

MEMORANDUM

To: Dr Joan Trowell
From: Graziella Oragano
cc: Paul Philip
Scott Geddes
Date: 25 March 2004

Concerns raised about Christopher Brightmore : Lay Panellist

Purpose of Memorandum

1. These papers are referred to you to consider what action, if any, should be taken as a result of concerns raised about Mr Brightmore.
2. A copy of the procedure for dealing with concerns about panellist which was agreed by the Fitness to Practise Committee and endorsed by the Council is at flag 1.

Background

3. Mr Brightmore was empanelled to sit on the PCC panel to consider the case of Dr Cosgrove. The hearing began on Monday 19 January 2004.
4. In accordance with our usual procedures, Mr Brightmore and the other panellists empanelled to consider the case were sent a copy of the agenda, including the charge against Dr Cosgrove about a week in advance of the hearing. A copy of the agenda is at flag 2.
5. At the start of the hearing, the PCC agreed to a submission from Mr Morris, Counsel for Dr Cosgrove, to amend some of the heads of charge. These were relatively minor amendments to correct the name of an individual and the date of an appointment. The charge was then read.
6. Immediately following the reading of the charge, Mr Morris made an application that the inquiry be stayed on the grounds that it would be an abuse of process to allow the proceedings to continue. During the course of his submissions it became clear that one of the heads of the charge related to information by the Citizens' Commission on Human Rights whose headed notepaper Mr Morris quoted from saying it "was established in 1969 by the Church of Scientology to investigate and expose psychiatric violations of human rights".
7. Following Mr Morris's submission, the panel Chairman - Professor MacKay - asked the panel members whether they had any links with the Church of Scientology. None of the panel indicated that they had. The Committee then adjourned.
8. During the course of the adjournment, Mr Brightmore informed Professor MacKay that he had, during the course of his work in the police, looked at some of

the work of the Church of Scientology and spoken of it, favourably, at subsequent meetings. Professor MacKay informed the legal assessor, who shared the information with both Mr Morris and Counsel for the GMC, Mr Pearce. When the Committee resumed in public Professor MacKay drew attention to the information he had received but did not name Mr Brightmore, although, I understand that both parties were aware from the information passed to them by the legal assessor who the panellist concerned was.

9. Mr Morris made an application for the panellist concerned to stand down. The panel considered the application in camera and Mr Brightmore agreed to recuse himself.

10. An extract from the first 14 pages of the transcript of day 1 of the proceedings is at flag 3. Pages D1/12 to D1/14 are of particular relevance as they cover the period from Professor MacKay asking the panel members whether they had any links with the Church of Scientology to the announcement that one of the panellists had stood down.

11. The panel continued, without Mr Brightmore, to hear Mr Morris's application regarding the abuse of process issue. On day four of the proceedings, Mr Morris submitted two letters from the Citizens Commission on Human Rights. They were marked as exhibit D17 and copies are attached at flag 4. Mr Morris pointed out that the various personnel who he said were "clearly part of the organisation of the Citizens Commission on Human Rights" were listed on the left hand side of the letters. He drew attention to the fact that one of those listed had the same name as "somebody who was sitting on your Committee until he stood down from the Committee on the first day" – which was clearly a reference to Mr Brightmore – but he added that he was not sure whether it was the same person but that if it was and Mr Brightmore had correctly described his connection with the Scientologists, the "appearance of his name representing him to be active within the Citizens Commission on Human Rights is wholly false and wholly misrepresentative of his real position". An extract from day 4 of the transcript when these matters were raised is at flag 5.

12. At the start of day 5 of the proceedings, Professor MacKay reported that he had received a telephone call the previous evening from Mr Brightmore confirming that he was the person referred to in the list of personnel on the letter headed paper and that he had been a Commissioner of the Citizens' Commission on Human Rights but had resigned on 1 January 2001. Professor MacKay made it clear that that information was not known to the panel when Mr Brightmore stood down. Mr Morris commented, amongst other things, that it was "a matter of regret" that the information was not made known at the outset of the meeting". A copy of the relevant extract from the transcript is at flag 6.

13. The hearing continued and at the end of day 5 the Committee announced that they had rejected Mr Morris's application that the proceedings be stayed. The Committee then adjourned until June when they will hear the case against Dr Cosgrove; no further references were made to Mr Brightmore or his links with the Church of Scientology.

14. Professor MacKay subsequently submitted a written report of the events dated 1 February 2004. A copy of that report is at flag 7.

Concerns Raised

15. It is vital that panellists who sit on the fitness to practise panels are fair and seen to be fair and that the decisions they make are untainted by bias of any kind. This is drawn to panellist attention in several ways.

- a. The information sent to applicants who wish to sit on fitness to practise panels states 'Successful candidates must be able to make thoughtful and unbiased decisions in the context of the GMC's jurisdiction, which is both to protect individual patients and to act in the wider public interest. Specifically, this will require people of demonstrable integrity whose judgement is not swayed by personal bias or sectional interests;'
- b. The importance of reaching unbiased decisions is also covered in the training sessions provided for panellists before their appointment is confirmed. The training manual given to all panellists also states "In order to be an effective panel member, you must always be fair, open minded, and arrive at your decisions untainted by bias or prejudice".
- c. The Conditions of Service, which panellists are asked to sign, include the following:-

"Conflicts of Interest

15. You must maintain high standards of behaviour and propriety at all times.

16. In particular, in carrying out your duties as a member of the PCC and CPP you

- must exercise independent and impartial judgement
- must analyse issues properly and rationally
- must not act in a discriminatory way.

17. You must inform the GMC immediately of any information which might call into question your fitness and suitability for remaining a member of the PCC or CPP.

18.

19. If you have or may appear to have any interest in or association or connection with any person (whether financial, organisational or personal)

which may or does give rise to a conflict of interest or the suspicion of a conflict of interest, you must notify the GMC as soon as possible."

(A copy of the contract signed by Mr Brightmore is at flag 8).

- d. The Code of Conduct for Panellists makes it clear that panellists must undertake "To be alert to the possibility of any conflicts of interests, and to declare any such conflict to Committee Section staff as soon as is reasonably practical".

(A copy of the Code of Conduct signed by Mr Brightmore is at flag 9.)

