



General
Osteopathic
Council

Consultation on the Fitness to Practise Publication Policy

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About the General Osteopathic Council

The General Osteopathic Council (GOsC) is the regulator for the osteopathic profession in the UK. Our role is to develop and regulate the profession of osteopathy which we do by setting standards of education, training, conduct and competence and keeping a Register of those who have qualified and met those standards. By law, osteopaths must be registered with us in order to practise in the UK; there are currently around 5,400 osteopaths.

One important aspect of our work is dealing with concerns and complaints about osteopaths. We have legal powers with clear and transparent processes to investigate and deal with osteopaths who may fall short of the standards we have set.

Background

All osteopaths registered with us must be fit to practise. This means that they must have the skills, knowledge, good health and good character to do their job safely and effectively. If a concern is raised against an osteopath and our Investigating Committee believes there is a case to answer, a fitness to practise hearing will be held to decide whether an osteopath's fitness to practise is impaired. Notices of these hearings and the decisions reached at them may be published on the GOsC's website.

The GOsC has a [Fitness to Practise Publication Policy](#) (the policy) which has been in place since 2013. The policy focuses on the length of time that notices of decisions should appear on the public website.

The purpose of the policy is to ensure that the GOsC meets its obligations to publicise fitness to practise information, while protecting the rights of those involved in its proceedings.

Publicising this information provides valuable information about the standards expected of osteopaths, helps patients to make informed choices and helps to maintain public confidence in the profession. It is consistent with the GOsC's overarching objective of protecting the public as well as our statutory function to set and maintain standards for the profession. Publishing this information also allows us to be open and transparent, in line with our Strategic Plan.

We have three statutory fitness to practise committees:

- [The Investigating Committee \(IC\)](#) carries out the initial scrutiny of concerns about osteopaths, and decides whether the osteopath has a case to answer.
- [The Professional Conduct Committee \(PCC\)](#) hears cases involving criminal convictions or allegations against an osteopath's conduct or competence. If the Committee finds the allegation is well founded, it imposes an appropriate and proportionate sanction on the osteopath.

- [The Health Committee \(HC\)](#) considers cases where an osteopath is alleged to be in poor physical or mental health. Appropriate action is taken in the interests of the public and the osteopath.

Any of our fitness to practise committees can impose an interim suspension order (ISO) on an osteopath, if they consider it necessary to protect the public in a case involving serious allegations. An ISO means the osteopath's registration is suspended pending the investigation and outcome of the hearing. During the suspension the osteopath is not legally able to practise osteopathy.

The policy is available on the GOsC website at:

osteopathy.org.uk/standards/complaints/hearings/decision and will remain in force until this consultation has ended and all responses are considered by Council.

The consultation

We have conducted a review of the policy and are consulting on a range of issues which we have listed below. We also want to encourage feedback on whether there are any additional areas we need to consider relevant to the publication policy.

1. Publishing written Investigating Committee and Professional Conduct Committee interim suspension order decisions

Currently, we publish in full the ISO decisions from both Investigating Committee and Professional Conduct Committee, both before and (if the sanction has been imposed) after the final hearing.

The policy distinguishes between the two different types of ISOs that can be imposed by the Professional Conduct Committee under section 24(1)(a) and (b) of the Osteopaths Act 1993 (the Act). The first covers the period before the final hearing, the second covers the 28-day appeal period after the hearing concludes.

We are proposing to amend the policy so that we will publish only a summary of the outcome for Professional Conduct Committee and Investigating Committee ISO decisions **before** the final hearing. We will continue to publish in full an ISO imposed by the Professional Conduct Committee after the hearing concludes if and when the sanction has been imposed.

We are proposing these changes because:

- Publishing decisions enables members of the public, including current and future patients, employers and colleagues, to know when there has been concern about an osteopath's fitness to practise.
- A summary of the ISO decision provides sufficient information of the concerns without risking contamination of any external third party investigations, such as a criminal investigation. This also protects the rights of the osteopath in circumstances where no findings of fact have been made against them.

2. Publishing final decisions where the osteopath is granted voluntary removal

An osteopath is able to request removal from the Register of osteopaths (the Register) at any time. This is a process called 'voluntary removal'. The current policy does not specify whether published decisions involving individuals who request and are granted voluntary removal after their final hearing has concluded are also removed from the website.

We are proposing to amend our policy to make it clear that, where an individual has been granted voluntary removal by the Registrar following a final hearing, the GOsC will continue to publish the Fitness to Practise decision and sanction for the length specified within the publication policy. In summary, the proposed changes would mean:

- Members of the public are still able to see, through our public-facing website, that the former osteopath has faced a professional conduct or professional incompetence hearing.
- The policy can support us in maintaining public confidence in the osteopathic profession and upholding proper standards of conduct and competence within the osteopathic profession, by allowing members of the public continued access to this information.

