

SUPPORTING EVIDENCE FOR GMC COMPLAINT AGAINST DR. ESTHER CRAWLEY

**Dr. Crawley's gross misconduct by conducting research in collaboration with commercial practitioners who are trading the intervention under investigation in the study in breach of Consumer Regulations and thus illegally; misleading the REC; breaching research participants rights to dignity and informed consent and putting her patients at risk**

SMILE is a pilot study of a product, named the Lightning Process by its creator, Phil Parker.

1. Letter showing that Phil Parker and the Phil Parker Group had been, and is currently, under investigation and under threat of legal action by the Trading Standards Service:

31st March 2011

*This is an update as to the progress of your complaint regarding The Phil Parker Group (referred to as TPPG). Thank you for all the information you have provided and I have spent some time doing my own research and speaking to experts. Clearly this is a complex matter which involves a large number of businesses spread over the UK. I agree with your view that there are a number of areas of TPPG advertising methods which could mislead consumers. Our main aim here to is advise businesses in order to get them to comply with the law in the quickest and most efficient way.*

*Having read your initial complaint letter I can see you are familiar with the Consumer Protection from Unfair Trading Regulations 2008 (referred to as the CPRs). As you have pointed out there are a number of areas where TPPG may have made misleading actions and omissions which constitute breaches of this legislation.*

*This being the case, Regulation 19 (4) of the CPRs compels us to:*

***...have regard to the desirability of encouraging control of unfair commercial practices by such established means as it considers appropriate having regard to all the circumstances of the particular case.***

*What this means is that we should consider established means when deciding how to enforce the CPRs. In this case the established means for advertising issues would be the Advertising Standards Authority (ASA).*

*There are a number of reasons why the ASA would be best placed to initially deal with TPPG, these are:*

*1) they have a national remit and can therefore adjudicate on businesses anywhere in the country. As we have previously discussed, there are Lightning Process practitioners all over the country. Therefore a national organisation would be best placed to deal with issues that cross local authority boundaries.*

*2) If the ASA adjudicate against one practitioner for displaying misleading information then they can easily apply the same adjudication to any other practitioner who displays the same information. This is unlike a criminal prosecution whereby each individual would have to be prosecuted for each individual offence. This will be particularly useful in instances where TPPG display information on their website that is replicated on many other websites.*

*3) Adjudications can be made public and the ASA can, if they so wish, publicise the fact that a business is refusing to comply with an adjudication. This is a very quick way to show a business may be doing something wrong without having to go to court. I have also found that the last ASA adjudication against a practitioner led to some significant changes on their website.*

*4) The CPRs can be fairly wide ranging and open to interpretation. The ASA codes are far more specific and make it easier to pinpoint areas where a business may be doing something wrong.*

*5) The ASA can ask a business to justify any claims they make. In a criminal prosecution we would have to prove beyond all reasonable doubt that the business was misleading consumers. Given the nature of some of the claims this could prove difficult to do.*

*As you may be aware internet advertising only became the remit of the ASA from 1st March 2011. I have been informed by them that they have received some complaints about this issue within the first week of March. Therefore the matter is currently under their consideration and we await any adjudication. I will also be making a complaint to the ASA on behalf of Hampshire Trading Standards to ensure that they cover all the areas that we have issues with - this will include their website and any YouTube videos TPPG, or its*

associates, have published..

*I have found from speaking to other Trading Standards departments and the ASA a number of Lightning Process Practitioners have shown a willingness to comply with the law when they are advised to do so. Therefore, at this stage I feel that ASA adjudications will be enough to make these businesses comply with ASA codes and CPRs. Should TPPG refuse to amend their marketing to comply with ASA adjudications then we always have the option of criminal prosecutions.*

*I hope this makes sense and if you have any questions please do not hesitate to contact me.*

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2. Letter from Joan Kirkbride, Head of Operations, England, NRES, that was sent to correspondents regarding the REC review of its favourable opinion of SMILE.

4<sup>th</sup> February 2011

*Assessing the feasibility and acceptability of comparing the Lightning Process with specialist medical care for Chronic Fatigue Syndrome (CFS/ME) - pilot Randomised Controlled Trial*

*Further to my letter of 6 January 2011 I would advise you that following the publication of the South West 2 REC Minutes, Mr Phil Parker has contacted NRES to point out an error in the documentation.*

*Whilst it is accepted that the Minutes are an accurate reflection of the discussions held, the consideration of one issue was not accurately presented to the REC for its consideration. The Minutes state that*

***"3. The Lightning Process (LP) is subject to trading standard and Advertising Standards Authority (ASA) enquiries. Complaints that Mr Parker made unsubstantiated claims of effectiveness have been upheld by the ASA and this is in line with data from the ME society indicating it is effective (or ineffective) or harmful as other therapies. It was noted that the judgement of the ASA was made after the submission of the application to the ethics committee. And corrective action had been taken."***

