

Dr Jack Glatt
c/o 31 Bull Road, Stratford
London, E15 3HQ

September 1st, 2000

Margeret Ewings
Professional Conduct Committee
General Medical Council,
178, Great Portland Street,
London, W1N 6AE

Dear Ms Ewings,

RE FDP/MME/2000/2119

I am returning the completed short questionnaire form and the evidences as requested, together with a slightly revamped complaint to accommodate the evidences. Please note that the Evidences are in Letter size rather than A4, and care will therefore be required in photocopying! I have mislaid Mr R Margara's Witness statement. Could you please obtain a complete copy from him, and forward me a copy?

You should recall that this complaint was prompted by my recent legal case against Lord Winston et al which the Defendants conceded, settling out of court on May 2nd 2000. I insisted that part of the settlement agreement would encompass permission for me to forward relevant parts of the Defendants Discovery documents directly to the GMC with respect to this complaint. I have therefore incorporated the relevant evidences into my complaint. In view of the court victory, I believe it important that the GMC should now take proper action as a matter of urgency. In any prospective hearing the both parties should limit their evidences and witness statements to those provided in the court action unless there are other submissions both parties mutually agree, or the GMC wish to admit on an exceptional basis in the interests of justice.

You will further recall my expressing reservations at how the GMC handled my complaint against Lord Winston in 1991. Despite the seriousness of the matter, the complaint did not pass the first hurdle of an investigation. Accordingly, I reformulated the complaint forwarding more than enough evidences to instigate an inquiry. Once again, the complaint did not pass the initial reviewer stage, and was dismissed. I was astonished – more so because of the rare instance of a physician (myself) having instigated the complaint rather than a lay member of the public. I could only conclude that Winston's nationwide reputation was such that the GMC was not interested in pursuing the matter; alternatively, the GMC's review process was extraordinarily incompetent and the GMC's popular image of a brainless dinosaur whose main interest was in protecting doctors rather than investigating them, was accurate. I believe both suspicions are accurate. The GMC's inaction was, in my opinion, an abrogation of public duty which made a mockery of the impartiality and suitability of its own procedural process. It shook my trust and confidence in the ability of the profession to properly supervise itself, and cost me dearly. I hope you will understand my wish to express feelings openly.

I trust that the GMC will now pursue a proper investigation with the due diligence that the public and profession expect of it. I respectfully submit that the manner of Lord Winston's misconduct and deceit is such that he should not be allowed to remain in medical practice. If Lord Winston is found guilty of professional misconduct I trust the GMC will not be tentative in its response, but will take the appropriate disciplinary action.

Yours sincerely



Jack Glatt MRCP MRCOG

September 2000

Complaint to the General Medical Council Professional Conduct Committee re Lord Professor Winston

by Dr Jack Glatt

Introduction

I am requesting that the GMC formally investigate Lord Winston in respect of serious professional misconduct in relation to his involvement in a Cook Report television programme produced by Central Television, called "The Baby Business". This was broadcast on April 16th 1991 and part of the programme featured a mutual patient – Philippa Langton. This excerpt was rebroadcast in July 1991 as part of the best of the Cook Report current series, and yet again in December 1994 as part of the best of the Cook Report decade.

I had originally forwarded a complaint to the General Medical Council on 11th June and 18th October 1991 **reference MRB/KE/PDI/8941**. This was not progressed by the GMC even though I believed I had furnished more than enough evidence to instigate an inquiry into Lord Winston's professional conduct. I subsequently issued a writ for defamation against Lord Winston in 1995 as well as the Central Television and Roger Cook. I am pleased to say that the Defendants settled out of court on May 3rd 2000, and agreed to pay me substantial damages. The agreement permits me to use the defendants' discovery documents, as required, to forward to the GMC in connection with Lord Winston's role in this affair.

Accordingly, I am now asking the GMC to instigate a proper investigation into Lord Winston's conduct. I would be grateful for your reopening the previous correspondence on this complaint.

The complaint is that Lord Winston disparaged my professional abilities and calculatingly misinformed the patient (Philippa Langton) and the Cook Report programme about the condition of Philippa Langton's uterus in order to publicly ruin my reputation. In so doing Lord Winston deliberately sacrificed the remainder of this patient's reproductive career, and is guilty of gross professional misconduct.