3. Annual Fitness to Practise Report

Section 22(13) of the Osteopaths Act 1993 requires GOsC to publish a report setting out the individual names of the osteopaths for whom allegations under this section have been investigated, if those allegations have been found to be well founded. Section 22(13) also requires that a summary of the nature of those allegations and the sanction imposed be included in the report.

Currently, we publish the current annual Fitness to Practise Report on [our website](#) together with all the previous reports going back to 2010/2011. However, we find that this undermines the FtP publication policy which requires us to publish sanctions against an osteopath only for a specific length of time.

For example, currently a decision to admonish an osteopath can be published only for a period of six months on the Decisions page on [our website](#) but on a separate web page this information can be found permanently within the annual FtP report.

We are therefore proposing that:

- we publish the current Fitness to Practise annual report on our website
- we archive the previous five annual reports on a separate page of the website
- we archive internally reports dating further back and make them available on request.

We have chosen five years as the period for archiving reports on the website as this is consistent with the five years in the FtP Publication Policy relevant to individuals who have been removed from the Register. We consider that this change in approach is justifiable and proportionate, balancing our statutory functions and the rights of the data subject (the individual).

Please read the [draft publication policy](#) before answering the consultation questions below.

How to respond

The deadline for responses to this consultation is **Tuesday 25 April 2023**

You can send us your views by responding to [our online consultation](#) or if you would prefer, you can email your response to: regulation@osteopathy.org.uk.

Copies of the response form are also available on request in other formats by emailing regulation@osteopathy.org.uk

Information in responses, including personal information, may need to be published or disclosed under the access to information regimes (mainly the Freedom of Information Act 2000, the General Data Protection Regulation, the Data Protection Act 2018 and the Environmental Information Regulations 2004). We will publish a report about the consultation and the responses we have received. If you would prefer your name not to be made public, please indicate this when sending us your views.

The GOsC is a data controller registered with the Information Commissioner's Office. We use personal data to support our work as the regulatory body for osteopaths. We may share data with third parties to meet our statutory aims and objectives, and when using our powers and meeting our responsibilities under the Osteopaths Act and the associated rules made under the Act. We may use personal data to update the Register, administer and maintain the Register, process concerns, compile statistics and keep stakeholders updated with information about our work.

Consultation questions on the Fitness to Practise Publication Policy

1. Your name or your organisation if replying on behalf of an organisation (optional)

2. Do you agree with our proposal to publish only a summary of the Investigating Committee and Professional Conduct Committee decisions before the final hearing where an interim suspension order has been imposed?

Yes No

Please provide reasons for your response using the box below:

3. Do you consider publishing a summary of the decision would be sufficient to address our overarching objective of public protection? This includes:

- a) protecting, promoting and maintaining the health, safety and well-being of the public
- b) promoting and maintaining public confidence in the profession of osteopathy
- c) promoting and maintaining proper professional standards and conduct for osteopaths

Yes No

Please provide reasons for your response using the box below:

4. Do you agree with our proposal that GOsC will continue to publish a Fitness to Practise decision and sanction for the length of time specified within the publication policy, for those individuals who have been granted voluntary removal by the Registrar?

Yes No

Please provide reasons for your response using the box below:

5. Do you agree with our proposal that we publish the current Fitness to Practise annual report on our website with reports from the previous five years archived on the GOsC website and those dating further back to be internally archived and available on request only?

Yes No

Please provide reasons for your response:

6. Do you consider that the approach proposed in this consultation supports our overarching objective of public protection (as outlined in question 3)?

Yes No

7. Do you think the proposed fitness to practise publication policy is likely to have any positive or negative effects on a person's opportunities to use the Welsh Language?

Positive Negative Don't know

- a. Do you think the proposed fitness to practise publication can be revised in any way in order to increase a person's opportunities to use the Welsh Language?

Yes No

If yes, please explain how the policy could be revised:

- b. Do you have any other comments in relation to how this policy might affect a person's opportunities to use the Welsh language:

8. Except for issues relating to the Welsh language, do you consider there are any equality and diversity implications for groups or individuals related to this publication policy?

Yes No

If yes, please explain what could be done to address this.

9. Please provide additional comments below. Are there any other areas that the policy should address? If so, please set out what these areas are.

All feedback will be taken into consideration.

Diversity questionnaire

We would like to ask some questions about you. Completing the diversity questionnaire is optional but we would welcome information about our respondents. We ask for this information to help us analyse the consultation responses to help ensure we are not inadvertently discriminating against any particular group. We are also required as an organisation to monitor diversity.

It would be very helpful to us if you would provide this information. You can skip any questions you do not wish to answer.

Please complete the [diversity questionnaire](#)

Thank you for your response to this consultation.