Rather, it sets the standards with which registrants must comply and deals with complaints when those standards are alleged to have been breached. Members trust that you will appreciate, therefore, that CNHC will not be scrutinising the websites of all registrants.

In the recent review of the CNHC Code of Conduct, Ethics and Performance for Registrants ('the Code'), the Board took the opportunity to incorporate advice and guidance relating to advertising that previously had been published separately. A hard copy of the revised Code has been sent to all registrants and they are encouraged to use it as a day to day resource in their practice. Members hope that you will see this as a positive action on the part of CNHC.

Yours sincerely

Sheila Inglis

Vice Chair

23 June 2014

To: Margaret Coats

Margaret

Thank you for your letter dated 14 May 2014.

We note your response but are disappointed that you did not answer the question we asked about the ten websites we brought to your attention, instead simply passing on the Board's assurance that it was confident the websites were compliant at the time you informally resolved our previous complaints about them, some six to nine months ago.

You say that:

...in common with with statutory healthcare regulators CNHC does not police the actions of individual registrants...and deals with complaints when those standards are alleged to

have been breached.

We do not understand why you mentioned statutory healthcare regulators, but we're sure you will be aware that statutory healthcare regulators have a duty to consider any concerns raised and investigate them according to rules and procedures laid down.

You go on to say:

[Board] Members trust that you will appreciate, therefore, that CNHC will not be scrutinising the websites of all members.

This is a non sequitur: whether or not you set standards for registrants and deal with complaints has no bearing on whether or not you choose to check that your registrants' websites comply with those standards.

However, you didn't say whether or not you viewed the ten websites this time, but we're disappointed that you did not regard our email as providing 'information about registrants' and their websites and that you have chosen to take no action in this regard, contrary to paragraph 14 (Procedure upon receipt of a Complaint or information about a Registrant) of your Detailed Procedures For Dealing With Complaints.

Even a cursory look at those websites should have indicated to you that there were serious issues that urgently needed investigation and we do not understand your failure to deal with these properly, particularly in light of our previous complaints about these same websites.

In not taking action, we believe you have failed to protect the public from misleading claims made by your registrants.

However, for the avoidance of doubt, please consider this email as formal complaints against the following registrants for claims made on one or more pages of their websites:

Group A-02-0016A Mandy Elliott (000072-L10) www.naturalsolutionsforhealth.co.uk
 Group A-03-0022A Gabi Heyes (000103-L10) www.natural-practices.co.uk
 Group A-04-0032A Kim Holmes (000132-F11) www.yorkshirebodyclinic.co.uk
 Group A-04-0038A Georgina Block (000476-L10) www.hypnotherapykettering.co.uk
 Group A-04-0040A Janie Godfrey (000209-B10) www.bowenclinicfrome.co.uk
 Group A-06-0054A Helen Barnard (000115-B10) www.helenbarnard.co.uk
 Group A-06-0059A Elaine Thompson (000378-A11) www.soundtherapyuk.com
 Group A-08-0064A Leigh Blyth (000001-F12) www.steppingstonesgreenwich.co.uk
 Group A-08-0080A Rosanna Bickerton (000346-I09) www.handsonfeet.com
 Group A-09-0087A Paul Blacker (000101-K11) www.longfieldpolyclinic.co.uk

Note that Daniel Constans appears to no longer be connected to the website www.steppingstonesgreenwich.co.uk, but that another registrant, Leigh Blyth, is.

We believe these websites are in breach of:

- a) C4 of your Code of Conduct, Ethics and Performance;
- b) your therapy descriptors;
- c) your advertising advice; and
- d) various sections of the CAP Code; and
- e) the Consumer Protection from Unfair Trading Regulations 2008 and other laws and regulations.

Please note:

1. Some of the claims relate to serious medical conditions or the symptoms of serious medical conditions for which the registrant is not qualified to diagnose or for which suitably qualified medical advice should be sought (CAP Code Rule 12.2).
2. Some claims are made in testimonials (see CAP guidance on Testimonials and endorsements).