16. Prior to the events on day 5 of Dr Cosgrove PCC hearing, Mr Brightmore has never declared any links with the Church of Scientology or the Citizens Commission on Human Rights. A copy of the biographical details of the panel members in Dr Cosgrove's case is at flag 10. The entry for Mr Brightmore reads "former Police Detective Chief Superintendent. Currently training Consultant and University lecturer". This is based on information provided by Mr Brightmore and is included in the GMC's website together with the interests of all other panellists. The guidance given to panellists about the Register of Interests was the same as that given to Council members and indicated that the following should be declared:

- a. Posts held in the ordinary course of employment or practice.
- b. Ordinary membership of professional bodies, medical Royal Colleges, specialist societies, local medical committees or the medical defence organisations.
- c. Fellowships of professional bodies, medical Royal Colleges, or specialist societies.
- d. Any office held in a professional body, specialist society, medical Royal College or other similar body in the public, private or voluntary sector. Offices include posts such as President, Chairman, Chief Executive, Treasurer or Secretary.
- e. Membership of a committee or Council of a professional association, specialist society, medical Royal College or other similar body.
- f. Membership of, or posts held in, local or national community organisations.
- g. Consultancies, directorships, or advisory positions if they relate to a medical, healthcare or pharmaceutical company or organisation, NHS Trust or authority, public body or political party.
- h. Freemasonry.
- i. Membership of a political party or pressure group with an interest in the GMC's work.

17. Mr Brightmore was appointed as a panellist on 21 September 2001. Based on the information he gave Professor MacKay (see paragraph 12 above) this was some nine months after his resignation as a Commissioner of the Citizens Commission on Human Rights and it may, therefore, be difficult to argue that he should have declared this post.

18. However, Mr Brightmore could have been in no doubt that once it became clear that the Citizens Commission on Human Rights were involved in Dr Cosgrove's case, he had a duty to declare that he had been a Commissioner of that organisation. He made no declaration of any interest when Professor MacKay asked on day one of the proceedings whether any of the panellists had links with the Church of Scientology. When he did inform Professor MacKay during the adjournment that he had had links, he did not disclose the full extent of those links. It was not until after Mr Morris had submitted the two letters at flag 4 and drawn attention to the name Christopher Brightmore on the letter headed paper that Mr Brightmore contacted Professor MacKay to confirm that he was the person referred to and that he had been a Commissioner of the Citizens Commission on Human Rights.

19. Mr Brightmore's actions in failing immediately to declare the full extent of his links with the Church of Scientology when given an opportunity to do so, appear to raise doubts about his integrity. The hearing was in public and although he was not initially named, it is now public knowledge that he was the member who had a conflict of interest and initially failed to disclose it, but even when he did so, was somewhat economical with the truth. The concerns therefore relate not just to Mr Brightmore's failure to disclose his links with the Church of Scientology but also to the potential risk that his continued service on panels will undermine the integrity of the panels as a whole.

Action Required

20. I should be grateful if you would consider whether in the light of the above information, any action should be taken against Mr Brightmore. If you decide that action should be taken, it is open to you to notify Mr Brightmore of the concerns raised and to invite his written observations. It is also open to you, at this stage, to consider whether Mr Brightmore should continue to sit on panels until this matter is resolved.

Proposed new procedures for dealing with concerns about panellists

1. Fitness to practise panellists are appointed by the Council. The Council has delegated this responsibility, and responsibility for dealing with any concerns that might arise about panellists including their eligibility or suitability to continue to sit on committees, to the Fitness to Practise Committee (FPC). The FPC's duties also include the effective development of associates who serve as panellists on the fitness to practise committees.
2. Where concerns about the behaviour of a panellist arise a report shall be sent to the Chairman of the FPC (the Chairman) or another member of the FPC nominated by the Chairman (the Member).
3. The Chairman, or the Member, shall consider the report. If he or she considers that there might be an issue or issues, the panellist concerned shall be notified and given an opportunity to submit written observations. It is open to the Chairman, or the Member to decide at this stage whether, pending resolution of the matter, the panellist should continue to sit on panels.
4. On receipt of the panellist written observations the Chairman, or the Member, shall review the position. Before reaching a final decision it is open to the Chairman or the Member to meet the panellist to discuss the issue or issues raised. An officer of the Council shall attend any such meeting and produce a note of the meeting. If the Chairman, or the Member, concludes:
 - a. That no issue arises, that decision shall be recorded in writing and the panellist and person who provided the report shall be notified accordingly.
 - b. That there is an issue, or issues, the Chairman, or the Member shall report the matter to the President and notify the panellist concerned.
5. The President shall, on being notified about any such issues, appoint a sub group of the FPC to consider the matter referred. The sub group will normally comprise members of the FPC with relevant experience but it shall be open to the President, if he wishes, to co-opt other Council members. The quorum of the sub group shall be three but normally five members will consider any matter reported.
6. The Chairman or Member who considered the original report shall not sit on the sub group. It shall be open to the President, if he wishes, to sit on the sub group. If the President chooses to do so, he shall chair the sub group. If the President chooses not to sit on the sub group, he shall appoint a chairman from amongst the members appointed to sit on the sub group.
7. The panellist about whom concerns have been raised shall be notified of the date when the sub group will consider the matter referred to them and shall be invited to attend the meeting or to submit further written observations.

8. The panel shall have before them copies of all relevant documents including the documents considered by the Chairman or the Member and any further written observations received from the panellist.

9. If the panellist attends the meeting, he or she shall be afforded an opportunity to address the sub group and to answer any questions the sub group may put to him or her. The panellist should then withdraw so that the sub group can consider in private:

a. Whether any action is required.

b. Whether the concerns raised can be dealt with by remedial action. If so, the sub group shall agree the remedial action required, the period over which it is to be carried out and the mechanism for assessing whether the concerns about the panellist behaviour have been resolved.

c. If the concerns raised cannot be addressed by remedial action, or the panellist refused to undergo remedial action, whether the panellist should continue to be empanelled to sit on fitness to practise committees.

10. It shall be open to the sub-group to adjourn to obtain further information before reaching a final decision.

11. Where the sub group decides that:

a. No further action is required or that the matter can be dealt with by providing advice or a warning to the panellist, that decision together with the reasons for the decision shall be conveyed in writing to the panellist as soon as possible after the meeting. A copy shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns.

b. The concerns raised can be addressed by remedial action:

i. That decision, together with the reasons for the decision, shall be conveyed in writing to the panellist as soon as possible after the meeting and the panellists shall be asked to confirm, in writing, whether he or she is prepared to agree to the remedial action identified. A copy shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns.

ii. If the panellist agrees to the remedial action, the action identified shall proceed and the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.

iii. If the panellist does not agree to the remedial action, the matter shall be remitted back to the sub group to consider whether the panellist should continue to be empanelled to sit on committees and

the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.

c. The concerns raised cannot be addressed by remedial action or the panellist has refused to undergo remedial action, the sub group shall consider whether the panellist's appointment should be terminated. If the sub group so determine that decision, together with the reasons for the decision, shall be conveyed in writing to the panellist as soon as possible after the meeting. A copy of the letter shall be sent to the President, if he was not a member of the sub group, the Chairman or the Member who referred the matter and to the person who initially raised the concerns shall be notified.