Philippa Langton had sought a second opinion from Lord Winston in November 1991 about 2 months after her 3rd early miscarriage in my London clinic's IVF programme. He misinformed her - deliberately so according to the evidence - that her uterus could not sustain a pregnancy on the basis of an alleged 'congenital uterine septum', leading her to believe that she had wasted her money. He then told her to voice this falsely engineered complaint to the Cook Report – a programme with which he was already closely associated - and she duly quoted this opinion on the broadcast. However, Lord Winston had not contacted myself, my clinic, nor the consultant (Mr Trevor Dutt) who had initially referred her to me, prior to the broadcast in order to obtain the results of our investigations which would have refuted this assertion completely. Moreover, prior to the broadcast, he arranged two further major tests of the uterus. These also failed to demonstrate a uterine septum or indeed any other significant disorder that would have prevented her from sustaining a pregnancy. Lord Winston did not attempt to contact the referring Consultant, Mr Trevor Dutt, until a few days after the broadcast. Mr Dutt then forwarded Lord Winston his own X-rays of the uterus. Lord Winston admitted in his witness statement that Dr Dutt's X-rays did not demonstrate a uterine septum either. After being fully aware of the devastating impact of Philippa Langton's televised complaint (April 91) that he had engineered, Lord Winston wrote to the British Medical Journal in May 1991 falsely claiming that he had nothing to do with the Cook Report's treatment of me. Finally, a repeat hysteroscopy performed by Lord Winston about half a year after the first broadcast also did not demonstrate a congenital uterine septum either.

I will now chronologically outline the relevant facts as substantiated by evidences gleaned from Discovery documents and witness statements on both sides of the case of **Glatt v Roger Cook, Central Television, and Lord Winston**. I have made comment about these facts in the bulleted, indented subsections.

Chronological Details

1. **24 Sep 87** **Referral to IAC** Philippa Langton was referred to me at my clinic (the Infertility Advisory Centre –IAC) for consideration of In Vitro Fertilisation or GIFT by her consultant obstetrician and

gynaecologist, Mr Trevor Dutt, head of the infertility clinic at the Royal Northern Hospital. He provided a detailed referral letter¹ mentioning that a laparoscopy and hysterosalpingogram (HSG) had been performed at his hospital but no significant abnormality of the uterine cavity was described. These tubal patency tests were described as satisfactory.

2. **16 Dec 87** **Hysteroscopy at IAC** A hysteroscopy was performed by my colleague, Dr Marcus, at the IAC. His notes were very detailed² confirming that the uterine cavity was perfectly normal.
3. **87- 90** **IVF at IAC** Philippa Langton subsequently had 7 IVF attempts at the IAC. The first IVF attempt was in January 1988. She had 6 embryo transfer procedures and conceived after 3 of these IVF procedures having each time a visible gestation sac and embryo on ultrasound scans, but sadly miscarried on each occasion without ever having a detectable embryo heart beat. The last IVF pregnancy was confirmed in August 1990.
4. **13 Nov 90** **First Consultation with Lord Winston** Philippa Langton had an initial NHS consultation with Lord Winston approximately 2 months after her 3rd (last) miscarriage at the IAC. There was another man present throughout the consultation to whom she was never introduced. Philippa Langton eventually discovered at a later date that he was, in fact, a journalist from the Cook Report programme³. Regarding this first consultation, Philippa Langton stated; "I do remember his (Lord Winston's) horrified expression when I told him that I had been treated by Dr Glatt"⁴. Ms Langton's GP, Dr Sharpey-Schafer, had written a referral letter to Lord Winston in which she quoted Mr Dutt as having written that his HSG of 1986 showed a small 'T' shaped uterus⁵. Philippa Langton stated⁶ that she thought it was at this first consultation that Lord Winston told her that her uterus could not sustain a pregnancy without an operative procedure.

- The NHS waiting list to see Lord Winston for a first consultation was approximately 2- 3 years, and many months to be seen privately. However, Philippa Langton was seen after an NHS referral in a matter of only a few weeks. This short cutting of the waiting list indicates that Lord Winston was scanning the referral letters (see below) with specific intent to find suitable "cases" as requested by the Cook Report⁷.
- Lord Winston arranged for the Cook Report journalist to be present, clandestinely, during the first consultation as part of a premeditated setup.
- Lord Winston's look of horror was, in my opinion, for the patient's benefit. The grimace was pronounced enough to be recalled by the patient many years after the event and is equivalent to disparagement. Lord Winston is, incidentally, an amateur dramatics actor.
- There was no record of a physical examination being performed at this time – indeed not until February 1991 when the patient was admitted for laparoscopy and hysteroscopy.
- The GP's description of the uterus being "T" shaped is not significant unless of a marked degree which is not the case with this patient, and would then have an association with maternal ingestion of DES (diethylstilboestrol) during pregnancy. Its irrelevance would have occurred to Lord Winston at the first consultation, as; -
 - The author of this "T" shaped description, via the GP, was Mr Dutt. Mr Dutt had obviously not been concerned by this as he had initially referred the patient to me specifically for IVF as must have been clear to Lord Winston from the GP's own referral letter, and the patient history. Referral to me for IVF would self evidently not have been contemplated in the presence of a truly pathological "T" shaped uterus.