Since we have already brought these websites to your attention, that you have claimed to have resolved the issues raised in our previous complaints and that you have given assurances that you were confident that they were compliant, yet they clearly are not, we sincerely hope that you will treat these further complaints as serious and deal with them conscientiously and thoroughly so that the CNHC fulfils - and is seen to fulfil - its requirement to protect the health, safety and well-being of registrants' customers and the public.

Please acknowledge receipt by return email and please keep us fully informed, by email only, of your progress in dealing with each of the complaints, including notifying us of the outcomes.

Please quote the references given above in all correspondence.

If you require any further information, please do not hesitate to contact us.

Best regards.

Alan

23 June 2014

From: Margaret Coats

I am out of the office until 30 June 2014. I will respond to your email at the earliest opportunity on my return. If your message requires urgent attention, please telephone 020 3178 2199.

2 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email, received here while I was away from the office last week. As set out on page 4 of the CNHC information leaflet <http://www.cnhc.org.uk/assets/pdf/5-002.pdf>, I must ask you to make your complaints in writing, using the CNHC complaint form. When doing so, in each case please provide a hard or scanned copy of the website pages that are the subject of your complaint and make clear reference to the specific relevant wording.

Yours sincerely

Margaret Coats

2 July 2014

To: Margaret Coats

Margaret

I am disappointed that you seem to regard these as new complaints when they are current complaints that have not yet been properly resolved.

However, even though not required by your Detailed procedures for dealing with complaints, please see attached completed Complaints Forms and additional page for each complaint as requested. I understand that these provide all the necessary information for you to investigate and deal with my complaints as required by paragraph 14 (Procedure upon receipt of a Complaint or information about a Registrant) of Part 3 (Complaints) of your Procedure.

For the avoidance of doubt, my complaints concern all the wording on all the pages listed in the

attachments and they can all be conveniently viewed using the urls given.

Please acknowledge receipt by return and keep me informed of the progress and outcome of my complaints.

Best regards.

Alan

3 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email and attachments. A registrant is entitled to know precisely what is complained of. I trust you will appreciate that this is essential and reasonable. I must ask you again therefore to identify in each case the specific wording that is the subject of your complaint.

Yours sincerely

Margaret Coats

3 July 2014

To: Margaret Coats

Margaret

You state that "A registrant is entitled to know precisely what is complained of." To summarise, I have already complied with your Detailed procedures for dealing with complaints in providing you with information about my concerns about registrants and I have even filled in your Complaints Form as you subsequently requested. I have also complied with your new requirement in that I have clearly stated that I am complaining about all the words on the pages I listed, which contain text that would appear to breach the various rules that I have already specified. I hope you agree that the full context in which specific claims are made is important and that you understand that it is essential that any particular words are not taken out of the context of the full page on which they appear.

How you communicate my complaints to the registrants is not something for me to decide, but I note that your Detailed procedure clearly states that you will send a copy of the complaint to the registrant. I further note that it sets out no other requirements in this regard, but I am sure you would be able to indicate to the registrants any particular concerns you had if you felt it necessary to do so. I would therefore be grateful if you would confirm that you will now do this and provide me with copies of that correspondence.

I now look forward to you dealing fully and properly with my complaints, which you have now had for some considerable time yet remain unresolved.

Best regards.

Alan

8 July 2014

From: Margaret Coats

Dear Mr Henness

Please be assured that any complaints about specific content of advertising on websites are considered by CNHC in the context of the full page on which that content appears. Again I must ask you to identify in each case the specific wording that is the subject of your complaint.

Yours sincerely

Margaret Coats

9 July 2014

To: Margaret Coats

Margaret

I reiterate that my concerns relate to all the text on the pages I specified.

However, a compressed file that contains screenshots of the web pages and copies of documents listed with highlighted text can be accessed here.

[<https://www.dropbox.com/s/p0olkii2m47izh8/Pages.zip>]

For your convenience, I have created an index of these files showing the url of the page concerned, the directory name and file name of the screenshot or document - see attached spreadsheet.