12. Any decision taken by the sub group shall be reported to the FPC and through the FPC to the Council.

PCC SESSION BEGINNING 19.01.04

DR M. COSGROVE.

RE CHRISTOPHER BRIGHTMORE-PANEL MEMBER

At the outset of the hearing counsel for the doctor indicated that he would be seeking a stay of proceedings based on one of the charges being fraudulent in that although it purported to come from the mother of a child patient of Dr Cosgrove it was in reality from the Citizens' Commission on Human Rights(a branch of the Church of Scientology) and that the signature of the mother on the letter of complaint was not hers. He would also provide panel members with a Parliamentary Report(1969) on the Church of Scientology which would show its antipathy towards psychiatrists and its willingness to persecute and prosecute psychiatrists for what the Church perceived as their breach of patients' human rights.

At this point I felt it necessary to check if any member of the panel had links with the church and received no indication from any panel member. The panel then adjourned.

During the break Mr. B indicated that he wished to speak with me. He indicated that he had been commissioned by the Home Office to look at drug rehabilitation programmes and one of these was Narcanon a programme run by or allied to the Church of Scientology. He thought highly of the programme and had spoken favourably on it at a meeting in Germany. He indicated that he had no other links with the organisation. This information was shared with the Legal Assessor and with the two counsel. On resuming the session counsel for the doctor asked that Mr B. stand down. The panel agreed and Mr B. took no further part in the proceedings. This action was fully supported by Mr B.

On 26 Jan(one week later) defence counsel produced 2 letters dated March and May 2001 from the Citizens' commission on Human Rights which on the letter heading bore the name of a Mr Brightmore. In view of the fact that Mr B. had not indicated any close links with the organisation counsel speculated that if it were the same person the commission may have been using his name without authority and if so it would be further evidence of the disreputable behaviour of the commission and would strengthen his argument that their involvement in one of the charges would be a serious cause for concern.

That evening I was telephoned by Mr Brightmore who had been made aware of the fact that his name had come up at the hearing that day. I cannot be certain how he came to be informed. The name of Lady MacNair was mentioned but I am not sure if she was his informant or if she was the person who had encouraged him to become a commissioner. He indicated that he had been a commissioner of the Citizens' Commission on Human Rights but had resigned on the 1st. Jan 2001. the

Commission had been using up old notepaper and this was the reason his name still appeared in May 2001. He hoped that these revelations would not cause problems or embarrassment for the panel. I explained that counsel for the doctor had used this point to bolster his case and that I would have to report our conversation to the inquiry. This I did and defence counsel withdrew that strand of his submission.

These matters were reported to Scott Geddes on 27 Jan 2004 .

N. MacKay

01.02.04 -

Non-GMC Members of the Professional Conduct Committee and Committee on Professional Performance

Conditions of Service

Application

1. These conditions apply to all training and service as a member of the Professional Conduct Committee (PCC) and the Committee on Professional Performance (CPP).

Term of Service

2. Your appointment is for 5 years, effective from the point at which you are deemed by the GMC to have completed pre-service induction training.

3. Subject to the Committee's caseload, you must be available to be empanelled for at least 20 days each calendar year from date of appointment. In scheduling these 20 days, the GMC will endeavour to empanel you for sessions which do not conflict with your other engagements; but the final decision over when you are empanelled rests with the GMC.

4. If you have to cancel a commitment to empanelment, you must give the GMC as much notice as possible. You should cancel only in exceptional and wholly unavoidable circumstances.

Fees and expenses

5. The GMC will pay you a fee of £250 for each day or part thereof on which you attend for Committee training or you serve on a panel. The GMC will pay you £125 for each day you are empanelled and which is subsequently cancelled with less than 10 days notice. In addition the GMC will pay for travelling and subsistence expenses properly incurred by you within the limits as set out on the relevant claim form. All other costs and expenses other than travel and subsistence are included in the daily rate.

Confidentiality

6. In carrying out your duties as a member of the PCC and CPP, you will receive information, much of it of a highly sensitive nature. You must not (other than in proper discharge of your duties as a member of the PCC and CPP, or as otherwise directed by the GMC) directly or indirectly

- a) disclose to any person; or
- b) use or exploit for your own purposes or those of any other person

confidential information which you receive or comes into your possession in the course of your duties as a member of the PCC and CPP.

7. For these purposes confidential information shall include (but not be limited to) any information relating to a PCC or CPP case, and any information which you might reasonably expect the GMC to regard as confidential.

8. You must make sure that you keep all information which you receive in the course of your duties as a member of the PCC and CPP safely and effectively protected against improper disclosure. You must also do your best to prevent unauthorised disclosure or use of confidential information by third parties.

9. On written demand by or on behalf of the GMC you must immediately return any information which is in material form to the GMC without keeping copies and must hand over to the GMC all notes or memoranda prepared by you or on your behalf (together with any copies).

10. Unless the GMC or a duly authorised person acting on its behalf gives you prior written consent, you must not make any public or press statement relating in any way either to a particular PCC or CPP hearing, or your service as a member of the PCC and CPP generally.

11. You must never discuss or disclose details of the PCC's or CPP's in camera deliberations.

12. If you are required to make any disclosure of confidential information by law, you must co-operate with the GMC regarding the manner of such disclosure and any legal action that the GMC may take to challenge the lawfulness of any such requirement.

Your status

13. You are an independent contractor and not an employee of the GMC. As such you have personal responsibility for disclosing to the relevant authorities any payments made to you by the GMC under these conditions.

14. The contract of which these conditions form part is personal to you. You may not assign or subcontract the contract or any rights or obligations under the contract.

Conflicts of Interest

15. You must maintain high standards of behaviour and propriety at all times.

16. In particular, in carrying out your duties as a member of the PCC and CPP you

- must exercise independent and impartial judgement
- must analyse issues properly and rationally
- must not act in a discriminatory way

17. You must inform the GMC immediately of any information which might call into question your fitness and suitability for remaining a member of the PCC or CPP.

18. You must not ask for or accept any inducement, gift or hospitality which might affect or be seen to affect a PCC or CPP hearing.

19. If you have or may appear to have any interest in or association or connection with any person (whether financial, organisational or personal) which may or does give rise to a conflict of interest or the suspicion of a conflict of interest, you must notify the GMC as soon as possible.

20. If you have personal knowledge of any doctor or patient in respect of whom you have received, will or are likely to receive information in the course of a PCC or CPP hearing, you must inform the GMC as soon as possible and shall take no further part in that hearing unless the GMC (or a duly authorised person acting on its behalf) gives you written consent.