Mr Dutt would not have continued with extensive further work up over the 6 months following the X-ray and would not have prescribed the fertility hormones Clomid and Premarin, as clearly described in the GP letter to Lord Winston, had Mr Dutt considered there to be a significant abnormality in the uterus.
 - The GP would not have co-operated with prescribing courses of expensive, powerful Pergonal fertility injections for each of the IVF treatment cycles had she had doubts about

¹ EVIDENCE 1 - Mr Trevor Dutt's referral letter to the IAC

² EVIDENCE 2 - IAC medical notes

³ EVIDENCE 3 - Langton Witness Statement page **** Presence of a Cook Report journalist at 1st consultation

⁴ EVIDENCE 3 - Langton Witness Statement page **** Lord Winston's expression of horror

⁵ EVIDENCE 4 - GP referral letter

⁶ EVIDENCE 3 - Langton Witness Statement page **** Lord Winston claimed uterus could not sustain a pregnancy

⁷ EVIDENCE 5 - Cook Report letters to Lord Winston asking him to trawl for cases and advise the programme

the ability of the uterus to sustain a pregnancy or had concern regarding a “T” shape uterus.

- Evidently Lord Winston considered the “T” description to be irrelevant, as there was no assertion of a “T” shaped uterus in his own patient’s notes, nor in correspondence to the GP, nor in his own Witness Statement
- Further points; -
 - Mr Dutt did not consider the “T” description of any significance which is why he did not mention it to me in his referral letter⁸.
 - My expert radiology opinion (Dr Shaw) states the uterus is normal⁹ (the degree of the “T” appearance being within the normal realm).
 - Lord Winston’s own HSG (see section 5) did not show a “T” shape uterus.
 - Lord Winston’s purported diagnosis was a congenital uterine septum (see below) - not a “T” shaped uterus.

The reason that I have emphasized the irrelevance of the “T” shaped uterus at this stage is in light of the final paragraph in section 5, below.

5. **15 Nov 90** **Hysterosalpingogram (HSG)** performed by Lord Winston.

- This study did not show a congenital uterine septum. This is confirmed by Mr Dutt’s, Mr Parson’s¹⁰ (my general expert), Mr Afnan’s¹¹ witness statements and by Dr Shaw’s report and Witness Statement (my specialist radiology expert)¹². I believe it highly significant that Lord Winston failed to introduce a specialist’s radiology opinion of his own. Moreover, his own general expert’s witness statement (Dr Djahanbakhch) did not assert that there was a congenital uterine septum.¹³ Lord Winston’s departmental colleague, Mr Margrara, *****¹⁴
- At the end of the first consultation note¹⁵ Lord Winston had taken the effort to record “**Pt booked for lap & hysteroscopy NHS.**” –but made no mention of his plan for an HSG in only 2 days time. Neither the request for, nor the result, of this X-ray was mentioned anywhere in the patient’s notes. Nor did Lord Winston inform the GP of the result, which is remarkable considering that he sent the patient to the Cook report on the basis of its alleged findings. It was as if it this X-ray was secret.
- The Cook Report journalist present during the first consultation wrote¹⁶ at the time that, “**At present she is being rushed through for an X-ray, on our behalf, to confirm that her uterus is indeed deformed**”. It was surely unethical to subject a patient to a radiological procedure on behalf of a TV programme.
- The journalist’s note continued; - “**If so, Glatt’s treatment amounts to professional negligence.**” It is apparent that Lord Winston had already discussed my professional ability with the journalist in terms questioning my competence though there was no factual evidence of such. Investigations, nor a physical examination, had yet taken place.
- The Cook Report wrote to Lord Winston prior to the broadcast on 2 occasions¹⁷ asking for the results of X-rays taken on Philippa Langton but Lord Winston failed to reply. Why not?
- Lord Winston alluded to the patient that she had major problems with her uterus on the basis of the GP’s second hand description of Mr Dutt’s first (1986) HSG¹⁸. He did so without making any

⁸ EVIDENCE 6 - Mr Dutt witness statement, Para 5

⁹ EVIDENCE 7 - Dr Shaw’s radiology report

¹⁰ EVIDENCE 37- Mr John Parson’s general expert witness statement

¹¹ EVIDENCE 8 - Mr Afnan’s witness statement

¹² EVIDENCE 9 - Dr Shaw’s expert radiology witness statement

¹³ EVIDENCE 10 - Excerpt of Mr Djahanbakhch’s general expert’s opinion relating to Philippa Langton

