

**GENERAL OSTEOPATHIC COUNCIL**  
**INVESTIGATING COMMITTEE**

**Case No: 839/2855**

**Interim Suspension Order Hearing**

**DECISION**

<b>Case of:</b>	Michelle Davies
<b>Committee:</b>	Brian Wroe (Chair) Laura Heskins (Lay member) Sue Gallone (Lay member) Tamsyn Webb (Osteopath) Debbie Watt (Osteopath)
<b>Legal Assessor:</b>	Peter Steel
<b>Representation for Council:</b>	Andrew Faux
<b>Representation for Osteopath:</b>	Unrepresented
<b>Clerk to the Committee:</b>	Nyero Abboh
<b>Date of Hearing:</b>	1 October 2021

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**Background**

1. Michelle Davies (the Registrant) first registered with the General Osteopathic Council (the Council) on 26 August 1998. She currently practices as an osteopath from premises in Bromyard and Worcester.
2. The Registrant sent a letter to the Council dated 4 May 2021, apparently in response to a letter the Council had written to her on 12 February 2016.
3. The content and form of the letter are unusual in a number of respects. It advances a supposed claim against the Council's then Head of Regulation in bizarre, legalistic terms (all the text in the example which follows is as the original, save the name of the Council employee which is rendered as [Head of Regulation]):

*"Affiant: Michelle-Lisa: Davies...woman..."*

*Respondent...*

*[Head of Regulation]:woman, [acting under the legal fiction status Head of Regulation] of the fiction corporation known as 'General Osteopathic Council' or GENERAL OSTEOPATHIC COUNCIL...*

*Notice & Demand of First and Final Warning*

*Notice to principal is notice to associates and to agents and to successors*

*Notice to associates and to agents and to successors is notice to principal*

*The Commercial Lien Process...*

*A Common Law Commercial Lien is a process that any woman or man can employ in order to obtain **lawful** remedy from the actions of another woman or man who have...or have attempted to...**or have conspired to**...damages said woman or man in some way...Such wrongs are known as "torts"...and are the subject of Tort Law...This includes 'harassment'...such as 'threats with menaces'...which is considered to be 'psychological damage'...and also 'defamation of character'...which is also considered to 'damage a reputation'...The reason for this is very simple...Since all are equal under the LAW...then each woman or man has a Duty of Care to each other woman or man...such as to make sure that...whatever the action we take towards each other...we have the Common Law behind those actions...and thus can live together in peace...Abrogating said Duty of Care is a Criminal Act...and constitutes a tort...*

*Affidavit of Truth/Fact*

*Thee...living woman known as [Head of Regulation] [acting under the legal fiction status, Head of Regulation...at The General Osteopathic Council] have created a tort...or torts...against 'i' woman 'Alive' Self...Michelle-Lisa: of the Davies family...*

*Thee ... [Head of Regulation] ... a living woman ... on the 12th day in the 2nd month of the year two thousand and sixteen ... did without my consent ... committed an outrageous trespass on the property of 'i' and an outrageous trespass on the spiritual property of 'i' ... Thee are non compliant with the Constitutions and Laws that bind thee ... and have exceeded the limited powers that we man and woman have delegated to thee ..."*

4. The letter continues in a similar style for 13 pages. The Registrant's signature appears at the end of the document under the line: "*Witnessed by the Father, the Son and the Holy Ghost*".
5. As well as the bizarre content, the letter has other odd features. It appears from a solicitors' stamp on the face of the document sent to the Council that it is a copy of an original. The original document has a first class postage stamp affixed to all 13 pages. On the odd numbered pages,

the stamp has been endorsed with the Registrant's signature, the date "04th May 2021" and what appears to be a fingerprint. The significance of this endorsement is not explained.

6. In light of the nature and content of this correspondence, the Council requested that the Registrant provide her consent for it to obtain her medical records by an email dated 8 July 2021. No consent was forthcoming.
7. The Council received further unusual correspondence, either from or on behalf of the Registrant, including another legalistic document entitled "Notice", which was dated 9 July 2021, but which was apparently signed by the Registrant on 7 July 2021. Some of the correspondence was sent by an Edward Ellis, who styled himself "Equity Lawyer Mr Ellis".
8. Mr Ellis is a former solicitor who was struck off the Roll of Solicitors in 2013. He has a long history of issuing vexatious and meritless legal actions. As a result of this behaviour, on 22nd February 2018 a High Court judge ordered that Mr Ellis be subject to a General Civil Restraint Order (GCRO) preventing him from issuing any claim or making any application in the High Court or County Court for a period of two years without first obtaining the permission of a High Court or Deputy High Court judge. This order was subsequently upheld by the Court of Appeal.
9. The GCRO was imposed at the conclusion of committal proceedings against Mr Ellis. The judge found him to be in contempt of court as a result of having issued court proceedings or conducted litigation while subject to a previous restraining order, for which she sentenced him to 3 months imprisonment suspended for 1 year.
10. Following an application by the Solicitor-General, on 18 December 2020 the High Court extended the GCRO against Mr Ellis, having found him in contempt of court as a result of 9 breaches of the GCRO. It would appear that he has not as yet been sanctioned for the further contempt of court pending an appeal. Mr Ellis's name continues to appear on the official list of those who are subject to a GCRO (<https://www.gov.uk/guidance/general-civil-restraint-orders-in-force>).
11. The Council again wrote to the Registrant by email on 26 July 2021 chasing a response to the previous email. A read receipt produced by the email system showed that the Council's email to the Registrant was read on 28 July 2021 at 12:12:07pm. The Registrant responded to the Council later the same day as follows:

*"The Interim Suspension Threat Email at 10.40 on 26 July 2021 is Blackmail Fraud Intent Proof for the Parliament Session Jurisdictions against the General Osteopathic Council. In 2000 Corruption Complaints in more than 200 Parliamentary Constituencies got a Corruption Debate and Investigation Commitment and a Pending Investigation Adjournment. Prime Minister Mr Blair and the Pharmaceutical Industry traded a Parliament Protection Fraud in exchange for Campaign Finance for the 2001 General Election. It got Unfinished Business Status for the Corruption Remedies against the General Osteopathic Council. Between late 2013 and 2016 the Profession Fitness Case of Citizen Ms Lewis got Corruption Proof Sets needed for Corruption Remedies against the General Osteopathic Council. The European Referenda got a Leave Majority and an Honourable Resignations from Prime Minister Mr Cameron because he had led the Remain Campaign. It got a 5 Year Delay for the Remedy Process. The attached 2021 07 19 Royal Commission + Fraud Appeal + Integrity Test and Action Intent Notice + Signature of citizen Ms Davies v General Medical Council + General Osteopathic Council.*

*Michelle Davies BSc (Hons) Ost  
Consultant Osteopath and Author  
All unalienable rights preserved"*

12. The following day, the Registrant wrote a further email to the Council in identical terms to the 28 July 2021 response, but attaching two documents, the first signed by her but apparently relating to Mr Ellis' litigation against the Solicitor-General, and a summons from a third party addressed to the Director of Public Prosecutions.
13. The Council wrote again to the Registrant on 2 August 2021 repeating the request for consent to approach her GP to obtain information about her mental health . The Registrant did not provide her consent but responded to enquire whether the Council had received the two attachments to her email of 29 July 2021. The Council wrote again to the Registrant on 17 August 2021 requesting that she return the proffered consent form and that she submit to medical examination so that the Council might obtain a report on her physical and mental health.
14. The Registrant provided her response on 20 August 2021, in the form of two documents attached to her email. The first was entitled "Profession Disqualification Blackmail Consent Extortion Fraud Invalidity Notice", which appeared to be in a similar style to other documents drafted by Mr Ellis, but which was signed by the Registrant. The second was a note addressed to the Registrant's GP from Mr Ellis, entitled "Service Notice of

the Disqualification Fraud Blackmail Notice + Consent Extortion Fraud Notice dated August 2021 from Citizen Ms Michell (*sic*) Davies”.

15. In the light of her failure to respond, the Council wrote to the Registrant on 23 August 2021 indicating it would be considering opening a fitness to practice case against her.
16. The correspondence was considered by a screener on 1 September 2021 and the Investigating Committee Chair on 4 September 2021 who referred the matter to this Committee for consideration of an Interim Suspension Order (ISO).

### **Preliminary matters**

17. The Registrant indicated that she considered that the proceedings against her were a fraud and wanted to raise this. She confirmed that she would do so as part of her submissions.

### **Application for Interim Suspension Order**

#### **Submissions on behalf of the Council**

18. Mr Faux for the Council submitted that an ISO was necessary in this case for the protection of members of the public. He reminded the Committee of the test of necessity for making an ISO under section 21 of the Osteopathic Act 1993. He reminded the Committee that there was no facility for the Committee to impose conditions to protect the public, but that in assessing the risk, it could take into account whether there were other assurances in place, such as undertakings, which might indicate that an interim order is not necessary.
19. In this case, Mr Faux submitted that the correspondence in the papers raised a real concern about the Registrant’s health, which had led to the Council’s reasonable request to obtain the Registrant’s medical notes. In fairness to the Registrant, he drew the Committee’s attention to the screener’s report. The screener had formed the view that there was no evidence that the Registrant presented a risk to the public and therefore an ISO was unnecessary.
20. Mr Faux submitted that on review of the correspondence in the papers, the Committee should have a legitimate concern about the Registrant’s

ability to engage appropriately with patients, take sensible histories and offer appropriate treatment. Her mental state, as evidenced by the correspondence, was so disorganised, extraordinary and nonsensical that the Committee should conclude that it is simply not safe to allow her to continue in practice until a full and proper assessment of her health had been undertaken. Her lack of cooperation with the Council was significant in this respect.