Termination

21. The GMC reserves the right to terminate your appointment without notice for any breach of the above conditions, or for repeated cancellation of empanelments.

ACKNOWLEDGEMENT

I have read and understood the above conditions. I agree to abide by them in my service as a member of the PCC.

Signed _____

full name
in block
capitals

CHRISTOPHER BRIGHTMORE

date

21st September 2001.

Code of Conduct for Panellists of the General Medical Council's Fitness to Practise Panels.

Being a panellist for the GMC carries with it responsibilities. In order that patients, the public and doctors may have confidence in the effectiveness and impartiality of Fitness to Practise Panels, panellists must undertake:

- a. To attend all hearings, seminars, training sessions or other meetings at which their presence is required, unless there is a good reason for them being unable to do so.
- b. That where they are unable to attend a hearing, seminar, training session or other meeting, to take all reasonable steps to give advance warning of their absence as soon as is reasonably practical to the organisers of such hearings etc (normally Committee Section staff).
- c. To prepare for all hearings, seminars, training sessions or other meetings at which they are required to attend by reading the agenda and any papers sent to them by the organisers of such hearings etc.
- d. To be alert to the possibility of any conflicts of interest, and to declare any such conflicts to Committee Section staff as soon as is reasonably practical.
- e. To dress in a manner which will have the confidence of those appearing before the panel.
- f. To listen carefully to all the evidence presented at hearings.
- g. To ask appropriate questions of witnesses to clarify evidence already presented.
- h. To be fair, open-minded and arrive at decisions untainted by bias or prejudice on grounds of gender, race, disability, lifestyle, culture, beliefs, colour, sexuality or age.
- i. To have regard to guidance issued by the Council when reaching decisions.
- j. To observe the confidentiality of information provided in connection with hearings, seminars, training sessions or other meetings
- k. To avoid placing themselves under obligation to any individual or organisation which might affect their ability to act impartially and objectively as a panellist.
- l. To declare in the Panellists register of interests their membership of other bodies or organisations in accordance with the Council's guidance on this matter.

m. To undergo education and training provided or organised by the GMC from time to time, so that they are properly informed about their responsibilities.

n. To participate fully in any assessment of peers, legal assessors or others and, where necessary, to report any serious anxieties about the conduct of panels or individuals participating in them to the panel chairman or, in the event of concerns about the panel chairman, to the Chairman of the Fitness to Practise Committee or the Head of Committee Section.

o. To support the above principles by example.

Signed:.....

Print name:..... CHRISTOPHER BRIGHTMORE

Date..... 23 December 2003

25 March 2004

Concerns about Christopher Brightmore – Lay Panellist

I have considered the memorandum about this panellist and read the supporting documents.

In my opinion, the issues raised are significant and relevant to whether he should continue as a GMC panellist. I request that these documents are disclosed to Mr Brightmore and that he should be invited to submit any observations he may have on the issues that they raise.

While these matters are under consideration, Mr Brightmore should not sit on fitness to practise panels.

Dr Joan Trowell
Chairman
Fitness to Practise Committee

File Note

Concerns about Christopher Brightmore – Lay Panellist

In the light of Dr Trowell's request that the documents submitted to her should be disclosed to Mr Brightmore and that he be invited to submit observations, I telephoned Professor MacKay to seek his agreement to disclose the written report he had submitted.

Professor Mackay confirmed he had no objection to the report being disclosed to Mr Brightmore. He added that when he had written the report he was aware that it was likely to be disclosed to Mr Brightmore.

Graziella Oragano
25 March 2004

Graziella Oragano (020 7915 3440)

From: Graziella Oragano (020 7915 3440)
Sent: 25 Mar 2004 19:52
To: Dr Joan Trowell
Cc: Paul Philip (020 7915 7421); Scott Geddes (0161 235 6323)
Subject: Draft letter to Mr Brightmore



Brightmore 25L.doc

Joan

Following your decision earlier today I have prepared the attached draft letter for you to send Mr Brightmore. Could you please let me know if you are happy with it or whether you wish to make ammendments. I will then arranged for a faired version of the letter to be given to you so that you can sign it and the letter and enclosure can then be dispatched.

Graz

PS As I shall be on leave next week could you please copy Scott into your reply in case he has to take this forward in my absence.

DRAFT

[] March 2004

Mr C Brightmore

Dear Mr Brightmore

I am sorry to have to write to advise you that I have received a report raising significant concerns about your conduct when serving on a panel of the Professional Conduct Committee (PCC). Those concerns relate to your failure to disclose your links with the Church of Scientology when given an opportunity to do so by the panel chairman and your subsequent failure to declare the full extent of those links. Your conduct also raises a question as to whether your continued service on panels would seriously undermine the integrity of those panels.

I enclose a copy of the papers referred to me. These comprise a memorandum from Graziella Oragano and the following attachments.

- A copy of the procedures for dealing with concerns about fitness to practise panellists.
- A copy of the agenda relating to the hearing, including the charge against the doctor, which was sent to you and the other panellists in advance of the PCC hearing.
- An extract from the transcript of the first day of the PCC's proceedings up to the point where you recused yourself.
- A copy of the two letters submitted by the defence counsel indicating that one of the people listed in the Citizens Commission on Human Rights headed note-paper was Christopher Brightmore MA DipNEBSS.
- An extract from the transcript of day four of the proceedings relating to defence counsel's submission of the two letters and his comments about them.
- An extract from the transcript of day 5 of the proceedings where the panel chairman reports the telephone call he received from you the previous evening in which you confirmed you were the Christopher Brightmore named in the Citizens Commission on Human Rights headed note-paper and that you had been a Commissioner of that organisation but had resigned the position on 1 January 2001.
- A written report submitted by the panel chairman, dated 1 February 2004.

- A copy of the Conditions of Service signed by you on 21 September 2001 when you were appointed to sit on fitness to practise panels.
- A copy of the Code of Conduct for Panellists, which you signed on 23 December 2003.
- A copy of the biographical details of the panel members who sat on the panel.

Once you have had an opportunity to consider this information I would welcome your written observations. Could you please ensure that those observations reach me by **[insert date 21 days after date of letter]**. I will then review the position and decide whether there remains an issue or issues to be addressed. You will, of course be informed of my decision.

In the meanwhile, I have instructed the office that with immediate effect you should not sit on any further panels while this matter remains under consideration.

Yours sincerely

Dr Joan Trowell
Chairman, Fitness to Practise Committee

Har/Alc

29 March 2004

Mr C Brightmore

GENERAL
MEDICAL
COUNCIL

*Protecting patients
and the public*

Dear Mr Brightmore

I am sorry to have to write to advise you that I have received a report raising significant concerns about your conduct when serving on a panel of the Professional Conduct Committee (PCC). Those concerns relate to your failure to disclose your links with the Church of Scientology when given an opportunity to do so by the panel chairman and your subsequent failure to declare the full extent of those links. Your conduct also raises a question as to whether your continued service on panels would seriously undermine the integrity of those panels.

