Investigation - Alleged Malpractice

Houghton Opticians, Chester
Ian Robert Dobson and Christopher Mark L Houghton, Optometrists

Hippocratic Oath

The Hippocratic Oath, historically taken by physicians and physician assistants, ranks as one of the most widely known of Greek medical texts and has a nexus of accountability. It consists of a prayer that the physician be favored by the gods if the oath is kept and punished if it is broken. No direct punishment exists for breaking the Oath in modern medical society; however, it can be said that malpractice is the same thing and carries a wide range of punishments from criminal indictment to civil penalties.

In antiquity, the punishment for breaking the Oath could range from a penalty to losing the right to practice medicine. While there are no direct laws, doctors can still be held accountable through malpractice and other civil and criminal charges especially in the case of offenses against the person. In UK law, the only factors that distinguish common assault from assault occasioning actual bodily harm relate to the degree of injury that results and the sentence available to the sentencing court.

[Offences Against the Person Act 1861 section 47]

Exposure of malpractice (professional wrongdoing that results in injury or damage) remains one of the most important duties of journalists in maintaining their ethical stance. In the present circumstances, a reasonable person must ask: What is worse the act of almost killing an octogenarian journalist or anonymous lies and deceit to cover up criminal assault?

Ethos

Samantha Peters, and her pet parrot Gareth M Hadley, act on the principle that if they repeat the same lies often enough the majority of a gullible public will believe them. Combined with a policy of only selecting slap-on-the-wrist cases to process, they can publish distorted figures and disinformation on the number of complaints they have handled successfully in their annual reports. All supported by fee-earning, retired, double-dipping, highly-paid, pensioned bureaucrats acting as "unbiased" non-executive directors or ombudsmen and the collusive executive directors who "nurture" them.

A close examination of bureaucratic investigative protocols shows that very few of them use existing laws as a basis for investigation. Instead, they use conjecture and political bias to achieve voluminous settlement of cases predicated upon their manipulative experience as bureaucrats, the old boys network and the promotion couch. For the past thirty years since outing became popular, and probably for much longer, homosexuality, sexual perversion and pedophilic blackmail have become vehicles to gain fame and executive positions in much of the bureaucracy.
"Ombudsman" dishonesty, fronted by fraudulent academic credentials and honours obtained through sycophancy and mutual blackmail have become the norm. Access to the truth is guarded by gatekeepers, many of them minorities to evade criticism on politically correct racial grounds, who divert awkward questions and hide the truth. That process defines racism at its best. Unfortunately, the procedure uses intelligent and predominantly moral people of colour with legitimate professional and academic credentials earned ethically at great expense, as "house niggers" which in turn promotes further racial discrimination.

After sixty years as a chief executive officer, entrepreneur and academic in UK and US after a deprived, working class childhood in the London blitz as a pedophile victim supported by cultural and ethnic abuse as an upper class English maternal and German/Jewish paternal descendent (an associate and advocate for "Kindertransport" and Holocaust survivors, also working in the US civil rights movement and with other minorities for seventy years) the Author well knows how a predominantly white, protestant, inbred political and bureaucratic society operates. He has survived an aberrant bastardization of religious principles dominated by a self-serving, inbred bureaucracy using abhorrent racial and religious tactics for most of his life.

The Author has for decades fought to relieve victims and vulnerable people psychologically disabled by employment discrimination similar to that extant at GOC. His own disability reported in this case study (which GOC arbitrarily refuses to ethically and legally process) classifies as another example of the situations experienced in a lifetime of employing, writing about and educating victims of societal and academic abuse of disadvantaged and ethnic people. He has no compunction in exposing societal miscreants when they challenge his integrity or deny him his civil and human rights as Peters and Hadley et alia have tried to do.

Human Rights Act 1998

In order to protect future generations from a repeat of gross human rights abuses (in particular the Holocaust) the United Nations in 1948 adopted the Universal Declaration of Human Rights which set out the fundamental rights and freedoms shared by all human beings without discrimination of any kind. By signing up to international human rights treaties, a nation takes on a legal obligation to respect, protect and fulfil the human rights of those within its jurisdiction. In UK, laws governing human rights, primarily the Human Rights Act 1998 (which incorporates European Convention on Human Rights (ECHR)), and other laws in pari materia, play an important part in upholding human rights.

General Optical Council (GOC) senior management deliberately ignored human rights conventions by not holding hearings in accordance with GOP Protocols. They then arbitrarily suggested elevation of the case for judicial review. By that, they would effectively create a Strategic Lawsuit Against Public Participation (SLAPP): a frivolous and vexatious law suit.
Strategic Lawsuits Against Public Participation (SLAPP)

Peters has made no legitimate decision in this case because there has been no prehearing disclosure due to her blocking access to documents and information. Apart from arbitrary comments, there has been no decision that can be appealed. One cannot challenge a decision based on boilerplate language without access to pertinent disclosure documents and information so she has effectively created a catch-22.

A judicial review considers the lawfulness of a decision or action made by a public body in accordance with its protocols. In other words, it cites the rights and wrongs of the conclusion reached. No conclusion has been reached on the issues filed by Complainant. Peters has buried the evidence and assumed an oligarchic role without any consideration of the facts or established protocols. She has arbitrarily denied due process of law. Consequently, there is nothing for a judge to review; hence, the classification as a SLAPP action.

Instead of judicial clarification, Peters wants to create another merry-go-round which means that she can make the same decision not to allow due process a second time and still maintain the embargo on documents. It is obvious that she has not followed procedures so it will only be time consuming and increase costs to achieve the same end which further prejudices the complainant and victim of alleged crimes by GOC registrants. Decisions by any regulatory body requires strict compliance with its published protocols.

