



Practice Note:

Consideration of Undertakings at Interim Suspension Order Hearings

Effective from: 1 May 2014

Updated 2023

1. This practice note applies to the following statutory committees of the General Osteopathic Council: The Investigating Committee; the Professional Conduct Committee; and the Health Committee ('the fitness to practise committees').
2. Sections 21 and 24 of the Osteopaths Act 1993 provide a power for the fitness to practise committees to impose an interim suspension order on an osteopath.
3. The statutory test for the making of an interim suspension order is whether the relevant fitness to practise committee '...is satisfied that it is necessary to do so in order to protect members of the public...'
4. The Osteopaths Act 1993 and the rules of procedure which govern proceedings before the fitness to practise committees do not provide any power for a committee to impose conditions on an osteopath's practice on an interim basis. The fitness to practise committee should have regard to the [Guidance for the Fitness to Practise Committees on imposing Interim Suspension Orders](#).
5. However, in deciding whether or not it is necessary to make an interim suspension order, a fitness to practise committee may take into account undertakings offered by the osteopath. Undertakings are promises made by the osteopath in relation to their future practice and behaviour, until the further investigation and final decision is made about the allegations against them.
6. In addition, the fitness to practise committee has an inherent discretion to propose undertakings where it considers these would be sufficient and proportionate to address the risks it has identified in the particular case. If the fitness to practise committee proposes potential undertakings, it must first invite submissions from the osteopath and the GOsC before reaching a decision. Any undertakings agreed must conform with the requirements set out at paragraph 8 below.
7. For the purpose of this practice note, undertakings are defined as solemn written promises which:
 - a. are made by the osteopath to the fitness to practice committee considering allegations against them; and
 - b. set out the terms on which the osteopath will voluntarily restrict their practice until the final determination of the allegations made against them.

7. A fitness to practise committee may take into account undertakings which:
 - a. are in writing
 - b. are addressed to the fitness to practise committee considering the allegation
 - c. are signed by the osteopath
 - d. contain an express acknowledgement that the osteopath accepts that the undertakings constitute a solemn promise to the fitness to practise committee regarding their practice or behaviour
 - e. contain an express acknowledgement by the osteopath that a failure to comply with the undertakings made by them may amount to unacceptable professional conduct
 - f. contain express consent by the osteopath to the publication of the undertakings on the GOsC website
 - g. contain express consent by the osteopath for the GOsC to provide the undertakings to any person that the GOsC considers appropriate in the public interest
 - h. address the nature of the allegations made against them and clarify how the proposed restrictions would protect the public
 - i. set out restrictions on the osteopath's practice in numbered paragraphs and without ambiguity
 - j. set out restrictions which can be measured and monitored
 - k. explain how compliance with the restrictions can be shown to the GOsC on a regular basis
 - l. confirm that the restrictions will remain in place until the final decision is made on the allegations against the osteopath by the fitness to practise committee, or until such other date given by the fitness to practise committee
 - m. include a requirement to notify the GOsC immediately if the osteopath becomes aware that they may not be able to comply with the restrictions
8. When proposing undertakings to a fitness to practise committee that require monitoring or the involvement of third parties such as employers, an osteopath will be expected to provide evidence to the committee that any third parties are aware of the allegations that have been made against the osteopath and are content with the undertakings being proposed.
9. Where a fitness to practise committee considers that any undertakings:
 - a. do not comply with paragraph 7; or
 - b. are insufficient to protect the public,it should consider making an interim suspension order.

10. A decision to offer undertakings to a fitness to practise committee is a matter for the osteopath. The GOsC has no power to apply for undertakings. However, if it considers that undertakings may be sufficient to address the risks identified, the GOsC may assist in the preparation of appropriate draft undertakings with the osteopath in advance of an interim order hearing. However, this does not mean the fitness to practise committee will automatically accept Undertakings offered. This will be a matter for the fitness to practise committee exercising its own judgement.
11. Where the GOsC becomes aware that undertakings provided by an osteopath are not being or have not been complied with, it may apply for an interim suspension order to be imposed on the osteopath.
12. A failure by an osteopath to comply with any undertakings offered to a fitness to practise committee may also result in the Registrar raising an allegation of misconduct against that osteopath.

Further information

13. This practice note is part of a suite of practice notes produced by the GOsC.
14. For further information about the Professional Conduct Committee's procedures and guidance, please see the GOsC's website: osteopathy.org.uk or contact the Regulation Department on 020 7357 6655 x224.