¹⁴ EVIDENCE 36 -Mr Raul Margara’s witness statement re Lord Winston’s HSG

¹⁵ EVIDENCE 11 - Hammersmith Hospital notes

¹⁶ EVIDENCE 12 - Cook report journalist – rushing through HSG on Cook Report’s behalf

¹⁷ EVIDENCE 5 - Cook report asking Lord Winston for his X-ray evidence of uterine problems and to trawl for patients

¹⁸ EVIDENCE 3 - Philippa Langton’s witness statement

attempt to determine what the description meant, or to await the results of investigations (hysteroscopy, laparoscopy, and HSG) that he had already ordered. However, Lord Winston performed an HSG only 2 days later but it did not show signs of a “T” shaped configuration. In fact it showed the opposite – being “V or Y” shaped. Yet Philippa Langton reported¹⁹ that Lord Winston told her that the result of the HSG confirmed his “impression” of 2 days previously.

6. **Feb 1991** **Laparoscopy and Hysteroscopy at Hammersmith Hospital** This operation was booked by Lord Winston but performed by his colleagues in his department, Mr Raul Margara (consultant) and Mr Massoud Afnan (senior registrar, now consultant Birmingham) as Lord Winston was out to the country at the time according to Ms Langton’s witness statement. The operation report²⁰ stated the following;- **“Good view of the uterine cavity. Both horns seem “very prominent”. Otherwise normal”**.
 - Note should be made of the phrase **“Otherwise normal”**; - no mention was made of a congenital uterine septum in the operation notes, nor in the progress notes written as a follow up to this operation.
 - The letter to the GP²¹ on 7 April 1991 written in reference to this laparoscopy and hysteroscopy made no mention of a uterine septum. In fact, this letter stated that further IVF was being considered at Hammersmith Hospital. IVF would not have been entertained had there been any significant pathology within the uterus.

7. **16 Apr 91** **First Broadcast** Philippa Langton claimed that according to the “second opinion” she subsequently sought (now known to be Lord Winston) her uterus could not possibly sustain a pregnancy, and the seven IVF’s at my clinic had therefore been a “rip off”.²²

8. **April 91** **Lord Winston’s Phone Call to Mr Dutt** Lord Winston did not contact Mr Dutt for medical details of our mutual patient until a few days after the first broadcast²³. According to Mr Dutt’s description of this phone call Lord Winston said he thought Philippa Langton had Asherman’s syndrome. Mr Dutt then informed Lord Winston²⁴ that his (Dr Dutt’s) X-rays of 1986 did not show evidence of Asherman’s syndrome, and he forwarded Lord Winston a copy 22 Apr 91.
 - Asherman’s syndrome means adhesions within the uterine cavity. Its clinical manifestation can vary from insignificant to an amount sufficient to obliterate the uterine cavity. It occurs as a rare complication of ERPC’s (Evacuation of Retained Products of Conception) following births or miscarriages. Accordingly, if present pathologically, it would have occurred following the pregnancies in my clinic.
 - It is evident from Mr Dutt’s letter describing their phone call that the possibility of a uterine septum was not raised by Lord Winston.
 - It is clear from the discovery documents that Lord Winston did not inform the Cook Report of his contact with Mr Dutt, and presumably he did not advise the patient of this either.
 - Lord Winston did not keep his promise to send Mr Dutt copies of his own HSG of 15 Nov 90. Why not? – one can reasonably assume because it showed the uterus to have no significant abnormality.
 - No explanation has been given for making the contact after the broadcast, but not before.

9. **18 May 91** **Lord Winston’s letter to the British Medical Journal** He claimed in this letter²⁵ that he had nothing to do with the treatment of me by the Cook Report. He wrote this before his specific role in the programme – other than as an apparently impartial commentator - had been suspected. This was untrue, for the following reasons:-

¹⁹ EVIDENCE 3 – Winston stated his HSG confirmed his suspicion regarding Philippa Langton’s uterus

²⁰ EVIDENCE 11 - Hammersmith Hospital notes page 3

²¹ EVIDENCE 13 - Letter to GP following hysteroscopy and laparoscopy of Feb 1991

²² EVIDENCE 14 - excerpt, transcript first broadcast

²³ EVIDENCE 15 - letter from Mr Dutt documenting phone inquiry from Lord Winston re Langton’s HSG of 1986