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- A copy of the biographical details of the panel members who sat on the panel.

Once you have had an opportunity to consider this information I would welcome your written observations. Could you please ensure that those observations reach me by 20 April 2004. I will then review the position and decide whether there remains an issue or issues to be addressed. You will, of course be informed of my decision.

In the meanwhile, I have instructed the office that with immediate effect you should not sit on any further panels while this matter remains under consideration.

Yours sincerely

Dr Joan Trowell
Chairman, Fitness to Practise Committee

Complaint about Mr Christopher Brightmore

I have read and considered Mr Brightmore's response to my letter.

I do not plan to meet with the panellist as there is no dispute about the facts or issues that I could clarify by such a meeting as these are largely agreed and confirmed in the documents in the bundle

I consider that there are still outstanding issues of significance that should be brought the attention the President. Mr Brightmore should also be notified that these will be considered by a sub group of FPC.

Joan Trowell.
Chairman of the Fitness to Practise Committee
14 4 2004

MEMORANDUM

To: President
From: Dr Joan Trowell
cc: Graziella Oragano
Date: 16 April 2004

Concerns raised about Christopher Brightmore : Lay Panellist

1. The office has drawn to my attention concerns raised about Mr Brightmore, one of our lay fitness to practise panellists. Those concerns relate to Mr Brightmore's failure to disclose his links with the Church of Scientology when given an opportunity to do so by a PCC panel chairman and his subsequent failure to declare the full extent of those links. Mr Brightmore's conduct also raises a question as to whether his continued service on panels would seriously undermine the integrity of those panels.
2. In accordance with our procedures for dealing with concerns about panellists (copy attached) I wrote to Mr Brightmore inviting his written observations on the information I have received. Mr Brightmore responded and having carefully considered his observations I consider that there are outstanding concerns about his conduct that should be referred to you. I have written to Mr Brightmore to inform him of my decision.
3. I have asked Graziella to forward to you the bundle of papers reporting the concerns about Mr Brightmore, Mr Brightmore's written observations and my further letter to Mr Brightmore notifying him of my decision to refer the matter to you.

Memorandum

To	President
From	Graziella Oragano
Date	20 April 2004
Copy	Paul Philip (without enclosures)

Concerns raised about Christopher Brightmore: Lay Panellists

Referral by Chairman of FPC

1. Dr Trowell has referred to you the concerns raised about the behaviour of Mr Brightmore, one of our fitness to practise lay panellists. Dr Trowell's memorandum of 16 April 2004 reporting the matter to you is at flag A. As requested in paragraph 3 of that memorandum I also attach copies of the bundle of papers (flag B), Mr Brightmore's written observations (flag C) and Dr Trowell's letter to Mr Brightmore notifying him of her decision to refer the matter to you (flag D).

Action required by you

2. Under the procedure for considering complaints against panellists you are required to appoint a sub group of the FPC to consider the matter referred.

Appointment of sub group

What the procedure provides

3. The procedure provides that the sub group will normally comprise 'members of the FPC with relevant experience' but it is open to you to co-opt other Council members. The quorum of the sub group is three but the procedure states 'normally five members will consider any matter reported. Dr Trowell, having given initial consideration to the matter, is not eligible to sit on the sub group. It is open to you, if you wish to sit on the sub group and if you do so you will be the chairman. If you choose not to sit, you need to appoint a chairman from amongst those appointed to sit on the sub group.

Membership of sub group

4. A list of the current members of the FPC is at flag E. In addition to Dr Trowell, who is ineligible to sit, it may be best not to include _____ and _____ on the sub group as both have sat on panels with Mr Brightmore.

5. There is no requirement to have a set number of medical and lay members on the sub group and I assume you will wish to include a mixture of both.

7. It is open to you to sit on the sub group if you wish. Much will depend on your availability and at present I anticipate that the most likely date for the sub group to meet is the afternoon of 16 June; the FPC are meeting earlier that day and there is therefore a good chance that those appointed to the sub group will be available to sit in the afternoon. In anticipation of this I have asked your secretary to hold the afternoon of 16 June for this meeting should you wish to sit on the sub group. She has done so but alerted me to the fact that there is already another meeting in your diary that you may have to attend.

8. Mr Brightmore has telephoned me to explain that he is anxious for the sub group to meet as soon as possible as he is unable to sit on panels until the matter has been resolved. Although we will do our best to arrange a date as soon as possible previous experience suggests that we are unlikely to find a date sooner than 16 June.

Recommendations for sub group membership

Next steps

11. As soon as you have confirmed the membership of the sub group we will approach the members to find a suitable date.

Memorandum

~~To FRC~~ President

From / 5 Graziella Oragano

21 APR 2004

Date 20 April 2004

Copy Paul Philip (without
enclosures)

Concerns raised about Christopher Brightmore: Lay Panellists

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Recommendations for sub group membership

Next steps

11. As soon as you have confirmed the membership of the sub group we will approach the members to find a suitable date.

*I agree that a subgroup
be convened. As I do not want
to chair I accept the proposed
membership outlined in H-1/10*

20/5/10

GENERAL MEDICAL COUNCIL

*Protecting patients,
guiding doctors*

Sub Group of the Fitness to Practise Committee established to consider concerns raised about Mr Christopher Brightmore, a lay panellist

1. The Sub Group will meet on 16 June 2004 in room 4C of the Council Offices at 178 Great Portland Street, London W1W 5JE.
2. The Sub Group will consider whether, in the light of the information received about Mr Brightmore:
 - a. any action is required;
 - b. the concerns raised can be dealt with by remedial action. If so, the Sub Group must agree the remedial action required, the period over which it is to be carried out and the mechanism for assessing whether the concerns raised have been resolved;
 - c. Mr Brightmore should continue to be empanelled to sit on fitness to practise committees if the concerns raised cannot be addressed by remedial action, or if he refuses to undergo remedial action.
3. A bundle of relevant documents is attached. The bundle includes, at pages 6-8, a copy of the procedures for dealing with concerns about panellists. It does not include the Foster Report referred to at pages 28 and 29 of the bundle but a copy will be available on 16 June 2004 should any member of the Sub Group wish to refer to it. The bundle does, however include, at pages 61-68 copies pages from the Citizens Commission on Human Rights website, explaining what it is, what it does etc.
4. In accordance with the procedures for dealing with concerns about panellists, Mr Brightmore has been invited to attend the meeting and has confirmed, by telephone, that he will be present. A copy of this note and the attached bundle has been sent to Mr Brightmore.

