

[Chrismarlday@gmail.com](mailto:Chrismarlday@gmail.com)

23 November 2020

Mr Stephen Bint

The Cube

199 Wharfside Street

Birmingham B1 1RN

By email only; [Steven.Bint@sra.org.uk](mailto:Steven.Bint@sra.org.uk)

Dear Mr Bint,

I write following the video conference that I had with you and the SRA's Director of Legal on 18 November 2020.

Although I agreed to the SRA's request to keep the meeting confidential, I am very troubled with what I was told during the meeting.

On taking legal advice, I have been told that the SRA has no right to ask me to keep the agreed concluding positions of the meeting confidential which I hope we can agree on. Please can you clearly state if any of the facts are wrong in this letter.

### **Background to the video Conference**

In September 2019, the former health minister and lawyer Sir Norman Lamb and the City of London Police advised that the Solicitor Regulation Authority should perform an investigation into this matter after the SRA's initial refusal to do so.

3 separate investigations finally got underway into Capsticks, Hill Dickinson and BMA Law after a robust letter from Sir Norman Lamb to the CEO of the SRA dated 9 September 2019. Sir Norman Lamb also has highlighted a potential conflict of interest as one of the firms set to be under investigation was the SRA's main panel law firm.

The SRA have been investigating this matter for 14 months yet I was told the following at the video conference on 18 November which is quite frankly beyond belief;

1. It was confirmed that Capsticks was SRA's panel law firm and the SRA have not instructed Capsticks on this matter or any other law firm or counsel to replace the function of Capsticks.
2. It was confirmed that the SRA have not taken witness statements or interviewed any of lawyers with conduct of my case in any of the 3 firms that the SRA are investigating.

3. It was confirmed that the SRA have not taken a statement or interviewed Steven Lansdown the Hill Dickinson lawyer that drafted the LDA contracts in 2014 around the country (who left the relevant firm in 2015).
4. It was confirmed that the SRA have not taken statements or interviewed Rachel Spink the Hill Dickinson lawyer that had conduct of my case in October 2018 (who left the firm in late 2018.)
5. The SRA could not tell me whether or not they have found out which employment lawyers in Hill Dickinson helped the corporate lawyer Mr Lansdown shape the LDA. The LDA contracts governs the employment of 54,000 doctors around the country and other NHS staff.
6. You or your Director of Legal did not see the issue in the fact Hill Dickinson kept quiet in Court in May 2018 on the fact they drafted the 2014 LDAs but by doing this avoided having to pay from the firm's finances the £55k cost payment to me for not disclosing a 2012 LDA. It was paid from the taxpayer and not Hill Dickinson as the NHS agency HEE were blamed for the failure in disclosure. The 2014 LDA drafted by Hill Dickinson has never been disclosed and was obtained by a journalist in 2019.
7. You kindly agreed to consider Mr Plummer's role as the HEE investigating Director in my case, the fact he signed several 2014 LDAs in London and his role with Hill Dickinson in false pleadings as important context for the LDA complaint. It was confirmed the SRA had not considered this before despite this point being clearly made by me, Sir Norman Lamb and the Journalist Tommy Greene.
8. In respect of the relevant NHS Trust's public statements about the case and patient safety issues on the NHS websites and the SRA having;
  - a) My March 2019 ET1 that shows why the relevant NHS Trust public statements are false
  - b) Sir Norman Lamb expressing the same position
  - c) Sir Robert Francis QC and the Care Quality Commission (CQC) also expressing concerns about the NHS public statements
  - d) The NHS Trust's failure to date to even plead a case as to why the public statements are not false

The SRA appear to see no problem with Capsticks advising the Lewisham and Greenwich NHS Trust to keep the statements on the NHS Trust website once the Trust had been challenged by the CQC. The SRA apparently see this as the responsibility of the NHS Trust and not Capsticks and have also implied the statements are not untrue. The SRA did not say why they hold this position or engage with the facts or the position from Sir Norman Lamb, Sir Robert Francis QC or the Care Quality Commission.

9. In respect of the SRA's British Medical Association Legal Department investigation. I have advised the SRA of the fact that in 2019, the BMA commissioned an independent

investigation by the Barrister Jane Russel that investigated my case and other whistleblowing cases involving BMA members. The BMA also commissioned a further investigation in early 2020 by Thompsons Solicitors to focus on the BMA Legal Department and their panel law firm Gateley's handling of my case. I have not been allowed by the BMA to see the reports of either of these investigations. The SRA confirmed in the video conference that they have not attempted to obtain these documents despite me clearly directing the SRA to their existence. No explanation was given in our conference for this.

10. You or the SRA Director of Legal did not agree to get the SRA investigation to date externally reviewed by a law firm or barrister despite Sir Norman Lamb and a member of BMA Council also making this request.

It seems to me impossible to characterise the above actions as anything other than the SRA deliberately failing to conduct a proper investigation.

In my case, between £700k and now probably closer to a million pounds of public money has passed to the firms under investigation. The public, doctors and MPs have a right to know about the SRA's actions to investigate this matter which they are likely to find appalling given the issues at stake.

I am copying this letter to Sir Norman Lamb, my local MP, the relevant member of BMA Council that has also complained to the SRA, The Doctors Association and the relevant Bishop in the Church of England that has also complained to the SRA about this situation.

Yours Sincerely,



Dr Chris Day