

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 839/2855

Interim Suspension Order Hearing

DECISION

Case of: Michelle Davies

Committee: Rasila Jassal (Chair)
Pamela Ormerod (Lay member)
Abby Mulholland (Osteopath)

Location: Virtual – by remote video-conference

Legal Assessor: Peter Steel

Representation for Council: Andrew Faux

Representation for Osteopath: Unrepresented

Clerk to the Committee: Susan Alisigwe

Date of Hearing: 23 November 2021

Summary of Decision:

The Committee determined that it was necessary to impose an interim order of suspension in order to protect the public.

Particulars of concern

The allegation is that Ms Michelle Davies (the Registrant):

Has been guilty of unacceptable professional conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993; and/or

The Registrant's ability to practise as an osteopath is seriously impaired [REDACTED] [REDACTED] contrary to section 20(1) of the Osteopaths Act 1993 in that:

1. Between the dates of 04 May 2021 to 03 October 2021 the Registrant submitted to the GOSC numerous documentation and claims that are incoherent and/or unintelligible.
2. The Registrant failed to provide consent to the GOSC for the purposes of obtaining [REDACTED] records, following requests made on:
 - a) 08 July 2021
 - b) 26 July 2021
 - c) 02 August 2021
 - d) 17 August 2021
3. The Registrant failed to provide consent to the GOSC, following a request made on 17 August 2021, for the purposes of [REDACTED] [REDACTED] determine whether she is fit to practise.

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. In light of the nature and content of this correspondence, the Council requested that the Registrant provide her consent for it to obtain her [REDACTED] records by an email dated 8 July 2021. No consent was forthcoming.
6. 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 [REDACTED], who styled himself "Equity Lawyer [REDACTED]".
7. [REDACTED] 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 [REDACTED] 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.
8. The GCRO was imposed at the conclusion of committal proceedings against [REDACTED]. 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.
 9. Following an application by the Solicitor-General, on 18 December 2020 the High Court extended the GCRO against [REDACTED], 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. [REDACTED] 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>).
 10. 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'

11. 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 [REDACTED], litigation against the Solicitor-General, and a summons from a third party addressed to the Director of Public Prosecutions.
12. The Council wrote again to the Registrant on 2 August 2021 repeating the request for consent to [REDACTED]. 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 [REDACTED] so that the Council might obtain a report on [REDACTED].
13. 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 [REDACTED] but which was signed by the Registrant. The second was a note addressed to the Registrant's GP from [REDACTED], entitled "*Service Notice of the Disqualification Fraud Blackmail Notice + Consent Extortion Fraud Notice dated August 2021 from Citizen Ms Michell (sic) Davies*".
14. 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.
15. Following this, both the Registrant and [REDACTED] sent further emails and documents to the Council. On 13 September 2021, the Registrant wrote an email to the Council marked: "*Private and confidential and without prejudice*" as follows:

"Statement

*I have been badly advised and misled and will make a few points clear
My position:*

*To continue to be registered with the General Osteopathic Council and
willing to comply with supporting my position*

*I consent to a letter from [REDACTED]
[REDACTED]*

*I have unalienable rights to privacy and requesting [REDACTED]
[REDACTED] s not proportional*

I have endless reviews on my website, google, LinkedIn and will provide references as evidence. I also contributed to the Patient Reported Outcome Measure with the National Research for Osteopaths and the results can be obtained. My published book contains over 75 testimonials. Since May 2021 I have been collecting objective feedback from patients for CPD

...

[REDACTED] s not my representative per se and I am not associated with [REDACTED] part from offering use of my case for The Royal Commission. [REDACTED] osition is to give his conflict disqualification evidence as a witness.

I do not know [REDACTED] ersonally and do not share his beliefs. There has been much confusion and misunderstanding both to myself, the General Osteopathic Council and Dr Harris. The correspondence from [REDACTED] as been difficult to comprehend from the outset and I have realized it is not my failing in comprehension but rather his style of writing confuses everybody. This is in no way said to undermine or undervalue [REDACTED] acting as Equity Lawyer. I consider him an expert in his field which appears to be in a unique set of circumstances exposing corruption at the highest level and within the top Organisations.

I appreciate the support [REDACTED] as provided and respect his enthusiasm and commitment and relentless time spent on the case but I partly feel it serves his own motivation of the Corruption case which I do not fully understand. This may have confused my case unintentionally. I have allowed [REDACTED] o correspond on my behalf without insight or judgement to the content. I have trusted him to act in my best interest but it is apparent this serves the Royal Commission. I do not have the knowledge and capacity to know the truth or facts in the detail [REDACTED] roduces. I support justice and the natural law of the land and for this reason support The Royal Commission.