The term “Strategic Lawsuits Against Public Participation (SLAPP)” describes litigation filed by regulators or powerful and wealthy people to intimidate and silence less powerful critics by severely burdening them with the cost of a legal defense that they abandon their criticism or in this case, silence a journalist by using prior restraint which Peters has already tried by threats of litigation, blackmail and extortion for political expedience. In effect, she has denied due process because she does not like the genre of content on a web site which has no bearing on processing the case.

SLAPP intentionally causes collateral economic damage. Evidently, GOC could not prove inaccurate reporting that would have allowed them to bring defamation lawsuits so they used a referral for judicial review which has the same effect as an inverse SLAPP action or anti-SLAPP defence. In any event, the genre of anything published in the media has no bearing on the complaint. Only the content can be challenged with particularity and proof of malice which Peters has not done.

Peters used SLAPP (or its UK civil law equivalents) to try to orchestrate a frivolous lawsuit designed to silence people who openly express their views to government agencies. In this case, she allegedly tried to use a blackmail stratagem which would force a journalist to devote substantial time and money to defend or deter him from reporting her alleged crimes. Those costs have already reached £81,120.00 (30 Nov 14).

Peters arbitrarily neglected to process a criminal GOC complaint. GOC may receive allegations verbally or in writing, and may receive anonymous allegations. As Registrar, Peters must at all stages consider whether to refer the matter for a fitness to practice investigation or to consult
or notify another agency in relation to the matter, including external legal advisers, another regulator or the police.

General Optical Council (GOC) has responsibility for both the investigation and the adjudication of complaints. “Fitness to Practise” panels make decisions about the appropriate action to protect patients where there are serious concerns about Registrants not arbitrary decisions by officials. Decisions can only be made after hearing evidence presented by the GOC and by the respondents and/or their representatives.

Instead, Peters used a general denial and manufactured a SLAPP procedure (tried to start another merry-go-round by judicial review). By that, she delayed and denied due process of alleged assault with a dangerous weapon charges and associated civil issues, contrary to GOC protocols and human rights legislation. Moreover, the content of her correspondence prevaricated and had no relation to facts. She has taken words and phrases out of context and used a general denial.

Typically, SLAPP plaintiffs (or proxies by displacement) do not normally expect to win SLAPP lawsuits. The plaintiff's goals are accomplished if the claimant succumbs to fear, intimidation, mounting legal costs or simple exhaustion and abandons the criticism. A SLAPP action may also intimidate others from participating as witnesses. A SLAPP is often preceded by a legal threat which Peters has already made and construes as intimidation of potential witnesses.

The difficulty is that GOC has not presented itself by admitting that its intent is to censor, intimidate or silence media. Hence, the difficulty in drafting SLAPP documentation and applying it to craft an approach which affords an early termination of invalid abusive lawsuits, without denying a legitimate day in court to any valid good faith claims.

SLAPP procedures define as litigation that finds that the threat of a civil action for damages can act as a deterrent to citizens who report information to regulators. The costs of defending those suits imposes a severe burden upon individuals by institutions. Purposely, it deters individuals from reporting issues that concern government agencies and effectively grants officials impunity.

**Denial of Human Rights Obligations by General Optical Council (GOC)**

The European Court of Human Rights in Strasbourg decides cases brought by individuals whose Convention rights may have been breached, once they have taken all possible steps to have their claim resolved at national level. The issues in the present case effectively stand open to mitigation by GOC and would have to exhaust action by under GOC Criminal Prosecutions Protocol before elevation to UK courts for judicial review and to Strasbourg. They cannot be elevated prior to GOC exhausting all it mandated procedures although Samantha Peters, Chief Executive and Registrar in a consort with Gareth Morgan Hadley, Chair of the General Optical Council. have arbitrarily ruled to the contrary. Their arbitrary decision, without any substantiation in law, allegedly construes as an act of misconduct in public office and a denial of Human Rights of an aged Complainant.
General Optical Council has not considered a string of human rights by evading GOP protocols in favour of a disingenuous use of SLAPP to deny due process of law mandated by Human Rights Act 1998 which includes the following Convention rights:

- The right to a fair and public trial or hearing (Article 6)
- The right to freedom of thought, conscience and religion (Article 9)
- The right to freedom of expression and to receive and impart information (Article 10)
- The right not to be discriminated against (Article 14)
- The right not to be harassed under Police and Criminal Evidence Act 1984.
- The (tangential) right to peaceful enjoyment of possessions and property (Protocol 1, Article 1) under the Equality Act 2010.
- UN Convention on the Rights of Persons with Disabilities (age and disability related to the complaint)

Case law confirms that GOC has obligations to take positive measures to protect human rights and provide protection as a positive obligation: to the right to life; the right not to be subjected to torture or to inhuman or degrading treatment or punishment; and, the right to respect to private and family life, home and correspondence. The right to private life in this context is quite broad and includes protection of physical and mental integrity.

In practice, what these positive obligations mean for GOC:

- A duty to provide a reasonable level of resources. For example an individual might need some practical support for their rights to be protected.
- A duty to provide information to those whose rights might be at risk, so that they are in a position to take action to protect their own rights.
- Taking effective measures to deter conduct that would breach human rights.
- A duty to respond to breaches of human rights – such as investigating the circumstances of the alleged breach.

No human rights can be limited or restricted without good cause and certain conditions must be met if restrictions on human rights are to be justified. There must be a clear legal basis for the restriction so that it can be foreseen by those who might be affected and there must also be a legitimate aim for establishing a restriction.

A restriction must not discriminate against a particular group or class of people (elderly people). Additionally any restriction, if it is to be justified, must be necessary and proportionate. A right can only be restricted so far as is necessary to achieve a specific, legal objective.