²⁴ EVIDENCE 16 - Letter from Mr Dutt to Lord Winston

²⁵ EVIDENCE 17 - Lord Winston’s letter to the BMJ

- As evidenced by the discovery documents²⁶ he was the only doctor the programme relied on to trawl for sensationalist cases and to give advice about specific clinical questions.
- He told the patient to approach the Cook Report with the fabricated complaint he had planted²⁷.
- Lord Winston filmed his interview at least 2 months²⁸ after he had directed the patient to the Cook Report and thus knew I was to be a focus of attention on the programme. In this interview he made derogatory remarks about private infertility practitioners in the private sector being below par and not being able to make the grade in the NHS. He knew that these comments would be directly referable to me when he filmed them as I was the only doctor on the programme who was not a consultant in the NHS. In fact the Broadcasting Complaints Commission²⁹ found in favour of Professor Craft's formal complaint that these words could be assumed to refer to his own clinic even though his featuring on the programme was much further distanced than my own with respect to Lord Winston's comments.
- After the broadcast Lord Winston had definitive confirmation of the damaging way that his own words were used, and that they were placed within seconds of my being featured. However, he then wrote to Central Television³⁰ specifically condoning the use of his words thus:- **"I see no great problem with the placing of my comments within the context of the programme."**
- Dame Mary Donaldson was at the time chairperson of the Voluntary Licensing Authority which licensed IVF clinics in the UK. She contacted³¹ the Cook Report after the broadcast asking about the manner of medical advice. She then wrote to me on 24 April 91 stating that she had been informed **"Medical advice was taken on the programme and the final version was approved by the advisers"**.

Lord Winston would have been fully aware of the devastating impact the programme would have on my reputation, the highly damaging role that Philippa Langton's complaint had in this context, and the critical use of his film interview. Lord Winston had an opportunity to set the record straight in his letter to the BMJ and to apologise for his role in the affair. He pointedly refrained from doing so. Instead, he lied to one of the world's most august medical journals regarding his close involvement with the TV programme, his responsibility for the Philippa affair, and the pointed direction of his film interview.

10. **16 Jul 91** **I faxed a Formal Letter of Complaint to Central Independent Television**

I explained the definitive evidence I had at the time that showed the patient's uterus was not pathological³².

11. **18 Jul 91** **Second Broadcast** An excerpt of the Philippa Langton clip was featured for a second time in which she asserted that I had "ripped off" her off.³³

12. **22 Jul 91** **The Cook Report Requested Lord Winston Respond to Complaint**

The Cook Report wrote to Lord Winston requesting he respond to my letter of complaint³⁴, asking him specifically to **"..put in writing your clinical management to date – your assessment of her uterus and what test brought you to your conclusion much in the same clinical format that Dr Glatt has done"**.

- Please recall that Lord Winston had not answered the previous Cook Report requests for X-ray evidence of the patient's alleged uterine deformity which would make her unable to sustain a pregnancy, prior to the broadcast.

13. **29 July 91** **Lord Winston 's Response to the Cook Report Request**

²⁶ EVIDENCE 5 - Cook Report letters to Lord Winston asking him to trawl for cases and advise

²⁷ EVIDENCE 18 - Lord Winston advised the patient to complain to the Cook Report – also see Evidence 3, page 12

²⁸ EVIDENCE 19- Lord Winston witness statement - he filmed his interview at least 2 months later – page ****

²⁹ EVIDENCE 20 - Broadcasting Complaints Commission findings for Professor Craft

³⁰ EVIDENCE 21 – Winston letter to Central TV, 29th July 91, page 4, top para

³¹ EVIDENCE 22 - Letter from Dame Mary re medical advisors to programme

³² EVIDENCE 23 - My letter of complaint to Central Independent Television

³³ EVIDENCE 24 - Excerpt of transcript 2nd Broadcast

³⁴ EVIDENCE 25 - Cook Report letter, 22nd July 91, requesting Lord Winston to respond to my complaint

Lord Winston's response was malicious. See evidence³⁵.

- Lord Winston did not properly reply to the Cook Report request of 22 July 91. He devoted only one sentence within a five page diatribe in response, without mentioning any test or factual evidence³⁶ (see Para 8 of Lord Winston's response). Lord Winston continued to conceal the results of his own investigations (HSG and hysteroscopy) of the uterus, of Mr Dutt's telephone call opinion, as well as the result of Mr Dutt's HSG, and the fact that Lord Winston agreed³⁷ that Mr Dutt's HSG did not show a congenital uterine septum.
- Lord Winston had every opportunity to dissociate himself from what happened, and to set the record straight even at this late stage. His response of 22 July 91 was calculated to do exactly the opposite. It was a diatribe aimed at doing everything possible to justify his actions, and to denigrate my professional abilities. I believe that Lord Winston felt impelled to do this in an attempt to maintain his credibility with the Cook Report by trying to diminish my own, at all costs.
- There was a single entry in the whole of the patient's hospital notes which alleged a uterine septum and this was inserted out of context of any investigation, without explanation, on 28/7/91. This was within the same week of the letter dated 22/7/91 from the Cook report calling on Lord Winston to provide evidence for his opinion. Moreover this entry was written a day prior to his reply of 29/7/91 in which he informed the Cook Report, for the first time, of his claim of a uterine septum. These dates are not coincidental and strongly indicate that this single/unique entry into the whole of the patient's notes, of a claim of uterine septum, was a fabrication penned in response the Cook Report's direct inquiry.