I am aggrieved by the complaint made against me in 2016 and considering my position on this. It was [REDACTED] hat instructed me to stop the Commercial Lien Affidavit process immediately and offer use of my

case for the Royal Commission. ██████ as not supportive of the Lien process. The common law commercial lien was written in old English Grammar and I appreciate it may have been difficult to comprehend the language. In simple terms I have been harmed by fellow men and woman acting in roles for the GOSC and ASA. I provided affidavit of facts of the harm and damages incurred since 2016 and was requesting a rebuttal of facts, an apology, damages or common law jury trial. I received a response but no apology or rebuttal.

I believed that ██████ was a lawyer and running a case that would result in fairness and a jury trial would bring justice to my grievance. I have not understood the process and over time has become clearer.

This has no bearing on my professionalism and the safety of the public. I ask for proof of claim, for objective and independent criteria to ascertain my threat to the public.

Michelle-Lisa: Davies :woman

all unalienable rights reserved: none waived ever: non assumpsit"

16. The email included a number of supportive patient testimonials and surveys.
17. The subsequent documents sent by the Registrant and ██████ to the Council were again drafted in quasi-legal terms and/or purported to be as part of legal proceedings against the Council and others. This included an unsealed judicial review claim form completed in manuscript and signed by the Registrant on 3 October 2021, which named as interested parties to the claim "The Queer" and "PM Mr Johnson".
18. The correspondence was considered by the Investigating Committee on 15 November 2021, which referred the matter to the Professional Conduct Committee. The Chair of the Professional Conduct Committee decided on 16 November 2021 that the case should be referred to this Committee for consideration as to whether an Interim Suspension Order (ISO) should be imposed.
19. Following service of the notice of today's hearing, the Council received further correspondence from the Registrant in a similar style to the previous documents, including a claim form and application notice setting out details of the Registrant's claim against the Council, the Ministry of

Justice, West Mercia Police and others as a result of what is said to be: "*A Contempt Conspiracy to commit Conflict Qualification Frauds*".

Application for Interim Suspension Order

Submissions on behalf of the Council

20. Mr Faux for the Council submitted that an Interim Suspension Order (ISO) was necessary in this case for the protection of members of the public. Ms Davies had come to the Council's attention because she wrote the letter to it dated 4 May 2021 referred to above. By its language and format, this letter immediately told the informed reader that the Registrant had fallen under the influence of [REDACTED], as his style and concerns are well known.
21. As a result of its disordered nature, the correspondence in the papers raised a proper concern on the Council's part about the Registrant's [REDACTED], which had led to its entirely reasonable request to obtain the Registrant's [REDACTED]. The matter was processed in the usual way and came before the Investigating Committee on 15 November 2021.
22. Mr Faux observed that the Investigating Committee had properly been concerned about the Registrant's non-compliance with the Council's reasonable requests but had concluded that as it had no information about her [REDACTED], it should not refer her to the [REDACTED]. Instead the Investigating Committee referred the allegations against the Registrant to the Professional Conduct Committee.
23. Why then had the Council sought an ISO? In Mr Faux's submission there were two issues for this Committee: first, did it share the Council's concerns about the safety of allowing Ms Davies to practise in light of the seriously disordered thinking demonstrated by her correspondence and actions. These actions were not indicative of someone who was safe to undertake patient assessments, make reasonable decisions about or conduct treatment.
24. The second issue was that there were concerns about a registered practitioner who appeared deliberately to reject regulation by the Council. Mr Faux said that a registrant who felt they could pick and choose which bits of the system they complied with is acting in a way which is incompatible with professional regulation. This created a risk sufficient to justify an ISO.

25. Mr Faux referred to the Registrant's email dated 13 September 2021 which he told the Committee was a more positive communication, in that it demonstrated her distancing herself from [REDACTED]. However, this was not built upon in subsequent correspondence with the Council. That response, and the accompanying testimonials might foreshadow a sensible approach by the Registrant towards cooperating and engaging with the Council, which might mean an ISO was unnecessary. However, Mr Faux suggested that if the Registration was simply going to reiterate the [REDACTED] conspiracy theories, then a different approach would be required.

Submissions by the Registrant

26. The Registrant first expressed her concern that the Committee had not read the case file, based on a question it had asked Mr Faux about the date of the original Council letter to her (in 2016) that she had referred to in her letter of 4 May 2021. The Registrant confirmed that she would not be offering any undertakings as to her future conduct.

27. The Registrant then read a statement entitled "*Hearing Proposals*" setting out her position, in similar language to, and covering similar topics to, the correspondence previously sent to the Council. In summary, this questioned 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 involving a number of state and other organisations, including the police.

28. The Registrant asked that the hearing for an interim order be dismissed for lack of jurisdiction, as there was no admissible evidence of [REDACTED] against her. She said that the Council's proceedings against her should be stayed pending the outcome of [REDACTED]' fraud corruption process.