In simple terms: When deciding if something is proportionate, it will be relevant to consider if reasons were given for the restriction, if a less restrictive alternative exists that could have been
used and if any element of that right remains, or could have remained, even after the restriction is in place. Any restriction must be necessary which is a more stringent test than whether it is reasonable, useful or desirable.

The process of realizing human rights is as important as, and intrinsic to, their realization. For a restriction to be necessary, there must be good reasons. It is not acceptable to restrict rights simply because GOC upper management does not like what someone is doing.

The right to fair hearing provisions in Article 6 of the ECHR apply to both criminal and civil proceedings. The content of this right to a fair hearing applies to the current GOC proceedings which means that they must:

- Be independent, both of government and the parties to the action – relevant factors include how individuals presiding over hearings were appointed (including judges and tribunal members), safeguards against outside pressure and the appearance of independence;
- Follow fair procedures and allow for effective participation – including questions of disclosure, evidence and ensuring a reasonable balance between the resources available to the two parties in bringing or defending a case (also known as ‘equality of arms’), and
- Deal with matters within a reasonable time – relevant factors being the complexity of the case, the seriousness of the issue at stake and the conduct of the parties involved.

Many regulators are responsible for various types of hearings which decide civil law matters. Some have taken steps to ensure that these types of hearings give the fullest effect possible to the right to a fair trial, as the following case studies illustrate

GOC regulates the optical professions in the UK with the purpose of protecting the public by promoting high standards of education, performance and conduct amongst opticians. GOC registers around 26,000 optometrists, dispensing opticians, student opticians and optical businesses. Like the General Medical Council (GMC), GOC holds a responsibility for both the investigation and the adjudication of complaints using “Fitness to Practise (FTP)” panels to make decisions about the appropriate action to protect patients when there are serious violations of GOC protocols by officials and staff members. They can only legally make decisions that benefit the Complainant without hearing all the evidence presented by the complainant, the principal respondents and their accessories or their legal representatives.

When panels make decisions independently, there exists an ongoing concern about mindfulness of the right to a fair hearing under Article 6 of the ECHR when the same organisation holds responsibility for both investigation and adjudication of complaints.

In the case of General Medical Council (GMC), this led to Government proposals for an independent adjudicator. When those proposals proved too costly, the GMC looked at how the benefits of independent adjudication could be achieved without the cost of setting up an entirely separate body. In June 2012, the GMC established the Medical Practitioners Tribunal Service (MPTS) to manage the day to day running of hearings. While still part of the GMC, the
MPTS is based in a separate dedicated hearing centre in Manchester and is operationally separate from the regulator’s complaints handling, investigation and case presentation work.

These changes continue to embed the Article 6 of the ECHR, and in the recent case with GOC, The lack of confidence in, and impartiality and independence of decisions, made when there are serious concerns about a GOC Registrant’s fitness to practise which occurs through arbitrary grants of impunity under hearings (or lack of them) and illegal executive decisions made by SLAPP tactics and denial of due process under GOC protocols.

Although HRA obligations accrue to public authorities and regulators, they also fall on a person or organisation that exercises functions of a public nature. A private sector organisation frequently carries out a public function when working under contract with a public authority or regulator. Some public authorities address this through commissioning and procurement by adding into their contracts with private companies clauses on compliance with human rights law considered good practice and effective oversight. The Care Act 2014 clarified categorically that all providers of regulated social care services that are publicly funded or arranged were carrying out public functions and therefore subject to HRA obligations.

Annotated Excerpts on PDF taken from:

[Human Rights in Action]

Baroness Onora O’Neill, Chair of the Commission.
Mark Hammond, Chief Executive.
Equality and Human Rights Commission.

The Hooligan Debacle

In general, universal rights stipulated for the elderly in international instruments stem from the principles of dignity and non-discrimination. They do not contain any explicit reference to older persons, but many provisions of those instruments have direct relevance to ensuring equal opportunities and full participation of elderly persons.

Ten million people who have reached 65 years of age presently live in the UK. The latest projections are for 15.5 million by 2034 and 19 million by 2050. Within this total, the number of very old people (over 80 years of age) grows even faster.

It is only recently that the attention of the world community has been drawn to the social, economic and political issues related to the phenomenon of aging. As the world’s population ages and the traditional role of the family as the main support of older people weakens, the elderly are increasingly vulnerable to abuse and various forms of negative stereotyping and discrimination.

The recent (allegedly criminal) behaviours of Houghton Opticians and The Elms Medical Centre (the Hooligans) also Countess of Chester Hospital NHS Foundation Trust (Countess) demonstrate blatant discrimination against an elderly person through life-threatening malpractice subject to unaddressed complaints to General Optical Council (GOC). The patient
elevated the basic complaint to criminal status due to machination and neglect by optical and medical professionals to address the issues or act upon an opportunity to mitigate damage.

Instead, they used mitigation procedures to cover up a series of alleged crimes which denied the patient an urgent, unbiased examination by an ophthalmologist recognized by The Royal College of Ophthalmologists (RCO). The term “ophthalmologist” defines as a medically trained doctor commonly acting as both physician and surgeon who examines, diagnoses and treats diseases and injuries in and around the eye.

Countess effectively supported crimes by distorting the evidence and the true nature of the injury (allegedly in a criminal consort). Dereliction by GOC in addressing the complaint with due diligence exacerbated the problem and three months later (22 Nov 14) the incident and physical and psychological damage to the patient have not received an unbiased expert opinion. He has also been denied medication to relieve his condition (on the excuse that his postcode did not allow NHS to medicate him).

Medical institutions must face specific age-related restrictions in many fields, such as job discrimination in hiring, promotion and dismissal. In industrialized countries they struggle with the task of adapting their social and economic policies to the aging of their populations. Even in affluent societies, many older persons live in conditions of poverty. Emigration of younger family members has left them to fend for themselves. This is especially true in the case of older women who live longer than men and more commonly face poverty and isolation due to having suffered a life-time of paternalism.

