



## **Fitness to Practise Publication Policy**

**May 2023**

### **Introduction**

The General Osteopathic Council (GOsC) was established by the Osteopaths Act 1993 (the Act) to regulate and develop the profession of osteopathy. The overarching objective of GOsC in exercising its functions is the protection of the public. The GOsC helps patients with any concerns about an osteopath and if necessary has the power to remove from the Register any osteopaths who are unfit to practise. This policy forms part of a set of guidance and practice notes relating to our fitness to practise procedures.<sup>1</sup>

It is a general policy and exceptions will be considered and may apply.

### **Equality and Diversity Statement**

The information we publish under this policy ensures that the GOsC meets its obligations to publicise fitness to practise information, while protecting the rights of individuals involved in its proceedings. The GOsC is a public body with specific duties under statute. It is expected to be open and transparent in its regulatory proceedings and to comply with its own legislation and other relevant legislation such as the Human Rights Act 1998. It should be consistent and impartial and comply with the aims of the [public sector duties under the Equality Act](#).

### **The requirement to publish**

The GOsC operates open and transparent fitness to practise procedures and is expected to publish information about osteopaths' fitness to practise. This allows patients, employers and the public to know whether an osteopath's registration is restricted in any way or whether there is a history of fitness to practise.

As a public body, the GOsC adheres to the requirements of the [Human Rights Act 1998](#). This ensures that osteopaths receive a fair hearing and includes the provision that hearings are open to the public. The Act and the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 also make it possible for hearings to be open to the public.

The Act requires the Professional Conduct Committee (PCC) to publish the:

- names of registrants for whom it has investigated allegations<sup>2</sup> and decided the allegations are well-founded
- nature of those allegations

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<sup>1</sup> Information on the GOsC's fitness to practise procedures is available at: [osteopathy.org.uk/concerns](https://osteopathy.org.uk/concerns)

<sup>2</sup> Allegations are listed at section 20(1) of the Osteopaths Act 1993.

- steps (if any) taken by the PCC in respect of the registrants named

Where the PCC has concluded that the allegation is not well-founded, section 22(14) allows the PCC to include in its Fitness to Practise Report (see below) for the year in question, a statement of that fact if the osteopath requests this.

[The Freedom of Information Act 2000](#) creates a general right of access to all types of recorded information held by public bodies. The GOsC publishes a model publication scheme which explains the information that is readily available to the public from the GOsC. The aim is to make as much information as possible readily available.

## Methods of publication

Fitness to practise information will be published in three main ways:

- The GOsC website [osteopathy.org.uk](http://osteopathy.org.uk) – this is easy to access and provides up-to-date information, including the GOsC Register, notices of forthcoming Professional Conduct Committee hearings and fitness to practise decisions.
- Online Register of osteopaths [osteopathy.org.uk/register-search](http://osteopathy.org.uk/register-search) – users will see reference to certain Orders<sup>3</sup> against any osteopath's name where this is relevant, which link to the particular fitness to practise decision.
- The [Fitness to Practise Report](#)<sup>4</sup> – every year, the GOsC produces a report on decisions made by the Professional Conduct Committee and any sanctions applied, thereby providing guidance to osteopaths on the high standards of conduct and practice required to maintain their registration.

## Nature of information to be published including content and timescales

### 1. Investigating Committee

The Investigating Committee considers fitness to practise cases in private and will make a decision as to whether or not there is a case for the osteopath to answer. These decisions are made in private and will not be published.

#### Interim Order Hearings

##### a. Notice

Interim Order hearings take place before the Investigating Committee and in private, and so a Notice of this hearing will not be published.

##### b. Decision

Where an Interim Order is made by the Investigating Committee, a summary of the decision will be published on the [GOsC website](#) within two working days of the decision being made. The decision will remain on the GOsC's website for the duration of the Interim Order.

Where an Interim Order is not made by the Investigating Committee, no information will be published on the GOsC's website.

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<sup>3</sup> This could be either a Conditions of Practice Order or a Suspension Order

<sup>4</sup> Published under s22(13) of the Act

## 2. Interim Suspension Orders by the Professional Conduct Committee or Health Committee

### Interim Order hearings under Section 24(1)(a) of the Act

#### a. Notice

A Notice of a Professional Conduct Committee Interim Order hearing will be published on [the GOsC website](#) as soon as it is reasonably practicable to do so. The Notice will contain:

- i. the osteopath's name, registration number and location
- ii. the date, time and place of the hearing
- iii. a statement explaining that the hearing is an Interim Suspension Order hearing

A Notice of a hearing before the Health Committee will not be published on the GOsC website. This is because information relating solely to the health of the osteopath is treated as confidential.

#### b. Decision

Where an Interim Order is made, a summary of the decision will be published on the [GOsC website](#) within two working days. The decision will be published for the duration of the Order.

Where an Interim Order is not made, no information will be published, unless the osteopath requests publication. In which case, a summary of the decision will be published for 28 days.