29. The Registrant listed a number of questions she had of the Council and others about the validity of the proceedings that had been brought against her. For instance, she asked who had the authority to make judgements about her? She asked whether the Committee was in fact qualified to do so. Had the Committee undergone mental or physical examination to rule on this case?

30. As to the meaning of the documents the Registrant had sent to the Council, she suggested that if a non – Spanish speaker were asked to read a document in Spanish it would be similarly incomprehensible. The Council had made an unfair assumption that this meant the Registrant's

- thinking was disordered and incoherent. The Council had started matters and yet dismissed the claim she had made, under authority. This was contempt in the Registrant's view and what disqualified proceedings against her.
31. The Registrant said there was no evidence substantiating the allegations beyond all reasonable doubt. The Registrant said the Council had to prove its allegations and they had not done so. The Council's conduct infringed on her fundamental human rights. She was not aware of any patient complaint against her in 24 years. The Council could have investigated supposed unfitness in other ways, such as requesting patient questionnaires or getting a peer to investigate her, or a "mystery shopper" exercise.
 32. The Registrant submitted that the Council could have asked for statement of truth stating that she was not currently under any [REDACTED] [REDACTED] for the last 24 years. That was why the Registrant considered these proceedings were a fraud. She continued to support [REDACTED] and the judicial review application. The Registrant raised further concerns about the independence of the Committee on the basis that its members were being paid by the Council.
 33. The Registrant said that her primary duty was to her patients above all else. She also had a duty to her own [REDACTED] so she could deliver what she delivered. It was, she said a "*governance fraud*" to ask her to make any promises or give undertakings as to her future conduct. She requested that the Committee make a fraud finding against Mr Faux. She said that she didn't have confidence in the Committee as a result of what she asserted was its failure to read the case files.
 34. In answer to questions from the Committee, the Registrant said that being a registered osteopath meant acting professionally, following the Code of Conduct, maintaining high standards and undertaking CPD. The Council's role was to set standards which she as Registrant followed and complied with.
 35. The Registrant said it was unacceptable of the Council to ask for her [REDACTED] records. She said that she would not have an issue in supplying the [REDACTED] records if a patient had made a complaint against her. She did not want to do so in this case as she saw it as "*bribery and corruption*" by the Council. The Council had sought her notes as "*retribution*" as a result of her bringing an action against them. She had no trust in her [REDACTED], so had no intention of going to see him.

36. When asked to explain the relevance of the actions taken by [REDACTED] to this case, the Registrant said that the Committee would have to ask him.
37. When asked about whether she accepted regulation by the Council and operated within the rules imposed by it, the Registrant said that she did where it did not conflict with her "*unalienable rights*", for instance bodily integrity and privacy. She confirmed that she considered the Council to be corrupt. When asked how that tallied with her previously stated intention to continue to be an osteopath registered by the Council, she declined to answer.

Decision

38. The Committee carefully considered the evidence in the GOsC bundle and listened carefully to the submissions by Mr Faux and the Registrant. It accepted in full the advice of the legal assessor as to the test for an ISO.
39. The Committee rejected the submission by the Registrant to the effect that it was biased or that it was unlawful for it to consider her case. 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. The fact that panelists were remunerated by the Council for their time did not alter this fact.
40. 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 only 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.
41. The Committee considered that the issues raised by this application were 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, or it did not breach her "*unalienable rights*". The Council's fundamental purpose, as set out in the Osteopaths Act 1993, is to protect the public by establishing a framework for safe osteopathic practice by UK-registered osteopaths. All osteopaths registered with the General Osteopathic Council must comply with its rules and guidance, including in particular the Osteopathic Practice Standards (OPS). The OPS makes clear that registrants must cooperate with any requests by the Council for information or investigation (D12).
42. Further there was a clear contradiction in the views that the Registrant had expressed in answer to questions from the Committee. She said that

- she wanted to remain a registered osteopath and that regulation ensured professionalism through the application of proper standards and a Code of Conduct. However, at the same time she believed that the Council was a corrupt organisation. This raised a real concern that the Registrant might not in the future comply with the Council's rules and guidance.
43. The Committee accepted 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. The Committee thus concluded that some form of action was necessary to meet that risk.
 44. The Registrant had clearly indicated to the Committee that she did not intend to comply with the Council's request for her [REDACTED] records and to submit to [REDACTED]. The Committee accepted that the Council was entitled to ask for those steps in light of the content of her correspondence with the Council, regardless of the Registrant's assurances about her [REDACTED] patient safety.
 45. The Registrant had decided for herself that the request was 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.
 46. Bearing in mind the principle of proportionality and what the Registrant had told it about the effect of any order on her reputation and practice, the Committee nonetheless 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.