Older women have often not engaged in a remunerated activity that: entitles them to adequate pensions; prevents age discrimination in employment and occupation; takes appropriate measures to establish general regimes of compulsory old-age insurance; establishes social services that support the whole family when there are elderly people at home; assists elderly persons living alone or elderly couples wishing to remain at home.

The General Medical Council (GMC) must take all these criteria into consideration when the Hooligan Debacle reaches the level of judicial determination and take positive action to rectify deficiencies, compensate the victims and punish the perpetrators of this unlawful disgrace. Hippocrates must turn in his grave at the antics of these Johnnies-come-lately: brash newcomers and novices who pervert the age-old rules for quick admission to “the club”.

**Criminal Prosecution - The Chester Mafia at work, again!**

22 November 2014

The overriding objective of the General Optical Council (GOC) in conducting a criminal investigation relates to protecting and maintaining the health and safety of the public. The objective of this report has a similar purpose. The protocol governs the conduct of investigations and the decision whether to prosecute suspected criminal offenses under the Opticians Act 1989, as amended by the Opticians Act 1989 (Amendment) Order 2005 (the Act) and other legislation in pari materia.
GOC individual registrants at Houghton Opticians have not disclosed the name and credentials of the person that caused the injuries; consequently, they classify as accessories after the fact to criminal activity. That construes as misconduct in public office when they are employed to perform work for a private sector business providing public sector services.

Houghton Opticians and Countess Of Chester Hospital allegedly tried to replace serious malpractice with a common malady often experienced by elderly people in varying degrees. That classifies as a criminal offense in itself; especially, when Houghton would not reveal the name of the culprit who caused the injury which for three months prevented elevation of the complaint to the General Medical Council (GMC) and falsified limited liability records without filing them with GOC in a cover-up of their crimes.

Complainant challenged the conclusion published by Countess of Chester Hospital as inaccurate due to the extent that it diverted the intent of the examination to a lesser medical condition caused by the injury. New evidence allows elevated the complaint to a criminal investigation by GOC and an impending investigation by General Medical Council (GMC) for malpractice as defined in Medical Act 1983 and the Fitness to Practise Rules 2004.

The Author is about 50% work disabled with traumatic dyslexia and macular degeneration, among other neurological injuries, all caused by the zap (19 Aug 14) and confirmed by an ophthalmologist and neurologist in US after extensive forensic tests including magnetic resonance imaging (MRI) examination to be confirmed after more tests (31 Jan 15).

These reports replace the report filed by Countess (Hickley) and form the basis of a report to the General Medical Council (GMC) about his alleged conspiracy to alter the forensic continuum for either political or financial gain. Criminal complaints with Cheshire Constabulary relate to assault with a deadly weapon and a civil tort action after academic peer review by a PhD MD in US and instruction of a barrister in UK. The Author never experienced either of those conditions before and they were not diagnosed six times by three optometrists during the past five years (twice during Houghton consultations).

Paul Trummel, Professor Emeritus.
About twenty minutes after leaving the surgery Patient started to develop a headache to the left and above his left eye. By the time that he reached home he had a headache which forced him to go to bed (he does not normally have headaches). By 21:00, the pain had reached unbearable proportions which made him wonder whether he should call for an ambulance (he lives alone); however, he decided to wait until morning to see if the pain diminished. At 02:00, he took two acetaminophen tablets which after a time partly relieved the pain. He had no sleep at all that night.

Wednesday morning (20 Aug 14), the acute pain changed to a nagging pain with sight distortion. Patient decided to return to Houghton’s for advice. He was met with insolence by the receptionist (gatekeeper) who was only intent on establishing that no problem existed. She spent ten minutes to that effect and did not refer Patient to an expert for further examination. She said that all the equipment was regularly inspected and was always kept in accordance with regulations. She then told Patient to visit his GP to which he objected on grounds that the problem should be escalated to a specialist not buried.

Thursday (21 Aug 14), the headache persisted, his sight remained distorted and he felt sick.

Friday (22 Aug 14), Patient had nowhere to go for treatment although he needed an immediate appointment with an ophthalmologist (other than Houghton Opticians) for a second opinion. A friend suggested that Patient should go to Countess of Chester Hospital, A & E for an examination.

Saturday (23 Aug 14), Patient checked in at 09:00 and was examined at 11:00 by an assistant doctor then a doctor: Nicholas Michael Hickley (GMC #7039559). A report of those examinations is still pending. On leaving the hospital, patient had trouble seeing and fell while crossing the main road. A man and his son stopped and took him to his home in his car.

The headaches have persisted with occasionally heavy impact attributed to dyslexia and tinnitus to a point where Patient cannot work (he usually spends a full day writing and editing which is now virtually impossible and he has nowhere to go for help. This report would normally take Patient thirty minutes to compose. In fact, it has taken three hours because he cannot think straight and dyslexia requires repeated editing.

Seventy years writing and editing have elapsed since Patient was first published and he is now thoroughly depressed. Graham John Bott, GOC D-2589, Houghton Opticians has made several attempts to sabotage the complaint to GOC using "retroactive preemption".

Please contact me by email to advise me what arrangements you can make for an examination by an independent ophthalmologist and subsequent treatment.
Notice

Date: Sat, 23 Aug 2014 08:25:26 +0100
To: Ian Dobson <dobson@houghtonopticians.co.uk>

Ian Dobson BSc (Hons) MCOptom
OPL/01 - 19623/5NN

Please provide (attached to an email) the full name and GOC registration number for the operator who performed the preliminary check on my eyes on 19 August 2014 and include a copy of her GOC certificate or other qualifying document. I also need the name and address of the corporate/company/partnership registry (it appears from a check at Companies House that Houghton is not a limited liability company unless it is registered under another name which should be disclosed) and full names and addresses of all directors/proprietors/partners of Houghton Opticians conglomerate.