*Mr Parker has confirmed that the complaint that was investigated by the Advertising Standards Authority (ASA) did not concern him but rather an entity called "WithInspiration" with whom he has no financial, employment or other interest. It is a private business managed by a registered Lightning Process Practitioner and he had no ability to influence the day to day management or marketing of this business. The complaint made and subsequent adjudication was not related to Mr Parker and he has never been the subject of any complaint investigated by the ASA or by trading standards. NRES has verified this information at [http://www.asa.org.uk/Asa-Action/Adjudications/2010/6/Withinspiration/TF\\_ADJ\\_48612.aspx](http://www.asa.org.uk/Asa-Action/Adjudications/2010/6/Withinspiration/TF_ADJ_48612.aspx)*

*NRES would wish to apologise to Mr Parker for any embarrassment or difficulties which may have been caused by this incorrect information. NRES is organising for the SW2 REC to formally process an addendum to their minutes to correct this inaccuracy.*

*If you have organised any publication of the minutes of the SW 2 REC meeting, NRES would be grateful if you could publish this information, together with the NRES apology, to reflect the correct position.*

Yours sincerely

JOAN KIRKBRIDE  
Head of Operations, England

2.1 The ASA adjudication referred to, related to advertising by Alastair Gibson of the Lightning Process through the website "Withinspiration":

*"We were concerned that Withinspiration did not hold robust evidence to support their claims that the lightning process was an effective treatment for CFS or ME. We therefore reminded them of their obligations under the CAP Code to hold appropriate evidence to substantiate claims prior to publication. Because we had not seen any evidence to demonstrate the efficacy of the lightning process for treating the advertised conditions, we concluded that the claims had not been proven and were therefore misleading. The ad must not appear again in its current form. We told Withinspiration to ensure they held substantiation before making similar efficacy claims for the lightning process. The ad breached CAP Code clauses 3.1 (Substantiation), and 50.1 (Health and beauty products and therapies)." [http://www.asa.org.uk/Asa-Action/Adjudications/2010/6/Withinspiration/TF\\_ADJ\\_48612.aspx](http://www.asa.org.uk/Asa-Action/Adjudications/2010/6/Withinspiration/TF_ADJ_48612.aspx)*

2.2 Phil Parker and Alastair Gibson are the two Lightning Process practitioners named by Dr. Crawley in the NHS REC form as members of the SMILE research team. Withinspiration is the name of the website belonging to Alastair Gibson. Alastair Gibson is licensed by Phil Parker to trade the Lightning Process and at the time when the announcement of the SMILE study was made, there was an endorsement of Alastair Gibson's work by Phil Parker on the Withinspiration website. The denial by Phil Parker of any association with Alastair Gibson is therefore patently and indisputably untrue and the information has been presented in a such a way as appears deliberately intended to deceive.

2.3 The "corrective action" referred to in the letter from Joan Kirkbride was merely removal of a sponsored advertising link – the powers of the ASA did not extend to digital media/website content at the time (June 2010) i.e. while the SMILE study was under consideration for original approval, and after the study proposal had been announced in press releases and on the Withinspiration website itself. Alastair Gibson had not acted on the implication of the ASA ruling by amending the content of his website and therefore continued to act in breach of Consumer Regulations. Potential study participants were therefore subject to misinformation and unsubstantiated claims for recovery from the LP amounting to aggressive selling practices, which would have breached their ability to give informed consent to participation in the forthcoming study. Moreover, Dr. Crawley proceeded with collaborating with commercial practitioners who were breaking the law.

### 3. Alastair Gibson's Withinspiration website and the SMILE research

3.1 The following are examples of illegally unsubstantiated and exaggerated claims for the Lightning Process and misinformation about ME/CFS on Alastair Gibson's website, likely to influence parents' and young people's decision to participate in the study, which were sent for the attention of the SW2REC in October 2010, after their original decision to approve the SMILE study:

*"If you are currently suffering from ME / CFS Chronic Fatigue Syndrome, and you are ready to make a big difference in your life, and take the step to make positive changes to your symptoms, then the Phil Parker Lightning Process ® is here for you."*

*"Withinspiration specialises in offering a complete training program using The Phil Parker Lightning Process ®, and already over 10,000 people have used it to enable positive changes to take place with their symptoms. The Process is having fantastic results with ME, CFS, PVFS & Fibromyalgia and also offers rapid help to enable changes for other chronic long term conditions like sadness, anxiety, panic attacks, over eating, low self-esteem, guilt, obsessive thoughts and behaviours."*