Bundle of papers relating to Mr Christopher Brightmore

Index

	Page
Memorandum, dated 25 March 2004, from Graziella Oragano to Dr Joan Trowell, attaching:	1-5
• Procedures for dealing with concerns about panellists	6-8
• Copy of agenda for the PCC hearing	9-16
• Extract from day 1 of the transcript	17-32
• Exhibit D17	33-34
• Extract from day 4 of the transcript	35-37
• Extract from day 5 of the transcript	38-39
• Report submitted by Professor MacKay	40-41
• Copy of contract signed by Mr Brightmore	42-45
• Copy of Code of Conduct signed by Mr Brightmore	46-47
• Biographical details of the panel members	48
Note from Dr Trowell, dated 25 March 2004, recommending that Mr Brightmore be invited to provide comment and suspending him from sitting on fitness to practise panels until the matter has been resolved	49
File note by Graziella Oragano dated 25 March 2004 confirming that consent had been obtained from Professor MacKay to disclose his report	50
Letter, dated 29 March 2004, from Dr Trowell to Mr Brightmore inviting him to provide comments and informing him of his suspension, enclosing documents at pages 1 to 48	51-52
Letter, dated 3 April 2004, from Mr Brightmore to Dr Trowell	53-55
Email, dated 14 April 2004, from Graziella Oragano to Mr Brightmore confirming receipt of his letter	56
Note from Dr Trowell requesting that the matter be brought to the attention of the President and be considered by a sub group of the FPC	57
Letter, dated 16 April 2004, from Dr Trowell to Mr Brightmore informing him of her decision to refer the matter to the President who in turn will appoint a sub group	58

Memorandum, dated 16 April 2004, from Dr Trowell to the President	59
Letter, dated 13 May 2004, from Graziella Oragano to Mr Brightmore informing him of the date, time and venue of the sub group meeting and explaining that he may if he wishes attend	60
Pages from the Citizens Commission on Human Rights website	61-68



If you have been charged or are aware of false sexual assault, false imprisonment, confinement, electroshock, psychosurgery or other mental health abuse then CCHR is a group waiting to assist you. [Click here](#)

WHAT IS CCHR?

Home » What is CCHR? » Frequently Asked Questions

SEARCH

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What does CCHR do?

Thousands of individuals contact CCHR each year to report psychiatric abuse and criminality, such as false imprisonment, hospital fraud, sexual abuse and inhumane treatment and conditions in psychiatric institutions. CCHR documents this and helps the abused individual file criminal or other complaints with the proper authorities. It also conducts investigations in wider psychiatric issues, such as insurance fraud, high death rates reported in institutions, or the fraudulent labeling of children as "mentally disordered" and drugging millions.

Over a decade, CCHR's investigations led to the prosecution of over a thousand psychiatrists, psychologists and mental health workers. This has prompted legislators and insurance companies to withdraw funding to criminal psychiatric practices, and to pass laws to protect individuals from them.

Through CCHR's achievements, thousands of psychiatric victims have been rescued, patients have regained legal and civil rights, mental health acts have outlawed the arbitrary use of electroshock and psychosurgery and banned these savage practices on children, and legislation has been enacted to ensure psychiatric rape of patients is dealt with as a criminal offense. Many hundreds of survivors of psychiatric treatment have been compensated tens of millions of dollars for the damage they have suffered.

Is CCHR part of the Church of Scientology?

CCHR is an independent organization. It comprises members of the Church of Scientology and many other people of various denominations, faiths and cultural beliefs. Scientologists are not unique in their view that psychiatry is harmful. People from all walks of life are concerned about the destructive impact of psychiatry on society. They work with CCHR to do something effective about it. CCHR's Board of Advisors—called "Commissioners"—include prominent doctors, lawyers, artists, educators, businessmen, civil and human rights representatives

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and professionals who see it as their duty to "expose and help abolish any and all physically damaging practices in the field of mental health."

We are proud to have been founded by the Church of Scientology, which has a long and impressive history of human rights achievements. CCHR members work closely with Church members on social reform issues and consult with the Church's social reform or human rights departments.

Why is Scientology opposed to psychiatry?

When the Church of Scientology established CCHR in 1969, victims of psychiatry had no rights and needed a voice. "Treatment" was brutal, its only purpose to create compliant patients. Patients were subjected to punitive electroshock—without anesthetic as punishment for "bad" behavior. Using lobotomies and other psychosurgical procedures, psychiatrists destroyed patients' brains with callous disregard. Those under psychiatric "care" were mercilessly experimented upon with therapeutically unproven mind-altering drugs.

The founder of Scientology, Mr. L. Ron Hubbard, was the first to confront these desperate acts by psychiatrists. From the late 1940s, Mr. Hubbard saw psychiatry's reckless abuse of the individual and its incompetence. Later, he wrote: "The Church of Scientology will not recommend or condone political mental treatment such as electric shocks and condemns utterly the fascist approach to 'mental health' by extermination of the insane."

CCHR was formed to investigate and expose psychiatric violations of human rights and to clean up the field of mental healing.

Does CCHR give medical or legal advice?

CCHR does not provide medical or legal advice. However, it works closely with attorneys and medical doctors and supports medical, but not *psychiatric*, practices.

Anyone who feels he or she is "mentally ill" should see a competent non-*psychiatric* medical doctor as numerous medical studies show undiagnosed and untreated physical complaints can manifest as a "psychiatric" problem. In many cases, once the physical condition is treated, the mental "disorder" symptoms disappear.

CCHR also strongly recommends that anyone who knows of someone who has, or has himself or herself been physically or sexually abused by a psychiatrist, file a complaint with the proper law enforcement body and/or licensing board.

Why should electroshock treatment (ECT) be banned?

Very simply, electroshock destroys minds and can kill. Touted by psychiatrists as "scientific" and "therapeutic," ECT is as sophisticated and beneficial as hitting someone over the head with a sledgehammer. It consists of searing the brain with 180 to 460 volts of electricity. This causes a severe convulsion or a grand mal seizure identical to an epileptic fit.

Women and the elderly, in particular, are psychiatry's principal targets. The death rate among the elderly from ECT is about one in every 200. A 1993 Texas government report found that one in 197 patients died within two weeks of receiving this "treatment." Other studies document that electroshock inflicts irreversible brain damage, memory loss and a deterioration of intellectual ability.

Electroshock also has a sordid history as a weapon of torture and mind control.

When you deal with vulnerable people who are in desperate need of help, using ECT is not only betrayal, it is criminal assault. Electroshock should not be available as a choice, just as Thalidomide is not available to pregnant women. Psychiatrists who administer it for a living have a financial incentive to lie about its effects—in the United States alone it is a \$3 billion-a-year industry. It takes government action to safeguard its citizens by outlawing ECT.