This is an opportunity for Houghton Opticians to refute and/or mitigate any of the statements made in the chronology. I request this information within seven days under the Data Protection Act 1998 as a first party patient of Houghton Opticians. Please correspond only by email with PDF attachments.

Second Notice

Date: Wed, 27 Aug 2014 11:34:42 +0100
To: Ian Dobson <dobson@houghtonopticians.co.uk>

Ian Dobson BSc (Hons) MCOptom
OPL/01 - 19623/5NN

I have neither received a response to, nor acknowledgment of, my email message of 23 August 2014. Since sending that message to you, I checked myself into A & E at Countess of Chester at 09:00 - 23 August 2014 and was later examined by Nicholas Michael Hickley MB ChB (GMC #7039559) and his assistant. That was necessitated by a Houghton gatekeeper stonewalling my request to elevate a need for further examination on 20 August 2014. I need the name and job title of that person together with details of certification that allows her to make medical determinations. Please also provide (attached to an email) the full name and GOC registration number for the operator who performed the preliminary check on my eyes on 19 August 2014 and include a copy of her GOC certificate or other qualifying document.

If I do not receive your reply with all the information that I have requested by 12:00 - Friday, 29 August, 2014, then I will file a complaint with General Optical Council.
Final Notice

Date: Tue, 02 Sep 2014 16:15:26 +0100
To: Ian Dobson <dobson@houghtonopticians.co.uk>

Ian Dobson BSc (Hons) MCOptom
OPL/01 - 19623/5NN

I did not receive your reply with the information that I requested by 12:00 - Friday, 29 August, 2014. Accordingly, I filed a complaint with General Optical Council. My health has deteriorated during the 14 days since I first informed your staff of my injury. Your neglect to respond could construe as obstruction of justice by intent to interfere with an investigative proceeding and neglect to address the injury.

You knew that a proceeding was pending at the time and that there is a nexus between the endeavor to obstruct the complaint of which you had knowledge. I will take whatever action medical, civil or criminal to obtain the help that I need. I suggest that you provide the names of the alleged culprits without further delay. This communication has the intent to mitigate damage.

08 September 2014

Keith Watts, Investigations Manager, General Optical Council

We will make a final decision on whether or not to open a formal investigation when we have all of the initial information we need. In this regard, please note that the basic requirements for the opening of a formal investigation are:

(1) The individual or business (if there is an identifiable allegation against the business) is registered with the GOC; and

(2) The GOC registrar is satisfied that the complaint constitutes an allegation that the fitness to practise of the registered individual, or the registered business, is or may be impaired.

11 September 2014

Keith Watts, Investigations Manager, General Optical Council

You refer to a request for disclosure of withheld documents pursuant to Part 31 of the Civil Procedure Rules. If the GOC decides to open a formal investigation, then we would rely on our powers under [section 13B, Opticians Act 1989 (Amendment) Order 2005] to obtain the information, documents, records we need in order to progress the investigation.

With regard to the information you have requested from Houghton, this is not something we can directly assist you with. That said, I am conscious that a lack of response from Houghton forms part of your complaint to the GOC so I would be grateful if you would let me know if you do receive a response from them.
Although I am not a solicitor (or a lawyer of any description), my preference is for you to address any questions you may have directly to me in the first instance. If I require legal advice in order to provide a response, then I have access to this within the GOC.

**13 September 2014**

Response by Complainant to Keith Watts, Investigations Manager, General Optical Council

On 23 August 2014, I requested Ian Dobson, Houghton Opticians to provide (attached to an email) the full name and GOC registration number for the operator who performed the preliminary check on my eyes on 19 August 2014 and to include a copy of her GOC certificate or other qualifying documents.

I also requested the name and address of the corporate/company/partnership registry (it appears from a check at Companies House that Houghton is not a limited liability company unless it is registered under another name which should be disclosed) and full names and addresses of all directors/proprietors/partners of Houghton Opticians conglomerate within seven days under the Data Protection Act 1998 as a first party patient of Houghton Opticians [and effectively as a request under section 13B, The Opticians Act 1989 (Amendment) Order 2005]. Both Dobson and Houghton have ignored those requests three times and more than fourteen days have elapsed.

(6) If a person fails to supply any information or produce any document within fourteen days of his being required to do so under subsection (1) the Council may seek an order of the relevant court requiring the information to be supplied or the documents to be produced.

(7) In subsection (6) above, "relevant court" means the county court. . . .

Please add a picture ID to my request and elevate it to the County Court under: Rules and Practice Directions Part 18 and Part 31 Disclosure and Inspection of Documents as allowed by (6) above. I am precluded from doing so myself due to having already filed a criminal complaint with GOC.

In UK law, the only factors that distinguish common assault from assault occasioning actual bodily harm (under section 47 of the Offences against the Person Act 1861) relate to the degree of injury that results and the sentence available to the sentencing court:

47. Whosoever shall be convicted upon an indictment of any assault occasioning actual bodily harm shall be liable to imprisonment for a term not exceeding seven years; and whosoever shall be convicted upon an indictment for a common assault shall be liable, at the discretion of the court, to be imprisoned for any term not exceeding two years.

If I do not receive the requested documents and associated information from GOC within 14 days (and confirmation that GOC is proceeding expeditiously with prosecution of the alleged criminal offences using the GOP Criminal Prosecutions Protocol authorized under the Opticians Act 1989 as amended by the Opticians Act 1989 (Amendment) Order 2005 or legislation or
precedents in pari materia ("the Act"), then I will file a criminal complaint with General Medical Council (CMC), without further notice.