14. Aug 91 My Rebuttal of Lord Winston 's Response

I rebutted Lord Winston's answer, point by point as per submission to the GMC in 1991, though I have now updated it slightly in order to incorporate some of the more recent discovery evidences³⁸.

- Lord Winston did not make any specific reply according to the Discovery documents. Why not?

15. 12 Sep 91 Hysteroscopy by Lord Winston. Lord Winston claimed in his operation report³⁹ that he was able to enlarge the uterine cavity by a factor of three via the hysteroscope. Thus a massive degree of intrauterine adhesions was implied.

- No mention of a congenital uterine septum was made in these operation notes, the following progress notes, nor in the subsequent letter to the GP which outlined the result of this operation⁴⁰.
- Neither Lord Winston's operation notes, nor the follow up progress notes, made any attempt to explain the gross discrepancy between this alleged new finding of massive adhesions, and the previous investigations which showed insignificant adhesions.
- However, the patient stated⁴¹ Lord Winston informed her that 5 further operative procedures would be required to get the uterus ready for consideration of fertility treatment. This is extraordinary. Lord Winston, I believe deliberately, omitted to mention in the medical notes that this recommendation was made precisely because it was so obviously unjustifiable. There was no justification for this premeditated, excessive number of operative treatments and, given her age of 40 years, this treatment programme would have sealed Philippa Langton's reproductive fate. The inescapable conclusion is that the allegation of massive adhesions was spurious; - invented because Lord Winston realised that investigations to date had come to light showing his previous assertion of a congenital uterine septum was unsustainable. Lord Winston would have considered it vital to justify his allegation of a disastrous state of the uterus given the current Broadcasting Complaints Commission inquiry, as his own reputation and career was would have been at stake. Further, I believe the recommendation for five operative procedures was a ploy to prevent Philippa Langton from seeking a 3rd opinion which would have exposed Winston's deceit, as it would have kept her under his care for some time to come.

³⁵ EVIDENCE 21 - Lord Winston response, 29th July 91, to my letter of complaint

³⁶ EVIDENCE 21 - Para 8 of Lord Winston's response, 29th July 91 to my letter of complaint

³⁷ EVIDENCE 19 - Lord Winston agrees that Mr Dutt's X-rays did not show a congenital uterine septum, para 39

³⁸ EVIDENCE 26 - My rebuttal of Lord Winston's response

³⁹ EVIDENCE 27 - Hammersmith Hospital notes, Evidence 11, page 7

⁴⁰ EVIDENCE 27 - Hammersmith Hospital hysteroscopy note to the GP, Nov 91, page 8

⁴¹ EVIDENCE 3 - Langton witness statement, Evidence 3, para 33

16. **5 Dec 91** **Philippa Langton Letter to Lord Winston, Abandoning Further Treatment**

Philippa wrote a handwritten letter to Lord Winston following the September 1991 hysteroscopy. In this letter she thanked Lord Winston and explained that she was giving up on infertility treatment and considering adoption. This was an understandable decision given;-

- she had required 3 invasive tests of her uterus in the course of 12 months, two of which required general anaesthesia.
- The alleged need for the investigations over the 12 months meant that she had not been given any infertility treatment during this time, and she was now 40+ years old.
- She was told she would need 5 further operative procedures.
- Lord Winston told her that the previous years of treatment by me at the IAC were wasted medically, and thus financially.

17. **29 Dec 94** **Third Broadcast of the Philippa Langton Excerpt.** This reiterated the claim that Philippa Langton had a “**congenital, badly malformed uterus**” and had therefore been given “**false**” hope⁴².