*"If you are looking for a training programme to learn a technique for overcoming longterm conditions, such as **ME/CFS, sadness, obsessive thoughts and behaviours, anxiety or low selfworth** then the Lightning Process ® is the right choice."*

*"The Lightning Process® is a training program. Our experience is that if people apply the lessons of the Lightning Process® to their lives they can start to change old patterns of thinking which in turn influence their health and happiness."*

*"if I can inspire other people to break free from illness I will have paid back the gift I have been given"(success stories, Alastair page)*

*"The Phil Parker Lightning Process will teach you how to regain the control in your*

*life, and so give you the opportunity to break the spiral of illness, M.E, anxiety & stress, overwhelmedness, stuckness or low self esteem, or any other destructive patterns you have in your life. The key steps are*

- *Recognising the patterns which cause the destructive feelings in your life*
- *Creating an effective way of stopping these patterns*
- *Creating more useful alternative patterns of thinking and action.*

*In just a short while, often only HOURS after the first session, the new effective patterns replace the old ones, and allowing you to make more productive and happier choices in your life.*

*We know that seems hard to believe based on most people's experience of how M.E type disorders respond to most therapies or programs, but that's what we have found."*

3.2 To ask whether a patient is "ready to make a big difference in your life" misleadingly suggests that having a disease such as ME/CFS is a matter of choice; that sufferers of these conditions are somehow "doing life wrong". This theme is repeated throughout the advertising on the website for The Lightning Process e.g. in Susannah's story, "doing M.E" Janice's story "doing" the life she loves. Evie says, "I'm not doing M.E any more!"

3.3 It is seriously misleading to name a neurological disease such as ME/CFS alongside, "other chronic long term conditions like sadness, anxiety, panic attacks, over eating, low self-esteem, guilt, obsessive thoughts and behaviours", as none of the latter are illnesses, they are either emotional states or life-style issues; also misleading is the claim that it is possible to learn a simple technique for "overcoming" ME/CFS. Including ME in the list, "The Phil Parker Lightning Process will teach you how to regain the control in your life, and so give you the opportunity to break the spiral of illness, M.E, anxiety & stress, overwhelmedness, stuckness or low self esteem," and ending the sentence with "or any other destructive patterns you have in your life." again strongly implies that ME/CFS is a state of mind and not a physical condition.

3.4 Phrases such as "patterns of thinking" that "influence their health and happiness" clearly imply that patients can, through the Lightning Process, influence their symptoms by changing their thinking patterns to the extent that they will have their health restored and "get their lives back" just as Alastair Gibson claims he did, which strongly implies that the Lightning Process is a cure; a claim likely to influence the choice of young people and parents of children to participate in the study. Clearly, it is not possible to, "inspire" people to "beak free" from chronic physical illness or disability. This again suggests that people with ME/CFS are ill through choice and is therefore, both offensive to the children and their parents as well as misleading.

*"With any training program the trainer can only take responsibility for training and coaching to the best of their ability, and then the student must apply the lessons for himself or herself. If the student doesn't apply the training, then they will naturally see very little benefit."*

3.5 This is clearly a get-out clause for the LP vendor: if the training doesn't work, it is the fault of the trainee, not the trainer. This is both misleading and potentially harmful to the physical health of the child, who may continue to try to push on with the Lightning Process beyond their limits (see evidence re: post-exertional malaise) and also detrimental to their mental health when they "fail" to achieve recovery or improvement from he LP.

Further examples from The FAQs section of the website:

***"Is it difficult ?***

*No, anyone over 8 could learn the techniques. But there will probably be times when you don't feel like doing it, but still must, to get a good result. There may also be times when you don't know when to do it and will need help to spot the signs. It takes discipline and persistence, which some people would find difficult. and occasionally they give up or stop doing it. This is when they need extra support and coaching. For most people who do the training, the most difficult thing about it, is getting there in the first place." "It takes discipline and persistence, which some people would find*

difficult”.

3.6 This is a clear implication that unsuccessful participants lack discipline or persistence, which is not only an unfair and offensive implication, but potentially damaging to children, in particular in terms of their feelings about themselves and others' (e.g. parents') feelings towards them if the Lightning Process fails to work for them.

**Does anyone fail ?**

*No, not in our opinion because if you DO the Process it works. If you don't, it doesn't. Some people don't keep doing the Process until they have improved all their symptoms, so may not feel successful, or may think the Process doesn't work for them. At this point, they need further support and coaching to help them get the result they want. Once you have learnt the Lightning Process, it is your choice whether you use it or not.*

3.7 This claim implies a 100% success rate for participants who “DO the process”.

**“Does it last or will I get ill again ?**

*Yes it lasts; you will make permanent changes to your health.”*

**“Who doesn't it work for and why ?**

*If you don't apply the Process consistently you will get variable results and further coaching is essential to get you back on track. Occasionally, people stop applying it before all their symptoms have improved and so do not get the full benefit. Like learning any new skill you may need help if you trip up. It won't work if you don't use it.”*

**“I'm bedridden, can I still do it ?**

*Yes, you can start slowly and gently. Complete wellness is achievable no matter how ill you are now.”*

3.8 Although severely ill children are excluded from the study, the implication here is that if, “complete wellness” **is** achievable even for the bed-ridden, the less severe children who will be recruited, are very likely to do so.