#### c. Notice on the Register

Where an osteopath is subject to an Interim Order, a note indicating this will appear against their name on the Register. This note will link to the summary of the decision and remain on the Register for the duration of the Order.

### **Interim Orders under section 24(1)(b) of the Act: the suspension or removal of an osteopath from the Register by the Professional Conduct Committee**

Interim Orders under this section of the Act will usually be made at the conclusion of the substantive hearing. The decision and reasons for the Order will therefore be contained in the substantive decision and published in accordance with the policy on substantive hearings set out below.

## 3. Professional Conduct Committee substantive hearings and decisions

Hearings before the Professional Conduct Committee (PCC) are generally held in public and the Notice of each hearing and the decision made at these hearings will be published as follows:

#### a. Notice

A Notice of the hearing will be published on the [GOsC website](#) at least 28 days before the date of the hearing. The Notice will contain the:

- i. osteopath's name, registration number and location
- ii. date, time and place of the hearing
- iii. details of the allegation

iv. decision to be made

If the allegation is well-founded (proved) the PCC's full decision will be published on [the GOsC website](#) within two working days. Elements of the full decision may be removed from publication where it includes information about the osteopath's health, other sensitive information or evidence that was heard in private. The full decision will remain on the GOsC website for the relevant period (set out in the table below) from the date of the PCC decision.

After the conclusion of a final hearing, if an individual has been granted [voluntary removal](#) by the Registrar, we will continue to publish the full PCC decision and sanction for the length of time specified below.

Type of sanction	Length of publication
Admonishment	Six months
Conditions of Practice Orders	Duration of the Order plus one year
Suspension	Duration of the Order plus two years
Removal	Five years

b. Notice on the Register

Where an osteopath is subject to an Admonishment, Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the Register. This note will link to the PCC's full decision and remain on the Register for the duration of the Order.

c. Fitness to Practise Report

A report about the case will be included in the relevant annual Fitness to Practise Report, which is published on [the GOsC website](#) and made available in hard copy on request. The report will include:

- the osteopath's name and registration number
- the allegation
- a summary of the findings made
- the sanction imposed

If the allegation is not well-founded (not proved) the full PCC decision will be published on the GOsC website and in the Fitness to Practise Report if the osteopath requests it. In the absence of a specific request for publication from the osteopath, no information will be published.

We publish the current Fitness to Practise Annual Report on our website with the previous five years' reports archived on the website. Older versions of the annual report will be archived internally and are available on request.

#### **4. Health Committee substantive hearings and decisions**

Hearings before the Health Committee (HC) are held in private, unless the HC considers that it is appropriate to hold the hearing or any part of it in public. Information relating solely to the health of the osteopath is treated as confidential and will not be published.

a. Notice

A Notice of a hearing before the Health Committee will not be published on the GOsC website.

b. Decision

Where the Health Committee concludes that an osteopath's fitness to practise is seriously impaired because of their physical and/or mental condition, a redacted version of the decision will be published on the GOsC website showing only any restrictions on the osteopath's practice. This decision will be published while the restrictions remain in place.

c. Notice on the Register

Where an osteopath is subject to a Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the Register. This note will link to the published Health Committee's decision.

## Summary

The table below provides a summary of the information that will be published and the timescale and location of publication.

Information	Timescale	Location
<b>Interim Order Hearings</b>		
Investigating Committee decision to impose an Interim Order	A summary of the decision will be published within two working days of the decision and for the duration of the Order	Website Register
Notice of a Professional Conduct Committee Interim Order hearing (s24(1)(a) of the Act)	As soon as practicable and until the conclusion of the hearing	Website
Professional Conduct decision to impose an Interim Order	A summary of the decision will be published within two working days of the decision and for the duration of the Order	Website Register
Health Committee decision to impose an Interim Order	A summary of the decision will be published within two working days of the decision and for the duration of the Order	Website Register
<b>Substantive Hearings</b>		
Notice of a Professional Conduct Committee hearing	At least 28 days before the hearing date and up until the conclusion of the hearing	Website
Professional Conduct Committee decision that an allegation was well-founded (proved)	Published within two working days of the decision for the following period: <ul style="list-style-type: none"> <li>• Admonished – six months</li> <li>• Conditions of Practice – duration of Order plus one year</li> <li>• Suspension – duration of the Order plus two years</li> <li>• Removal – five years</li> </ul>	Website Fitness to Practise Report Register <sup>5</sup>
Health Committee decision that an osteopath's fitness to practise is seriously impaired	Published within two working days of the decision and while restrictions remain in place	Website Register

<sup>5</sup> If the osteopath is subject to a Conditions of Practice Order or a Suspension Order

## **Further information**

For further information about the GOsC's fitness to practise procedures, please visit our website at: [osteopathy.org.uk/concerns](https://osteopathy.org.uk/concerns) or contact the GOsC Regulation team at: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk) or on 020 7357 6655 x224

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