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June 8, 2004


REPORT AN ABUSE



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CITIZENS COMMISSION ON HUMAN RIGHTS



If you have been subjected to a form of abuse, sexual harassment, or neglect, or if you are a victim of a psychiatrist, psychologist, or other mental health practitioner, CCHR is a group willing to listen to and help you.

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- ☐ Fraud Investigators
- ☐ Government Officials
- ☐ Human Rights Advocates
- ☐ Investigative Reporters
- ☐ Parents & Children
- ☐ Senior Citizens
- ☐ TV/Radio Producers

Issues:

- ☐ "ADHD" & "Learning Disorders"
- ☐ Drugs
- ☐ DSM
- ☐ Electroshock & Psychosurgery
- ☐ Fraud
- ☐ Involuntary Commitment
- ☐ Racism
- ☐ Restraints
- ☐ School Violence
- ☐ Waste of Public Funds
- ☐ Solutions

The Citizens Commission on Human Rights (CCHR) is a non-profit, public benefit organization dedicated to investigating and exposing psychiatric violations of human rights. It also ensures that criminal acts within the psychiatric industry are reported to the proper authorities and acted upon.



CCHR International headquarters in Los Angeles, California



Dr. Thomas Szasz

CCHR was founded in 1969 by the Church of Scientology and the internationally acclaimed author, Dr. Thomas Szasz, Professor Emeritus of Psychiatry at the State University of New York, Syracuse. At that time, the victims of psychiatry were a forgotten minority group, warehoused under terrifying conditions in institutions around the world. Because of this, CCHR penned a Mental Health Declaration of Human Rights that has served as its guide for mental health reform.

Acknowledged by the Special Rapporteur to the United Nations Human Rights Commission as responsible for "many great reforms" that protect people from psychiatric abuse, CCHR has documented thousands of individual cases that demonstrate psychiatric drugs and often-brutal psychiatric practices create insanity and cause violence. A major cause of the drug problem worldwide is the psychiatrist, who for decades has used his influence as a medical doctor to push extremely dangerous and addictive mind-altering drugs on persons of all ages—some as young as one year old.

Since 1969, CCHR's work has helped to save the lives of



millions and prevented needless suffering for millions more. Many countries have now mandated informed consent for psychiatric treatment and the right to legal representation, advocacy, recourse and compensation for patients. In some countries, the use of psychosurgery and electroshock on children is banned.

The reception area at CCHR International

While CCHR does not provide medical or legal advice, it works closely with attorneys and medical doctors and supports medical, but not *psychiatric*, practices.

One of CCHR's primary concerns with psychiatry is its unscientific diagnostic system. Unlike medical diagnosis, psychiatrists categorize symptoms only, not disease. Jeffrey A. Schaler, Ph.D., says, "The notion of scientific validity, though not an act, is related to fraud. Validity refers to the extent to which something represents or measures what it purports to represent or measure. When diagnostic measures do not represent what they purport to represent, we say that the measures lack validity... *The Diagnostic and Statistical Manual (DSM-IV)* published by the American Psychiatric Association... is notorious for low scientific validity."



Featured at CCHR's International Headquarters is the "Psychiatry Kills" Exhibit, which documents a 300-year history of betrayal by psychiatrists and psychologists and shows the decline of society under their influence

irritability, anxiousness, psychosis and death. And with virtually unrestrained psychiatric drugging of so many of our schoolchildren, it is no surprise that the largest age group of murderers today are our 15-to-19-year-olds.

Understanding this fraudulent diagnostic premise, we can see why psychiatry and psychology, entrusted with billions of dollars to eradicate the problems of the mind, have created and perpetuated them. Their drug panaceas cause senseless acts of violence, suicide, sexual dysfunction, irreversible nervous system damage, hallucinations, apathy,

CCHR's members include prominent doctors, lawyers, artists, educators, civil and human rights representatives and professionals who see it as their duty to "expose and help abolish any and all physically damaging practices in the field of mental healing." They work to accomplish these clearly stated aims with many like-minded individuals and groups, including politicians, teachers, health professionals, government and law

enforcement officers and media.

Today, 133 chapters strong in 34 countries, CCHR has established itself as a powerful human rights advocacy group and each year presents its Human Rights Awards to individuals who display exemplary courage in the worldwide fight for the restoration of basic human rights in the mental health area.

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TOPICS

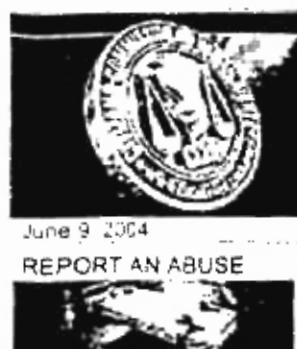
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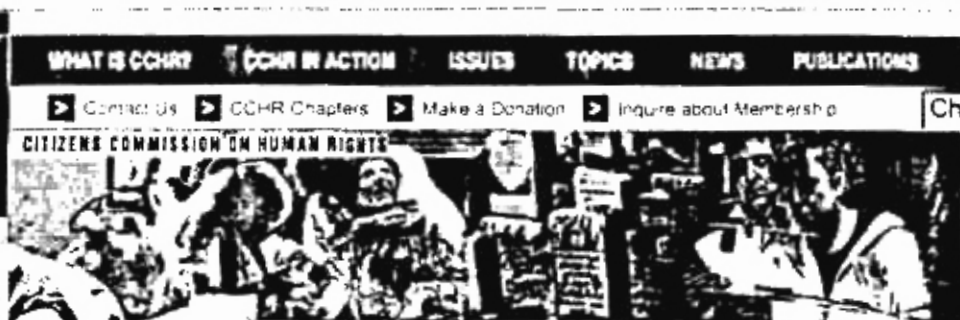
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If you have been subjected to or are aware of abuse, sexual assault, crime or malpractice committed by a psychiatrist, psychologist or other mental health practitioner, CCHHR is a group willing to help you.



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- ☐ Involuntary Commitment
- ☐ Racism
- ☐ Restraints
- ☐ School Violence
- ☐ Waste of Public Funds
- ☐ Solutions

Austin from Florida was hailed as "the poster child" for Attention Deficit Hyperactivity Disorder (ADHD). He had been kicked out of 11 preschools in three years for doing everything from shouting obscenities and hitting other children to poking a teacher in the eye with a pencil. He was prescribed stimulants. But after a blockage was removed from his colon, he suddenly stopped terrorizing his teachers and classmates. Austin, who is now 9, was able to sit quietly and was a joy to be around. "The bad behaviors disappear as soon as the impaction is removed," said Dr. Paul Hyman, chief of pediatric gastroenterology at the University of Kansas Medical Center in Kansas City.