**“I'm afraid of relapsing ?**

*After the first session you will continue to go from strength to strength until you have made positive changes to all your symptoms. If you apply the Process consistently, relapsing isn't an issue.”*

**“I'm worried that the training will be too tiring ?**

*Yes, it can seem hard to imagine how you will manage it, but your symptoms can start improving in the first session and thereafter things get easier.”*

**“It sounds too good to be true. Is there someone I can talk to who has used the Lightning Process?**

*Yes, we'll be happy to put you in touch with other people who have experience of using the Lightning Process to get well.” (from FAQs page)*

3.9 There is no offer to put prospective participants in touch with people having not been made well or having been made worse by the LP and there has been no indication in the study protocol or in the patient information leaflets that participants may be put in touch with such people.

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4. When asked by the Trading Standards investigating officer to review the Withinspiration to check whether changes had been made in January 2011, it was found that substantial changes had been made (i.e. some time between October 2010 and January 2011) and the following from the website was noted:

*"How to make this change to your physiology permanent by practising the steps so that they become automatic, leading to health and well being."*

4.1 The claim that the Lightning Process can change a person's physiology is obviously unsubstantiated and the SMILE research is not designed or intended to investigate such claims. No scientific measurements have been previously carried out on subjects of the LP and biomedical assessments are not included in the

outcome measures for this study. Such claims will therefore remain unvalidated when the study is concluded and should not continue to be made.

*"you will understand how the cycle of ill-health becomes self-perpetuating but most importantly, on day 1 you will discover how to break this cycle and start reducing your symptoms."*

4.2 This continues to suggest that participants are maintaining their illness by unhelpful thoughts or feelings about illness, and can recover by thinking themselves out of it.

*"100% \* of people who have completed our training would recommend others attend the Lightning Process with Alastair Gibson."* (with asterisk to the footer: *"As from 1st Dec 2010 all attendees have agreed this."*)

4.3 NB: this was only January 2011, therefore a somewhat disingenuous statement to make.

There is a link to Alastair Gibson's blog from the website, in which he writes:

*"As you will have read, it is possible to positively change from Chronic Fatigue Syndrome, I know because I have."*

*"I've taken time out from detailing my recent journey with the Lightning Process, just to keep you a bit more up to date with what's happening lately, and to inspire you, so that you can dream of what it will be like for you, when you have done the Lightning Process Training and **recovered** from your symptoms."*  
This promises a cure.

#### 5. Untruthful information provided by the NRES – was this provided by Dr. Crawley?

Alastair Gibson is named on the NHS REC form, along with other members of the research team, as involved in the SMILE study, and this announcement was published on Alastair Gibson's Withinspiration website in March 2010:

*"Breaking News – NHS and Lightning Process research collaboration.  
A new pilot study involving the Lightning Process and the NHS has been awarded £164,000 for research into the treatment of CFS/ME in children and adolescents. Alastair Gibson is one of the two practitioners working with the NHS and the young people in this exciting research study. Find out more."*

Yet, in a letter dated 16<sup>th</sup> March 2011, Mrs. Kirkbride of the NRES wrote in response to a query about Alastair Gibson's involvement in the SMILE study:

*"It was never the intention that Alastair Gibson would provide research interventions and no change has been made since initial submission."*

As Chief Investigator, Dr. Crawley is responsible for providing information that is untrue.

#### **Conclusion**

Dr. Crawley's involvement in this matter of the illegal trading practices of the LP practitioners engaged in her research by: a) failing to either disclose or make clear to the REC that Alastair Gibson became the subject of a ruling by the ASA in June 2010; b) by producing for the ethics committee review in December 2010, a letter in denial of any involvement by Phil Parker in illegal trading practices relating to the Lightning Process, without making the situation sufficiently clear for the REC to form a judgement; c) together with her apparent failure to correct the information once published, suggests that she has been complicit in this deception throughout, placing the interests of herself and the LP traders above those of the young research participants, thus compromising their safety, dignity and their right to informed consent.

That Dr. Crawley is proceeding with this research in the knowledge that colleagues in her research team are breaking the law, brings the medical profession into disrepute, compromises the scientific validity and credibility of the research, puts her patients at risk and casts serious doubt on her fitness to practice.