

**Professional Conduct Committee**

**Practice Note: 2018/1**

**Draft Standard Directions for the progression of cases from referral by an Investigating Committee to a final hearing before a Professional Conduct Committee.**

**Introduction**

The purpose of the standard case directions is to enable osteopaths and their legal representatives to engage with the fitness to practise process to ensure timely progression and conclusion of cases which benefits both the osteopath and the public interest.

The Professional Conduct Committee has no power to draw adverse inferences at a hearing in the event that the GOsC or the osteopath and their legal representatives do not comply with any direction nor can the Committee impose costs.

**Preamble – overriding objective**

These Directions have the overriding objective of enabling the GOsC to deal with cases fairly, justly and expeditiously in the public interest.

Dealing with a case justly and at proportionate cost includes:

- a. dealing with the case in ways which are proportionate:
  - i. to the importance of the case
  - ii. to the complexity of the issues
- b. All parties must assist in furthering the overriding objective and co-operate in the implementation of the standard case management directions.
- c. This Practice Note applies to all allegations referred to the Professional Conduct Committee (PCC) from the Investigating Committee (IC). It does not apply to cases referred by the Investigating Committee to the Health Committee.

**Directions**

1. Upon referral from an IC, the GOsC shall either serve upon the registrant within six weeks: the finalised allegation and all material relied upon (including any expert evidence), together with a list of unused material in their possession.

OR

2. The GOsC will serve upon the registrant an explanation as to why Direction 1 cannot be complied with, together with an estimated date for service.

3. The GOsC will also send the Registrant a listing questionnaire asking for the information set out at Direction 4 below.
4. Upon service of the allegation in its final form, the registrant shall – within four weeks – respond to the accompanying listing questionnaire setting out:
  - a. which factual allegations are admitted and which are denied
  - b. whether unacceptable professional conduct and/or professional incompetence is admitted
  - c. in the event of a disputed case, which witnesses are challenged (ie required to attend the final hearing)
  - d. whether there are legal arguments/applications in the case (e.g abuse of process, admissibility of material, application for a private hearing, whether the registrant objects to a witness being treated as vulnerable witness/ provide evidence via video link)
  - e. any request for material on the list of unused material
  - f. whether there is an intention to instruct an expert witness
  - g. the Registrant’s time estimate for their own questioning of the GOsC’s witnesses
  - h. the Registrant’s time estimate for presentation of their own evidence including the number and identity of witnesses
  - i. dates to avoid for final hearing.
5. Either upon receipt of the listing questionnaire or four weeks after its service, in accordance with Direction 1, whichever comes first, the GOsC Case Manager will provide the Hearings Officer with a time estimate for the hearing of the case.
6. The Hearings Officer will then liaise with the GOsC Case Manager and the registrant to identify a suitable hearing date and give notice of this date to the parties.
7. **Expert evidence:** not less than four weeks before the hearing, the registrant will submit any expert report they intend to rely upon in the case. Within one week of receipt of this expert report, the GOsC will indicate whether they intend to rely upon any additional expert evidence in rebuttal together with the date this will be served (in any event not later than two weeks before the hearing).
8. Where both the GOsC and the registrant intend to rely upon expert evidence, the parties are encouraged to facilitate a meeting of these experts prior to the

final hearing. This should be done in good time and at least one week before the hearing to enable the experts to prepare a joint document setting out areas of agreement and dispute between them.

9. **Other registrant evidence:** will be served upon the GOsC not less than four weeks before the start of the hearing.
10. **Rebuttal:** Any rebuttal material relied on by the GOsC will be served three weeks before the hearing.
11. **Bundle for hearing:** The parties will liaise and seek to agree the contents of their bundles for use at the final hearing not less than two weeks prior to the final hearing. Where the admissibility of material is disputed, it will not be included in the agreed bundles but paginated separately.
12. **Skeleton arguments:** The parties shall serve skeleton arguments on each other not less than seven days prior to the hearing and, where possible, all references will be as per the bundles agreed in accordance with Direction 10 above.
13. All material to be relied on at the final hearing will be submitted to the GOsC for distribution to the PCC at least seven days before the hearing commences.