Miscellaneous Comment

- Lord Winston failed to contact me to discuss details of our own investigations and management of this patient at any time up to currently. Yet he had written⁴³ to me in December 1991 - around the same time as Philippa’s referral to Hammersmith Hospital - requesting routine background details on a different patient who also received IVF treatment cycles at my clinic after which she had also, similarly, been referred to him. The failure to contact me regarding Philippa Langton’s background was, under the circumstances, a deliberate abrogation of professional duty. It can be understood in the context of his already having decided on an irrevocable course of action to destroy my reputation, and therefore not wishing or needing to know the truth of background investigations.
- Lord Winston did not reveal to the Cook Report that I had worked in his department for approximately 3 years⁴⁴. This was an important caveat but I believe he knew they may have then suspected a hidden agenda or grudge on his part in targeting me.
- Lord Winston was deeply involved as the major de facto advisor for the Cook Report. Early correspondence demonstrated they relied on him to trawl for cases they could portray on the programme. They wrote to him, and presumably phoned him on occasions, to ask for advice on various medical matters. At one point a programme researcher wrote on 21 December 1991 “**I still, desperately need more couples who have been badly treated.**”

⁴² EVIDENCE 28 - transcript of excerpt, 3rd broadcast

⁴³ EVIDENCE 29 - Lord Winston request for background details on a different patient

⁴⁴ EVIDENCE 19 - Lord Winston witness statement, Para 31

- The prognosis for multiple miscarriages is excellent. The great majority have no specific treatable cause. Fortunately, though the syndrome is extremely frustrating for all concerned, the great majority eventually carry to term without specific treatment. I believe that Philippa Langton's outlook was good despite the fact that reproductive age was quite possibly a significant factor in her early miscarriages. Had she been given further treatment cycles I do believe that she would have had realistic chances of a pregnancy going to term.
- The body of my complaint makes comment about my clinics high success rates and low prices. I believe it relevant, and important, to reinforce the ethos and standards of my clinical practice by enclosing witness statements from two physicians, Dr Makhanji⁴⁵, and Mr Al –Taher.⁴⁶
- I believe that Lord Winston's behaviour was inspired by a mix of hatred, spite and professional jealousy. In the usual scheme of things it would normally be difficult to demonstrate such motives, but, in addition to the evidence above, would like to present the following additional information;- In May 90, Lord Winston threatened me with legal action for not replying to his initial letter requesting medical information with particular reference to laparoscopy details on a patient who had previously attended the IAC. He had written for the details only once. No reminder letter had been sent in the interim. Accordingly, to have made such a threat was absurd. It should be noted from my reply that the laparoscopy had not, in fact, been performed at the IAC and that the other clinical details had already been sent.⁴⁷
- Lord Winston's Witness Statement contains significant inaccuracies. I addressed these in a letter that I sent to my solicitors in preparation for the legal case of May 2nd 2000. These comments and additional information are relevant to my submission to GMC⁴⁸. Similarly, I am enclosing a copy of my comments on Mr Margara's⁴⁹, and Mr Djahanbakhch's witness statement as it pertains to Philippa Langton⁵⁰. The GMC will see the video of the whole programme and have the complete transcript; I am therefore enclosing my complete witness statement⁵¹.

Summary

I believe I was the first practitioner to achieve IVF success totally within the independent sector and did so in the remarkably short time of 7 months. I had been the first practitioner to open a second major IVF and infertility clinic in a separate city (in Solihull), and the first to open a third centre, in Leeds— only about six months prior to the broadcast. Coincidentally, Lord Winston was on the letter heading of the only other private IVF clinic in Leeds. Our success rates were higher than the national average⁵² and in the last year of operation I believe my Birmingham centre had the highest success rate in the country⁵³. Our fees were among the lowest in the independent sector, and I was on the point of signing a lease for a new clinic in Newcastle, and was actively negotiating to open another in Torbay. Thus, prior to the TV broadcast my clinics were flourishing.

Lord Winston helped to destroy my reputation and career by deliberately deceiving the patient and a TV programme.

Lord Winston could not possibly have had an honest opinion that the patient had a congenital uterine septum. This is borne out by the recorded results at his own institution, investigations performed by myself and Mr Dutt, and the failure of his own expert opinion to endorse the presence of a septum. Indeed none of the investigations up to the time of the broadcast were confirmatory of any significant uterine problem that could lead him to inform the patient that she would be unable to sustain a pregnancy.⁵⁴

Within 2 days of the first consultation, Lord Winston told the patient to complain to the Cook Report – a programme with which he was already heavily involved, and on which he was destined to appear as an apparently impartial commentator. He had not even recorded a physical examination of Philippa Langton by this time. His advice to complain to the Cook Report was not spurious, or founded on error, but based on a trumped up medical condition devised by him in a deliberate wish to deceive her and the Cook Report. Lord Winston did not attempt to glean vital details of previous medical tests on her uterus from myself or Mr Dutt, and he was aware that Mr Dutt would not have sent the patient to me for IVF if Mr Dutt had any genuine doubt about the status of the uterus