Note that some of the pages on health-detective.co.uk are linked to using two different urls on different pages of the website. I have added them to the spreadsheet for clarity.

Please note that I have not included the following pages:

<http://www.hypnotherapykettering.co.uk/page/hypnotherapy.htm>

<http://www.hypnotherapykettering.co.uk/page/panicanxietystress.htm>

<http://www.steppingstonesgreenwich.co.uk/services/cranio-sacral-therapy>

I hope that you are now able to continue dealing with my complaints and that you will require no further additional information from me.

Please acknowledge receipt by return and keep me informed of the progress and outcome of my complaints.

Best regards.

Alan

Attached spreadsheet Index of files.xlsx

11 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email and I note your reiterated statement that all of the text on all the pages specified are the subject of your complaint. I trust you will appreciate that I have not had time to look at the considerable content of the compressed file. At this stage, therefore, it is not possible to know whether each of the registrants will know precisely what is complained of.

Yours sincerely

Margaret Coats

14 July 2014

To: Margaret Coats

Margaret

Thank you for your email.

You said:

At this stage, therefore, it is not possible to know whether each of the registrants will know precisely what is complained of.

I believe I have made it very clear what words I am concerned about and I would be grateful if you could let me know when you expect to inform your registrants of my complaints, if you have not already done so.

As for the 'considerable content of the compressed file', I would remind you that you previously explicitly requested copies 'of the website pages that are the subject of your complaint'. Although this is information additional to the information about a registrant that is required by your Detailed procedures for dealing with complaints, I have provided you with those pages as you requested and this consists of just one file per url I specified in my complaints.

I look forward to receiving details of your further progress in dealing with my complaints, and, for the avoidance of doubt, I would appreciate clarification as to what stage of your Detailed procedures for dealing with complaints you believe my complaints are currently at.

Thanks and best regards.

Alan

17 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email. You state you have provided "...just one file per url". I have made a quick check and in one instance the file provides individual links to 75 pages. In total there appear to be links to 180 or so pages. Bearing in mind this and your reiterated statement that all of the text on all the pages specified are the subject of your complaint, I will be asking the CNHC Board to consider whether your complaints should be categorised as vexatious, on the following grounds

- you have failed to specify precisely what you are complaining about
- you are seeking to make unreasonable demands on CNHC resources

The next meeting of the Board is scheduled for 6 August and I will be in touch with you again after that.

Yours sincerely

Margaret Coats

20 July 2014

To: Margaret Coats

Margaret

Thank you for your email.

I am still at a complete loss to understand the problems you appear to be having and why you appear to be prevaricating over what should be a very simple process.

To recap, I highlighted just ten websites that, even after you told me your Board was confident the websites complied with the CAP Code, etc, I still had concerns about. I subsequently provided you with the Complaints Forms for these ten in which I identified a number of urls of specific pages on those websites. You also additionally asked for copies of those pages, which I have provided.

There are, as I stated in the Index spreadsheet I also provided, a total of 182 files, comprising:

Group A-02-0016A Mandy Elliott (000072-L10): 3 files

Group A-03-0022A Gabi Heyes (or Forrester) (000103-L10): 75 files + 22 files
Group A-04-0032A Kim Holmes (000132-F11): 4 files
Group A-04-0038A Georgina Block (000476-L10): 6 files
Group A-04-0040A Janie Godfrey (000209-B10): 56 files
Group A-06-0054A Helen Barnard (000115-B10): 3 files
Group A-06-0059A Elaine Thompson (000378-A11): 5 files
Group A-08-0064A Leigh Blyth (000001-F12): 1 file
Group A-08-0080A Rosanna Bickerton (000346-I09): 6 files
Group A-09-0087A Paul Blacker (000101-K11): 1 file

These files correspond to the list of 184 urls I gave you in the Complaints Forms, less two I no longer wish to include.