### **Submissions by the Registrant**

21. The Registrant read a statement setting out her position, in similar language to, and covering similar topics to, the correspondence previously sent to the Council. She challenged the validity of the proceedings. She suggested that the Committee were biased and acting in conflict of interest. The ISO proceedings were a fraud and part of the wider corruption about which Mr Ellis was obtaining evidence. She had brought proceedings in the High Court.
22. Among other matters, the Registrant submitted that she should have been allowed to call Mr Ellis as her witness and that she was entitled to have legal representation but both had been denied to her. She listed a number of questions she had of the Council and others about the validity of the proceedings that had been brought against her. She read out what was apparently the evidence of Mr Ellis, which alleged fraud and corruption by a number of agencies including judges and other agents of the State, in bizarre and conspiratorial terms.
23. She said that she had given notice of corruption and as a result the Committee were disqualified. She asked the Committee to rule on that.
24. In answer to questions for the Committee, the Registrant said it was unlawful of the Council to ask for her medical records. The Council had done this because she had brought a claim against it. She said that she understood most of the statement she had read to the Committee, however she declined to explain certain of the phrases she had used. When asked about whether she accepted regulation by the Council and operated within the rules imposed by it, she said that she did where it was not unlawful.
25. The Registrant asserted that her health was perfect. She did not have any issue that affected her practice and had numerous testimonials from patients. The Registrant said that she had been qualified for 24 years and could not have practised over that time without being in good health.

When asked about whether she had a GP, the Registrant confirmed that she did but had no reason to see him. She and Mr Ellis had served a "fraud notice" on him and told him to contact the GMC, but he had not done anything.

### **Decision**

26. The Committee carefully considered the evidence in the GOsC bundle and listened carefully to the submissions by Mr Faux and the Registrant. It accepted the advice of the legal assessor.
27. The Committee rejected the submission by the Registrant to the effect that it should disqualify itself or that it was unlawful for it to consider her case. The Committee could not identify any reasonable basis on which it could be said that the members of the Committee were biased in this case (indeed the Registrant had not identified any evidence which supported that proposition, other than her general claim that these proceedings were a fraud). As the Committee had emphasized at the outset of the hearing, it was independent of the Council and impartial in its approach to the matters before it.
28. Nor did it accept that the procedure set out under the Osteopaths Act 1993 and the IC Rules to consider applications for ISOs was innately unfair. The Committee had followed the usual procedure established by the law and had the benefit of independent legal advice to ensure the fairness of its hearing today. The Committee did not agree that the Registrant had been denied the opportunity to avail herself of legal representation as she so chosen.
29. The Committee also considered the question of whether the Registrant had been disadvantaged by the inability of Mr Ellis to give evidence on her behalf. It understood that Mr Ellis was in fact banned from the Council's premises as a result of an unrelated incident.
30. The Committee reminded itself that it was not part of its function to decide the facts of the case. The purpose of this hearing is solely to assess whether there is a real and continuing risk to the public and, if so, whether an ISO is necessary to protect the public from that risk. To that extent, witness evidence is generally of limited assistance in ISO hearings.
31. The Committee was not persuaded that Mr Ellis had any evidence to provide that was relevant to the issue of whether an ISO was necessary in this case. In any event, the Committee had read Mr Ellis' extensive previous correspondence with the Council contained in the bundle of

- documents before it, and the Registrant had read what the Committee understood to be his evidence in the course of her submissions. In so far as the Committee understood that evidence, it was irrelevant to the Registrant's case.
32. The Committee considered that the issues raised by this application were certainly serious. It was a significant concern that the Registrant had in effect said that she would only comply with regulation to the extent that she considered it lawful. The Osteopathic Practice Standards (OPS) exist to protect the public by establishing a framework for safe osteopathic practice by UK-registered osteopaths. Compliance with the OPS for osteopaths registered with the General Osteopathic Council is not optional.
  33. The Committee was persuaded that there was a potential risk to patient safety from a registrant who deliberately flouted regulation by the Council to the extent of refusing to cooperate with lawful requests for information, or who decided for themselves which of the OPS they should comply with or not. Any osteopath who simply did not accept regulation by their regulator had at least the potential to cause serious harm in their practice.
  34. The Registrant had clearly indicated to the Committee that she did not intend to comply with the Council's request for her medical records and to submit to medical examination. The Committee accepted that the Council was entitled to ask for those steps in light of the consistently bizarre content of her correspondence with the Council, notwithstanding what the Registrant told it about her current state of health.
  35. The Registrant had decided for herself that the request was unlawful and a breach of her privacy. In the Committee's view this demonstrated a continuing risk, as she had also made clear that she would only comply with those parts of professional regulation that she considered lawful and did not consider to be corrupt or fraudulent.
  36. Bearing in mind the principle of proportionality, the Committee concluded that it was necessary to impose an ISO in this case to protect the public. It therefore ordered that the Registrant's registration be subject to an ISO for a period of two months from today's date.