09 October 2014

Response by Complainant to Lisa Sparkes, Accreditation Policy and Project Officer, GOC.

You have arbitrarily changed my request which is not acceptable. I am a first-party in this matter and entitled to receive all documents applicable to my case under DPA. I consider the change as another disingenuous manipulation of disclosure information to delay and deny process and will not tolerate arbitrary redactions or exemptions. Any more obstruction by Kiran Gill and her sycophants will result in a complaint to SRA/LeO against her claiming unlawful withholding of disclosure documents and misconduct in public office.

I now request an independent internal review of both document requests in accordance with ICO criteria.

Request:

Please send (by email attachment) copies of all correspondence, forensic reports, hearing transcripts, medical records and all other documentation relative to the complaint about Houghton Opticians. If anything is considered as an exemption under FOIA, then send it in accordance with first-party criteria under DPA.

Response:

Your request will now be considered in accordance with the Freedom of Information Act 2000 (the Act.) You will receive a response within the statutory time-scale of 20 working days as defined by the Act, subject to the information not being exempt or containing a reference to a third party. In some circumstances The GOC may be unable to achieve this deadline. If this is likely you will be informed and given a revised time scale at the earliest opportunity.

Please provide a recipient name, sort code and account # for the transmission of any fees.

09 October 2014

Statement by Complainant to Samantha Peters, Chief Executive and Registrar, GOC

You have national problems coming your way if you do not address the issues and follow GOC rules on my criminal complaint. I have spent many years handling such cases and I am fully aware of machination by regulators in endeavors to sweep the most serious charges under the rug. This is one of those cases.

Unfortunately, it relates to alleged grievous bodily harm inflicted upon me which GOC investigation has manipulated evidently for political or financial gain.

This message provides you with an opportunity to mitigate damage before I publish the details in the international media.

© Copyright 2014 by Paul Trummel. All rights reserved. Contra Cabal 880-07-14a/14-1230-0755
You can access the preliminary report at:


which will be updated within the next 10/20 days with the full details which refer to medical peer-review of the issues obtained from four international medical experts which prove that your staff have manipulated facts to deny due process of law: that construes as misconduct in public office. Those expert opinions optical (2) and neurological (2) validate all the claims that I made when I filed my GOC complaint.

I was very open with Keith Watts and Kiran Gill, more than I would be under normal forensic investigative rules, to overcome the conflict of interest that I have as both investigative journalist and victim. GOC has taken advantage of that openness to delay and deny a full GOC investigation which parallels an impending complaint about the medical issues with GMC. I will not respond to any more of the self-serving correspondence from your staff until I have a reasoned opinion from you over your signature.

Welcome to the Club - The Buck Stops with You!

I suggest that you mitigate the damage and get the investigation back on an ethical and legal track. You own everything that has occurred. If GOC wants the media to treat it kindly, then it should behave ethically and not flout its own rules.

Contra Cabal Foundation associates are in the process of interviewing counsel to handle both the criminal and civil aspects of this case which will probably include joint and several legal action against GOC officials and staff members.

Prepublication Notice

Individuals featured in Contra Cabal receive prior notice in accordance with codes of ethics agreed among journalists. Several of those codes have international legal precedent. They provide an opportunity to mitigate damage and to refute statements that could negatively affect reputations or cause investigation or prosecution for alleged illegal acts.

Under the mitigation doctrine, the law places an obligation on journalists to take reasonable action to reduce the effect of breaches of law. Mitigation rules apply to damages or costs in an action for tort or for breach of contract. It does not matter if the issues classify as civil or criminal.

The notices give them an opportunity to challenge with substantiated evidence any charges affecting their ethical or moral character. For public accountability, the author encourages them to respond in open exchange before a deadline. Individuals mentioned incidentally receive a copy of the notice as a courtesy.

Journalists must report the truth no matter whom they offend and with disregard for the consequences of publication. Accurate reporting predicates a higher purpose and the common good.
The author does not solicit personal opinions and informs individuals that they should address only matters of fact. The notices declare personal or conflicting interests that relate to topics or to opinion especially when responsibility to gather information and develop public awareness about wrongdoing and violation of codes of conduct.

Primarily, the articles expose malfeasance and misuse of public funds also abuse of elderly tenants by landlords, trust officials and law enforcement agencies. Named individuals neglected to adhere to their duty of care. Some maliciously damaged others and their reputations by libel, slander, assault, or other unlawful acts.

No person receives immunity from investigation. Anything published results from investigation, verification and validation which takes into account violations of law or breach of established rules and ethical practices.

10 October 2014

Kiran Gill, Head of Legal Compliance, GOC

Thank you for your emails to me of 29 September and 4 October, as well as your email (below) to Lisa Sparkes of 9 October.

I note that you disagree with the decision communicated in my email of 15 September, that you would like more detailed reasons for that decision and that you would like the GOC to inform the police of your complaint concerning an assault.

I have asked the Registrar to review the decision not to take any further action on your complaint of assault.

This review will take place next week, and I will report to you as soon as possible thereafter. I expect to be able to provide you with a substantive response by Wednesday 22 October 2014.

Your email of 9 October refers to the Solicitors Regulatory Authority and the Legal Ombudsman. If you wish to check my record with the SRA, my identification number is 162819.

10 October 2014

Samantha Peters, Chief Executive and Registrar, GOC

I am writing to acknowledge that I have received your email to me (dated 9th October), and will respond in due course [which literally interpreted in bureaucratize means never].

10 October 2014

Response by Complainant to Samantha Peters, Chief Executive and Registrar, GOC.

I have just received another disingenuous message from Kiran Gill which further compounds the problems:
I note that you disagree with the decision communicated in my email of 15 September, that you would like more detailed reasons for that decision and that you would like the GOC to inform the police of your complaint concerning an assault.