One of your registrants does have a large number of pages that I have concerns about, but those are your registrant's pages, not mine and the number simply reflects the number of medical conditions and symptoms of medical conditions your registrant has chosen to list.

I would remind you that CAP's Guidance on Health Therapies and Evidence QA (Sept 2011) states:

Marketers should be mindful that merely listing medical conditions could imply their treatment or therapy is effective.

I would also remind you of some of the medical conditions your registrant lists on the pages I have provided:

Abscess
Acne
Alcoholism
Anaemia
Angina
Anxiety
Arthritis
Asthma
Bloating Stomach / Wind
Breast Pain / Cysts
Blood Sugar Imbalance
Blood Pressure
Bruises
Candidiasis, Fungal Infections & Yeast
Cellulite
Cholesterol
Circulation
Coeliac Disease
Cold Sores
Colds & Flu
Colitis
Constipation
Crohn's
Cystitis
Dandruff
Diabetes Mellitus
Diarrhoea
Depression

Diverticulitis
Exhaustion / Fatigue/Tiredness
Endometriosis
Eczema
Electromagnetic Sensitivity
Gallstones
Glue Ear
Gout
Halitosis
Hayfever
Hot Flushes
Herpes Simplex
Heart & Arteries
Headache
Hypoglycaemia
IBS
Impotence
Immunity
Insomnia
Lymphatic Congestion or Lymphoedema
Libido
Lyme Disease
ME - Chronic Fatigue Syndrome
Mood Swings
Migraine
Menopause
Memory / Concentration Loss
Muscle Pain
Nausea
Osteoporosis / Porous Bones
Overweight
Parasites
Prostate
Polycystic Ovaries (PCOS)
Premenstrual Tension - PMT
Periods
Psoriasis
Sinusitis
Stress
Thyroid - Hypothyroidism - Underactive Thyroid
Thyroid Unexplained Weight Gain
Toxin Elimination

Your registrant is listed in your register under the discipline of 'naturopathy'. CAP's specific advice on naturopathy states:

Naturopathy is an holistic approach to healthcare that uses a combination of one or more different disciplines (for example herbal medicine or hydrotherapy) and a healthy lifestyle (for example exercise or exposure to fresh air) to gain and maintain a healthy body. CAP has not evaluated the effectiveness of the naturopathic approach but some claims for the constituent therapies might be acceptable. The promotion of a healthy lifestyle would seem to have obvious benefits and marketers may make claims that go no further than those commonly accepted for healthy eating, sleeping well, taking exercise and the like. (My emphasis.)

Your registrant's claims clearly go far beyond this and that permitted by your therapy descriptor for naturopathy and your Advertising Guidance. I note that many of the conditions listed are medical conditions for which CAP considers that medical advice from a suitably qualified person should be sought.

I would hope you would agree that there is, at the very least, prima facie evidence of widespread and serious breaches of the CAP Code by this registrant as well as by others and therefore there is a case to answer for each registrant.

It, of course, right and proper that your Investigating Committee and your Conduct and Competence Panel should follow due process as laid down in your Detailed procedures for dealing with complaints and hence consider and determine whether or not any of your registrants have, in fact, breached the requirements or your Code of Conduct, Ethics and Performance, the CAP Code, etc. However, it is disappointing that they have not yet had the opportunity to carry out their duties in this regard, despite the fact that I provided you with information about these ten registrants more than five months ago.

I would now like to address your intention to ask the Board to consider whether my complaints are vexatious and I note that this will delay dealing with my complaints for another three weeks.

You gave two grounds:

- you have failed to specify precisely what you are complaining about
- you are seeking to make unreasonable demands on CNHC resources

Your assertion that my complaints are vexatious

Firstly, I note what you have previously stated regarding my initial 100 complaints: in your notes on the meeting with your Verifying Organisations held on 13 November 2013, you discussed my complaints and some others, declaring them not to be vexatious because:

...the practitioners concerned had breached CNHC's Advertising Guidance.