⁴⁵ EVIDENCE 30 - Witness statement, Dr Makhanji

⁴⁶ EVIDENCE 31 - Witness statement, Mr Al -Taher

⁴⁷ EVIDENCE 32 - Winston's threat of legal action re patient details

⁴⁸ EVIDENCE 33 - My comments re Lord Winston's witness statement

⁴⁹ EVIDENCE 36a- My comments re Mr Margara's witness statement

⁵⁰ EVIDENCE 10a- My comments on Dr Djahanbakhch's witness statement pertaining to Philippa Langton

⁵¹ Evidence 39- Jack Glatt Witness Statement

⁵² EVIDENCE 34 - Letter from Dame Mary Donaldson, Para 5 re IAC success rates

⁵³ EVIDENCE 35 - IAC Birmingham success rates 1993-4

⁵⁴ EVIDENCE 38- Mr Roger Neuberg's Witness Statement, Para 12

according to his own HSG. Thus, he could not possibly advise this patient as to the status of her uterus or her future management without contacting myself and Mr Dutt for relevant details. Moreover, at that time Lord Winston's own HSG did not confirm any congenital uterine problem though the result of this was kept secret from the medical record, the GP, Dr Sharpey-Shafer not informed, and requests for details of x-rays by the Cook Report were not answered.

Had Lord Winston any genuine doubt about the interpretation of previous tests or treatment, he would have contacted myself, Mr Dutt, or discussed the matter with the GP. Alternatively, had he genuinely wished to formulate an appropriate complaint, he would have sought the same contact, or recommended the patient to approach these authorities in the first instance, or contact the local area health authority, the health ombudsman, a citizen's advice bureau, solicitor, or the General Medical Council.

Instead Lord Winston told Philippa Langton to go to the Cook Report. The Cook Report programme's main ethos is to defrock known villains and crooks as publicly as possible. Its usual targets are gangsters, con artists, fraudsters, extortionists, drug dealers, etc.. He was aware there was no independent medical tribunal on the programme and that he was the only source of medical advice for the programme regarding this patient. He was the de facto medical advisor in this respect. Lord Winston gave his television interview at least 2 months after having directed the patient to the Cook Report. He therefore knew that I was to be a major target, and all words spoken by him in his film clip were voiced in knowledge that I was to be a major focus of the programme. As I was the only physician criticised on the programme who was not an NHS consultant (a point emphasized in the programme), Lord Winston also knew the derogatory comments he made about physicians in the private sector being below par and unable to make the grade in the NHS, would be understood by the viewing public to be aimed at myself. After the programme Lord Winston wrote a letter to the Cook Report in which he specifically endorsed the juxtaposition and use of his film interview stating; - **"I see no great problem with the placing of my comments within the context of the programme."**

Malice is evident by the use of the Cook Report in this manner, lying about the medical status to the patient and television, his untruthful letter to the British Medical Journal, secreting a journalist into the first consultation unbeknown to the patient, concealing and/or withholding his own medical evidences, failing to obtain vital information regarding previous investigations, and penning a malicious letter to Central TV after the broadcasts. It is further evident by his failure to offer any formal regret or apology offered until forced to do so by threat of legal action (commenced in 1995) at the very gates of the law courts on 3rd May 2000. Furthermore, there has been no attempt at personal contact up to this current time.

In the meantime, Philippa Langton's reproductive career was irreparably harmed by Lord Winston's deceit. He lied to her about her condition, subjected her to investigations that were not necessarily indicated, and exposed her to 2 general anaesthetics. All this took 12 months – at the commencement of which she was already 39 years old and had not a moment to lose. The final act of deceit was after advising her that his personally performed hysteroscopy had now "revealed" overwhelming adhesions - hitherto unsuspected despite previous exhaustive, and repeated, investigations spanning years. He then gave her the extraordinary advice that 5 further operative procedures would be required before definitive infertility treatment could be considered. He sacrificed her reproductive career in order to destroy my professional career.

I find it difficult to adequately express the enormity of what has happened. The effect on myself, my career and my personal life was disastrous. Personal hurt and humiliation is difficult to put into words but I would like to refer you to the last pages of my Witness Statement.

Philippa Langton's experience was as fateful. I cannot think of how any Physician practising in the field of infertility could so ruthlessly destroy a patient's hopes and aspirations. Philippa Langton placed her reproductive destiny in Lord Winston's hands with the full trust that any patient has the right to expect of a doctor. Her reproductive career was at stake; her happiness, future, and thoughts of children and grandchildren were all part of an unspoken but well understood component of the patient-physician relationship. The other side of the equation was well understood too; to do one's best for the patient honestly and with all the skills and integrity that membership of the medical profession demands. This did not happen.

I have done my best to explain what transpired, and have presented the evidences that I believe prove gross professional misconduct beyond reasonable doubt.

Please let me know if further Evidences would be helpful
All references should be read as a whole

Signed

Date

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