A psychologist who diagnosed a young boy with Aspergers Syndrome recommended behavioral programs and a psychotropic drug. However, tests by audiologists confirmed a central auditory processing problem. The boy was acting up in class because he couldn't hear properly.



Each year, hundreds of such examples are reported to Citizens Commission on Human Rights (CCHHR) chapters around the world. While CCHHR does not itself give medical advice, standard, non-psychiatric medical care is strongly advocated. It has long been the policy of CCHHR that anyone with a mental condition should first see a competent, non-psychiatric physician to ensure that an undiagnosed, untreated physical condition is not causing "psychiatric" symptoms. This can save a person from being needlessly subjected to abusive and damaging psychiatric treatments.

We have every respect for medicine practiced as medicine, in a spirit of honest, ethical endeavor, and with due consideration to primacy of the patient's needs and health. However, we have every argument with the seduction and contamination of

in reply please quote

GMTO/AG

21 June 2004

Mr C Brightmore

**GENERAL
MEDICAL
COUNCIL**

*Protecting patients,
guiding doctors*

Dear Mr Brightmore

I write to notify you of the outcome of the Fitness to Practise Sub Group's decision following the meeting you attended on 16 June 2004.

As you are aware, the meeting had been convened to consider the concerns about your conduct at the Professional Conduct Committee (PCC) hearing on 19 January 2004, when you did not disclose, when asked in open session by the panel chairman, Professor MacKay, your links with the Church of Scientology and subsequently when you did disclose that you had some links you did not disclose that you had been a Commissioner for the Citizen's Commission on Human Rights (CCHR), which was founded by the Church of Scientology.

The Sub Group had before them, and had read in advance of the meeting, a bundle of papers containing all the relevant documents, including your letter of 3 April 2004 to Dr Trowell. A copy of that bundle had also been sent to you in advance of the meeting; when asked by the Sub Group Chairman you confirmed that you had received it. You also confirmed that you had received information about the interests of the Sub Group members.

The Sub Group gave careful consideration to the explanation you gave about your actions both in your general address and in answer to the questions put to you. They noted your admission that you had been wrong not to disclose that you had been a Commissioner for the CCHR and your apology for any embarrassment caused to the PCC and, in particular, to Professor MacKay.

They also recognised the dilemma you faced when, shortly before a break in the proceedings, Professor MacKay asked whether any members of the panel had any links with the Church of Scientology. The Sub Group accept that you intended to, and indeed did, inform Professor MacKay during the break in proceedings of an involvement with the Church of Scientology. However, by not responding to the question posed by Professor MacKay while the PCC were in public session you gave a false and misleading impression that you had no links with the Church of Scientology.

The Sub Group were concerned to note that the information you gave Professor MacKay did not fully reflect the full extent of your links with the Church of Scientology. When asked, you indicated that you knew little about the Church of Scientology or the CCHR when you agreed to become a Commissioner and that as your knowledge had increased you had felt increasingly uncomfortable and had resigned. You explained that you did not make full and frank disclosure of your links with the Church of Scientology because you were embarrassed and did not wish to appear foolish. The Sub Group concluded that your actions showed a serious lack of judgment. You were prepared to mislead Professor MacKay on two occasions to try and avoid appearing foolish. Your actions not only demonstrated errors of judgment but inevitably also raised questions about your integrity and probity.

The Sub Group then considered what action, if any, they should take. They concluded that given the seriousness of your conduct it was necessary to take action. In deciding on that action, they took into account your suggestion that they might issue a formal reprimand and make it a condition that you do not sit on any panels dealing with cases where the CCHR have drawn the matter to the attention of the GMC or, if the Sub Group thought it necessary, any case involving a psychiatrist. The Sub Group also bore in mind the importance of maintaining the trust and confidence of the public and the medical profession in its fitness to practise procedures, which requires the highest standards of integrity, impartiality and objectivity of all panellists.

The Sub Group first considered, as required by paragraph 9 of the procedure for dealing with concerns about panellists, whether remedial action was appropriate. They concluded it was not as the concerns raised about you included matters relating to integrity and probity that cannot be changed by remedial action.

The Sub Group next considered whether you should continue to be allowed to sit on panels. They considered the possibility of restricting your service to panels that did not concern cases involving the CCHR or psychiatrists. They concluded, however, that this would be inappropriate. Your failure to disclose your links with the Church of Scientology when specifically asked by Professor MacKay in public was a serious error of judgment and, in the opinion of the Sub Group, undermined the principles of openness, transparency and impartiality that are fundamental to the work of the panels. You compounded that error by only partially disclosing to Professor MacKay, in private, the extent of your links with the Church of Scientology. It was not until after the telephone call you received from Lady McNair several days later alerting you to events at the PCC hearing that you fully disclosed to Professor MacKay the extent of those links. The Sub Group concluded that those errors of judgment demonstrated a lack of the highest standards of integrity that the GMC demands of its panellists.

Taking account of all the circumstances, the Sub Group concluded that if you were allowed to sit on any panels in future it could raise questions about the integrity of those panels. That would be unfair to the doctors appearing before the panels, the witnesses and the wider public. The Sub Group therefore concluded that you should no longer continue to be empanelled to sit on any fitness to practise panel.

As required by paragraph 11c of the procedure for dealing with concerns about panellists, I am copying this letter to the President, to Dr Trowell in her capacity of Chairman of the Fitness to Practise Committee and to Professor MacKay who initially raised the concerns.

Yours sincerely

Graziella Oragano
Head of Committee Development Team
020 7915 3440
Fax 020 7915 3696
Email: goragano@gmc-uk.org

→ Graziella - for file

For President Sir Graham Catto

15 July 2004

Mr C Brightmore

**GENERAL
MEDICAL
COUNCIL**

*Protecting patients
guiding doctors*

Dear Colin

Thank you for your letter of 4 July 2004 about the outcome of the Fitness to Practise Sub-Group meeting on 16 June.

It is clear, from Graziella's letter of 21 June, that the Sub-Group recognised your admission that you had been wrong not to disclose your involvement with the Citizens' Commission on Human Rights (CCHR) and your apology. It is also clear that they considered the possibility of restricting your service to cases which did not involve the CCHR or psychiatrists, but that they did not consider that appropriate. The key point was whether your presence on any panel might give rise to questions of bias, real or perceived, which would call into question the integrity of those panels and thus jeopardise the proceedings. The Sub-Group concluded that it would and that this would be unfair to the parties to those proceedings and undermine the confidence of the wider public.

I appreciate that you are disappointed with the outcome of the Sub-Group meeting, but I am satisfied that the decision reached was correct

Yours sincerely