I note that you have stated that these complaints were resolved informally:

This has entailed calling each registrant on the telephone, advising them of the complaint, providing guidance about what changes needed to be made and encouraging practitioners to seek advice from CAP where they wanted to use wording which falls outside of CNHC's agreed discipline descriptors. When notified that changes have been made, CNHC has checked these and, if they meet the guidance, has notified the practitioner and the complainant that no further action would be taken.

Despite not having been considered by your IC or CCP, I note that you declared them to have breached your Advertising Guidance.

I hope you can agree that the registrant I have highlighted above is currently in breach of your Advertising Guidance, whether or not she was at the time you checked her website.

Having declared my original complaints not to be vexatious because the practitioners had breached your guidance, I would have hoped for some consistency in the process through which you come to a decision about whether or not you consider my current complaints vexatious.

However, I further note that your Detailed procedures for dealing with complaints makes no mention of any power by the CNHC Board or anyone else to declare any complaint vexatious. I cannot therefore understand under what authority your Board could possibly make such a decision. I am left to conclude that this is no more than yet another hurdle you are attempting to erect to obviate the need to properly consider my complaints.

Your assertion about the lack of precision in the words I am concerned about

In terms of what words I have complained about on the websites I listed, I have narrowed them down to specific pages. There are at least some 887 pages in total on those websites, so, overall, I have narrowed the pages down to one in five of them.

You seem to want me to choose some particular few words from those pages. As I have previously explained, it is not possible to restrict the words further than I have already and I see your repeated requests for this as evidence of a failure to understand the issues I am highlighting.

However, I note that there is nothing in your Detailed procedures for dealing with complaints that gives any guidance on the maximum length of text that can be complained about nor any mechanism by which you are able to reject a complaint just because you believe it exceeds some arbitrary - and unspecified - word limit. It would, indeed, be perverse if a complaint could be rejected on such grounds.

I will reiterate: the number of words I have included in my complaint is indicative of the breadth of the issues there appears to be with your registrants - this is outwith my control as I'm sure you must appreciate. If I was to somehow reduce the number of words I was concerned about to meet some arbitrary limit, the complaints would miss some vital information.

Your assertion about unreasonable demands on resources

I have no idea what resources you might require or allocate to deal with my complaints: it is not my concern and I am not seeking to make any unreasonable demands on your resources: it can only be up to you to manage resources as you see fit, commensurate with your stated aims of acting 'in the public interest' and 'investigating complaints about alleged breaches of the Code'.

I also cannot see how your actions can sit alongside your responsibilities under the Professional Standards Authority for Health and Social Care's Standards for Accreditation under their Accredited Voluntary Register scheme.

I consider your attempt to declare my valid complaints vexatious an abdication of your responsibilities as a regulator who purports to protect the public.

What I am seeking is a full and proper investigation of my complaints according to your published procedures so that the public are protected from misleading claims made by your registrants. I would be very disappointed if that was not your desire too.

Since I hope it is as clear to you as it is to me that I have provided you with comprehensive prima facie evidence that your registrants are still in breach of your Advertising Guidance, etc, you will properly understand and appreciate the seriousness of this situation and finally commit to processing my complaints according to your Detailed procedures for dealing with complaints without any further delays.

However, I note yet again that you have still not informed me of the stage of your Detailed procedures for dealing with complaints you believe my complaints are currently at. In the interests of fairness and transparency, I would be grateful of your prompt clarification on this.

I look forward to your prompt acknowledgement and considered response.

Best regards.

Alan

22 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email, the contents of which will be drawn to the attention of the Board. They will be aware that on each of the 100 complaint forms that you submitted last year you quoted specific wording from each website. This meant that when the complaint form was sent to the registrant it was clear what was complained of.

Consideration of your latest 10 complaints under CNHC Detailed Procedures has not commenced because you have failed to specify precisely what you are complaining about. And I have annotated the list of names to clarify that four of the ten are not currently registered with CNHC.