I have asked the Registrar to review the decision not to take any further action on your complaint of assault.

This review will take place next week, and I will report to you as soon as possible thereafter. I expect to be able to provide you with a substantive response by Wednesday 22 October 2014.

Attached is a description of the events during investigation of the issues by Keith Watts. Evidently, none of them have been addressed by GOC investigators. They have neither asked for disclosure documents nor substantiated their finding. My medical claims have since been independently validated and there has been further criminal activity in an attempt to cover up the assault (the assailant has now been identified as Nina Houghton the cohabitant of Christopher Houghton, principal owner of Houghton Opticians, who has conspired (using Bott his hit-man) to fabricate the evidence and falsify the medical outcome of the examination by (A & E). He is on your register and is jointly and severally liable with his cohabitant for what has occurred.

Gill has again altered the continuum in the original complaint. The assault by an unregistered person involves a joint and several criminal cover up and falsification of medical records by Hickley et alia. By any stretch of the imagination, the assault (it has yet to be established whether it was malicious which is possible taking into account previous attacks on Complainant) cannot be investigated without addressing all of the issues. Moreover, I have not had a single substantiation of the previous decision and there has been no exchange of pre-hearing disclosure documents.

The procedure to date has been nothing more than a railroading to reorganize serious evidence to support a slap-on-the-wrist decision. Today’s correspondence (received after I wrote to you) shows that Gill intends to orchestrate another unlawful merry-go-round by not addressing all the issues in context. Before any further hearing takes place, I need documents upon which the previous decision based and a full disclosure of the facts in hand, for rebuttal if necessary. If you need anything more from me, then please send as an interrogatory to me.

Meanwhile, any further correspondence from Gill will not be answered impending filing of a complaint against her with SRA/LeO. I warned her of my intent, but to no avail. As far as I am concerned she ranks as a rogue lawyer whom I will not tolerate. Please instruct Gill not to contact me again. I now consider the impending complaint against her effectively sub judice. It is a personal complaint against her and has no bearing on whatever you decide to do to get the general complaint and the process of investigation and hearing on track in accordance with GOC published criteria.

Please respond by email with attachments as I am presently abroad on assignment.
17 October 2014

Samantha Peters, Chief Executive and Registrar, GOC

I am writing in response to your email dated 9th October (timed 18:50) which I acknowledged on 10th October.

I have also received your additional emails dated, 9th October (16.46), 10th October (15.41 and 22:41), 11th October (01:45), 14th October (15:10), 16th October (10.38 and 10:41), and 17th October (12.11, 14.23 and 14.48).

I would like to affirm that we are acting in compliance with our statutory duties and stress our commitment to doing so.

I note that in your emails you raise a number of matters related to the criminal prosecution protocol aspect of your complaint. Correspondence on this aspect of your complaint is being managed by Kiran Gill, Head of Legal Compliance. As stated in correspondence from her (dated 10th October), she has informed you that I am, this week, reviewing the decision not to take any further action on your complaint of assault (through a private prosecution). I expect to be able to provide you with a substantive response by Wednesday 22 October 2014.

You also raise a number of matters related to the fitness to practise aspect of your complaint. A decision has not yet been taken on this matter. This aspect of your complaint is being managed by Keith Watts, Investigation Manager. For that reason it is particularly important that your correspondence concerning this should be directed to him rather than to me, as he is the appropriate channel. I have made sure he has a copy of all your previous correspondence to me, and I request that in future you correspond with him directly.

I also understand that you make a number of complaints in your email about the organisation and its employees. I can consider your complaints (under the auspices of our corporate complaints policy, as attached). However, to enable me to do this properly, I need a response from you which clearly sets out in what way you think that the Council or its staff have not discharged their responsibilities properly. It would be helpful to me if your response focused in that way as this will better enable me to consider it.

If you have queries about our procedures, members of the relevant team will assist you where possible. I would request that when contacting members of the team, you do so with courtesy and respect. I realize that these matters are important to you, but referring to our staff by titles such as 'bimbos' or calling them 'disingenuous' can cause unnecessary distress, and I am sure you would not wish to do that.

I would once again like to reaffirm that we are acting within compliance of our statutory duties and that I, as Registrar, am treating this matter accordingly.

I am sure that we can reassure you of our commitment to the public interest and responding positively and constructively to all matters that are brought to our attention, even if we cannot fully meet your expectations.

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22 October 2014

Samantha Peters, Chief Executive and Registrar, GOC

Further to my letter of 17 October, I confirm I have reviewed the decision not to take action on your complaint under the GOC’s Protocol for criminal prosecutions.

BACKGROUND

I note that the facts of your complaint are as follows: You attended at an opticians' practice on 19 August 2014, and were subject to a blinding flash when an assistant took a photograph during your preliminary examination. As a result, you suffered headaches, sleeplessness, vision distortion and sickness. You consider that this amounts to assault.

You have not suggested any breach of the Opticians Act 1989 (as amended by the Opticians Act 1989 Amendment Order 2005) or related legislation.

On 26 September, you were informed of the GOC’s decision not to investigate your complaint further. The reason for this decision was that the facts did not relate to an offence under the Opticians Act, either directly or indirectly, and the GOC’s primary concern under the Protocol relates to enforcing the requirements of the Opticians Act.

You were also informed that it was open to you to report this matter to the police, and it was suggested that you may wish to do so as soon as possible, given that strict time limits apply to summary offences such as common assault and battery.

On 27 September, you asked us for reasoned argument addressing the substance of your complaint. You then asked for copy documents and further information on 4 October. You were advised on 10 October that I would review the decision not to take any further action, and that you would receive a substantive response by 22 October. On 16 October and 17 October, you asked for a detailed decision notice. I again advised you on 17 October that I would review the decision on your criminal complaint, and would respond to you by 22 October.

