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**Consultation: Draft *Investigating Committee Decision-Making Guidance***

 **19 February 2018 to 14 May 2018**

**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 over 5,000 registered osteopaths.

**The consultation**

We are consulting on revised and updated *Investigating Committee Decision-Making Guidance*.

**About the Investigating Committee**

The Investigating Committee (IC) is a panel of at least five people who meet in private and consider a set of cases, prepared and referred to them by the GOsC Regulation team. The IC decides whether a matter ought to be referred to a public hearing before the Professional Conduct or Health Committee (the PCC and HC). The IC decides whether there is a case to answer where an allegation on one or more of the statutory grounds is brought against an osteopath. The statutory grounds encompass unacceptable professional conduct, professional incompetence, conviction or serious impairment by reason of the osteopath’s physical or mental health. The IC does not hear oral evidence. The IC makes decisions independently of the GOsC. When a case is considered by the IC, it will make its own independent decision.

**Why are we undertaking a review of the *Investigating Committee Decision- Making Guidance*?**

The GOsC legislation provides that the IC’s role and function is performed in private. One of our purposes in reviewing the guidance is to ensure that the IC decision making is more fully understood which in turn will enhance the transparency of our procedures. It is essential that the IC is supported by up-to-date guidance which clearly sets out the decision-making framework and the outcomes they can decide on. The IC has a range of specific guidance documents it can use when considering how to decide on the outcome of a case. This includes guidance on the threshold criteria for unacceptable professional conduct. The draft Guidance has been updated to take account of the threshold criteria and contains detailed guidance on all the relevant information that the IC requires to reach a decision.

**A summary of the main changes in the draft *IC Decision-Making Guidance***

* providing detailed guidance on the IC’s role and function (including conflicts of interest)
* being clearer about the process for reaching decisions
* detailed guidance on issuing advice
* providing reasons
* incorporating the threshold criteria within the draft guidance document
* Executive recommendations.

The purpose of these changes are to further enhance transparency and consistency in both our hearings and the decision-making of the Committee, whilst ensuring any sanction imposed by a Committee is both targeted and proportionate. For example, recommendations on the appropriate and proportionate disposal of a case at IC have been part of the IC process for some years. These recommendations have been disclosed to the registrant (and their representative) for some time. However, providing explicit guidance on this practice within the *IC Decision-Making Guidance* improves transparency which in turn should improve public confidence in the process.

We are seeking your views on this draft Guidance and this consultation will run from
19 February 2018 and close on 14 May 2018.

**How to respond**

You can send us your views:

* by responding to our online consultation at: [www.osteopathy.org.uk/about-us/our-work/consultations-and-events/investigating-committee-decision-making-guidance/](http://www.osteopathy.org.uk/about-us/our-work/consultations-and-events/investigating-committee-decision-making-guidance/)
* by emailing us at: regulation@osteopathy.org.uk
* or by post to:

*Investigating Committee Decision-Making Guidance* consultation

General Osteopathic Council

Osteopathy House

176 Tower Bridge Road

London

SE1 3LU

Copies of the draft *Investigating Committee Decision-Making Guidance*, and this consultation response form, are also available on request in other formats by contacting the GOsC via email at: regulation@osteopathy.org.uk or 020 7357 6655 x224.

We have included questions on specific areas we want your feedback on, but you are welcome to offer any comments you wish. All feedback will be taken into consideration.

Information in responses, including personal information, may have to be published or disclosed under the access to information regimes (mainly the *Freedom of Information Act 2000*, the *Data Protection Act 1998* 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 response 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 1993* and the associated rules made under the Act. We may use personal data to update the register, administer and maintain the register, process complaints, compile statistics and keep stakeholders updated with information about our work

The deadline for responses to this consultation is **14 May 2018**.

We look forward to receiving your comments.

Thank you.

**Consultation Questions:**

1. Name of individual or organisation (optional)

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1. Are you happy for the GOsC to publish your response to this consultation?

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| --- | --- |
| Happy for GOsC to publish my response |  |
|  |  |
| I would prefer my response to be published in a non-attributable form |  |

1. Do you think the draft guidance is clear and accessible?

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| --- | --- |
| Yes |  |
|  |  |
| No |  |

If no, please set out your reasons and any suggestions for improvement.

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|  |

1. Do you think the Draft *Investigating Committee Decision-Making Guidance* will help the Investigating Committee (IC) decide which outcome is proportionate and appropriate?

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| --- | --- |
| Yes |  |
|  |  |
| No |  |

If no, please set out your reasons and any suggestions for improvement.

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5. Do you think the Draft *Investigating Committee Decision-Making Guidance* gives clear and helpful guidance to the IC in relation to:

Issuing advice

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Executive recommendations

|  |  |
| --- | --- |
| Yes |  |
| No |  |

Providing reasons

|  |  |
| --- | --- |
| Yes |  |
| No |  |

The Real Prospect test

|  |  |
| --- | --- |
| Yes |  |
| No |  |

If you have answered no to any of the above then please set out your reasons and any suggestions for improvement.

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1. Please provide us with any other comments you may have.

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**Thank you for your response to this consultation.**

We would also like to ask some questions about you. Completing [the diversity questionnaire](http://www.osteopathy.org.uk/news-and-resources/document-library/consultations/draft-ic-decision-making-guidance-diversity-form/) is optional, but we would welcome information about our respondents.
The information you provide will only be used for the purposes of analysing the consultation responses.