Yours sincerely

Margaret Coats

Group A-02-0016A Mandy Elliott (000072-L10): 3 files

Group A-03-0022A Gabi Heyes (or Forrester) (000103-L10): 75 files + 22 files

Group A-04-0032A Kim Holmes (000132-F11): 4 files **Registration lapsed 25 June 2014 (has been asked to remove ref to CNHC Registration from her website)**

Group A-04-0038A Georgina Block (000476-L10): 6 files

Group A-04-0040A Janie Godfrey (000209-B10): 56 files

Group A-06-0054A Helen Barnard (000115-B10): 3 files

Group A-06-0059A Elaine Thompson (000378-A11): 5 files **Registration lapsed 12 April 2014**

Group A-08-0064A Leigh Blyth (000001-F12): 1 file **No relevant Complaint Form received, but registration lapsed 3 July**

Group A-08-0080A Rosanna Bickerton (000346-I09): 6 files **Registration lapsed 5 November 2013**

24 July 2014

To: Margaret Coats

Margaret

My apologies for inadvertently including Complaint Form Group A-07-0064A Daniel Constans (000106-A13) instead of Group A-08-0064A Leigh Blyth (000001-F12). I have attached the correct form and would be grateful if you could substitute it in your files. Please note that the list of those I was complaining about (in my email of 23 June 2014), the pages I was concerned about (2 July 2014) and the highlighted pages I provided (9 July 2014) were all correct.

In light of the fact that you have stated that Kim Holmes, Elaine Thompson and Rosanna Bickerton are no longer registered with the CNHC, I would like to withdraw my complaints against them.

This gives the following as the current list of just seven active complaints:

Group A-02-0016A Mandy Elliott (000072-L10)

Group A-03-0022A Gabi Heyes (or Forrester) (000103-L10)
 Group A-04-0038A Georgina Block (000476-L10)
 Group A-04-0040A Janie Godfrey (000209-B10)
 Group A-06-0054A Helen Barnard (000115-B10)
 Group A-08-0064A Leigh Blyth (000001-F12)
 Group A-09-0087A Paul Blacker (000101-K11)

I reiterate that I wholly reject your assertion that I have not specified precisely what I am complaining about and do not recognise the grounds on which you seek to have them rejected.

I urge you to properly deal with them without further unnecessary delay.

Best regards.

Alan

28 July 2014

From: Margaret Coats

Dear Mr Henness

I acknowledge receipt of your email, the contents of which will be brought to the attention of the CNHC Board when it meets on 6 August. With regard to Leigh Blyth, you will have noted from my email of 22 July that he is not currently registered with CNHC.

Yours sincerely

Margaret Coats

28 July 2014

To: Margaret Coats

Margaret

Thank you for pointing out my error.

That leaves just six outstanding complaints to be resolved:

Group A-02-0016A Mandy Elliott (000072-L10)
 Group A-03-0022A Gabi Heyes (or Forrester) (000103-L10)
 Group A-04-0038A Georgina Block (000476-L10)
 Group A-04-0040A Janie Godfrey (000209-B10)
 Group A-06-0054A Helen Barnard (000115-B10)
 Group A-09-0087A Paul Blacker (000101-K11)

Best regards.

Alan

28 July 2014

From: Margaret Coats

Dear Mr Henness

Thank you for your email, the contents of which have been noted.

Yours sincerely

Margaret Coats

12 August 2014

From: Margaret Coats

Dear Mr Henness

At the meeting of the CNHC Board held on 6 August, members considered the correspondence to date between us since your email of 23 June, in which you stated that you were making complaints with regard to claims made on 10 websites, subsequently reduced to six websites

because four of the practitioners are not currently registered with CNHC. The Board noted that

- you had been requested on three occasions to identify in each case the specific wording relevant to your complaint

- you had responded on each occasion that you were complaining about all the words on all the website pages you had listed.

The decision of the Board was that

- you should be offered this one further opportunity to identify in each case the specific wording about which you are complaining

- in the event that you do not identify the specific wording, the complaints will be categorised as vexatious, in accordance with the attached Policy.

Yours sincerely
Margaret Coats