REVIEW

In reviewing the GOC’s decision, I have taken account of the following:

The GOC’s statutory functions

The GOC’s Protocol for criminal prosecutions

The Code for Crown Prosecutors

The GOC’s statutory functions

The GOC is the statutory regulator for the optical professions in the UK. It currently registers around 26,000 optometrists, dispensing opticians, student opticians and optical businesses, and has four core functions:

Setting standards for optical education and training, performance and conduct.
Approving qualifications leading to registration.

Maintaining a register of individuals who are qualified and fit to practise, train or carry on business as optometrists and dispensing opticians.

Investigating and acting where registrants’ fitness to practise, train or carry on business is impaired.

Acting on a reported criminal offence is not part of the GOC’s core functions, and should be undertaken only in accordance with its published Protocol.

The GOC’s Protocol for Criminal Prosecutions

The Protocol relates primarily to offences created by the Opticians Act, namely offences relating to (a) activities that are restricted to GOC or GMC registrants and (b) titles that are restricted to GOC registrants. The GOC may consider other allegations only where these are relevant to its remit as the optical regulator, for example a complaint that someone fraudulently obtained registration with the GOC.

An allegation of assault does not arise out of the Opticians Act or any related legislation, and does not relate to the practising of the optical professions.

The Protocol also provides that the Registrar must have regard to the Code of Crown Prosecutors in deciding whether to take action.

The Code for Crown Prosecutors

Paragraph 4 of the Code outlines the full code test as follows:

4.1 The Full Code Test has two stages: (i) the evidential stage; followed by (ii) the public interest stage.

4.2 In most cases, prosecutors should only decide whether to prosecute after the investigation has been completed and after all the available evidence has been reviewed. However there will be cases where it is clear, prior to the collection and consideration of all the likely evidence, that the public interest does not require a prosecution. In these instances, prosecutors may decide that the case should not proceed further.

4.3 Prosecutors should only take such a decision when they are satisfied that the broad extent of the criminality has been determined and that they are able to make a fully informed assessment of the public interest. If prosecutors do not have sufficient information to take such a decision, the investigation should proceed and a decision taken later in accordance with the Full Code Test set out in this section.

Thus, the Code permits the closing of a complaint without investigation where it is clear from the outset that the public interest will not require a prosecution.

FINDINGS

My main findings are as below:

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The GOC does not have any specialist knowledge relating to common assault or other offences against the person, nor will its regulatory functions be enhanced by the prosecution of an assault. However, such offences lie squarely within the usual business of the police and public prosecutors, and the CPS has published detailed Charging Standards on offences against the person. The police are unquestionably the appropriate authority to investigate your criminal complaint.

In addition to the alleged assault, you have alleged "malpractice" against the opticians' practice, which complaint is being managed by the GOC's FTP team.

The availability of alternative avenues, namely consideration by the police and the FTP team, means that it would be disproportionate for the GOC to conduct a criminal investigation.

There is nothing in this case that warrants referral to the police by the GOC rather than by yourself. The GOC has no direct knowledge of the events, there are no parallel complaints under the Opticians Act, and a police investigation would not benefit from the GOC’s specialist knowledge of the optical professions.

My decision, based on these findings, is that it is not be in the public interest for the GOC to take any action in this matter. The allegation is more appropriately investigated by the police, and the complaint is more appropriately made by yourself. The GOC will now close this case.

If you disagree with this decision, you may be able to challenge it by way of judicial review. There are strict time limits, so you should obtain legal advice as soon as possible if you wish to consider applying for judicial review.

13 November 2014

Attributed to Samantha Peters, Chief Executive and Registrar, General Optical Council.

An anonymous letter containing 5,000 words of absolute gobbledegook to which Complainant already publicly responded in the panel entitled The Picture of Dorian Peters with apologies to Oscar Wilde: Mutton retouched as Lamb. It contains wild accusations designed to confuse the issues referred to Gareth Morgan Hadley, Chair of the General Optical Council for action.

The Editor withheld publication as it classified as an anonymous, unsigned, arbitrary general denial designed to support prior restraint and confuse the issues, not admissible in any court of law, which will be taken under advisement by Counsel.

The unsigned letter contained only two significant paragraphs:

"The complaints you have made about the Registrar herself, as an employee, have been forwarded to the Chair of the Council in line with the Corporate Complaints Protocol. The Chair is investigating this matter and will respond to you separately within 14 days of completing his investigation.

In summary, the Council has discharged its responsibilities with regard to the consideration of criminal complaints, complaints about registrants' fitness to practise, the disclosure of
information and complaints against members of staff. It has done this thoroughly, appropriately and in accordance with its protocols and standard procedures.”

20 November 2014

Gareth Morgan Hadley, Chair of the General Optical Council.

I would refer to the Council’s letter of 13 November 2014 which informed you, inter alia, that, insofar that your complaints concerning the conduct of Council officials applied to the Chief Executive and Registrar, they would be addressed by me. I have considered your submissions to the Council including those that you have emailed to me since you received the Council’s letter of 13 November 2014 and the Council’s responses to you.

I am satisfied that they contain no evidence whatsoever of misconduct on the part of the Council’s Chief Executive and Registrar, rather they indicate that, despite the fact that the terms in which you have written to the Council’s officials have been both rambling and abusive, your complaints have received proper and courteous consideration and that you have been given full replies.

I have concluded that your complaints are unfounded and vexatious; and that they do not require further investigation. The matter is therefore closed: I will neither acknowledge nor respond to any further correspondence that I receive from you.

He would say that, wouldn’t he, your Honour!

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Feedback: Webspinner@ContraCabal.org