

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 834/608

Interim Suspension Order Hearing

DECISION

Case of:	Mr Caspar Hull
Committee:	Ms Rasila Jassal (Chair) Mr Colin Childs (Lay) Ms Claire Cheetham (Osteopath)
Legal Assessor:	Mr Andrew Granville Stafford
Representation for Council:	Mr Andrew Faux
Representation for Osteopath:	None
Clerk to the Committee:	Miss Susan Alisigwe
Date of Hearing:	10 th November 2021

Decision:

Introduction

1. On 5 November, the Investigating Committee found that Mr Caspar Hull ('the Registrant') had a case to answer in respect of complaints made by two patients, referred to as Patient A and Patient B, whom the Registrant treated whilst working as an associate at a clinic in Wiltshire ('the Clinic'). The Investigating Committee referred the case to the Professional Conduct Committee ('the Committee') under section 20(12) of the Osteopaths Act 1993 ('the Act').
2. On 5 November 2021, a Chair of the Committee directed that the matter be listed for consideration as to whether an interim suspension order ('ISO') should be imposed on the Registrant's registration. This hearing has therefore been convened pursuant to rule 40 of the General Osteopathic

Council (Professional Conduct Committee) (Procedure) Rules 1999 ('the Rules') for the Committee to consider whether it is necessary to suspend the Registrant's registration pending the final hearing in this case.

3. The hearing took place remotely by video conference.

Proceeding in absence

4. The Registrant did not attend the hearing and nor was he represented.
5. A notice of hearing was sent to the Registrant by email on 5 November 2021. A further email was sent by the Council to the Registrant on 8 November 2021, asking him to confirm he had received the earlier email notifying him of the interim suspension hearing and whether he intended to attend the hearing.
6. The Registrant replied by email on 9 November 2021 saying 'Sorry, I won't be able to attend'.
7. The Committee had sight of the notice of hearing, which set out the time, date and place of the hearing and informed the Registrant of his right to appear before the Committee and to argue his case and to be legally represented. The notice had been sent to the Registrant's registered email address. Although the period of notice was only five days, including a weekend, the Registrant had not requested an adjournment or suggested he had had insufficient time to prepare for the hearing. Further, as the hearing was taking place remotely, the Committee considered the shortness of the notice may not have significant impact on his ability to attend the hearing. For these reasons the period of notice was, in the Committee's view, sufficient.
8. The Committee was therefore satisfied that service of the notice of hearing had been effected in accordance with rules 40 and 65 of the Rules. Furthermore, the Committee was satisfied on the basis of the Registrant's email of 8 November 2021, that he had received the notice and was aware of the hearing. He had simply said in that email he was not able to attend.
9. In the circumstances, the Committee was satisfied that the Registrant had voluntarily waived his right to take part in the hearing. It was clear to the Committee that he had decided not to engage with the process and, accordingly, no useful purpose would be served by adjourning the hearing.
10. Further, the allegations are serious and, given the objective of this process is public protection, there was in the Committee's view a clear public interest in considering this application for an interim suspension order today.
11. The Committee therefore proceeded in the Registrant's absence.

Allegation

12. The allegation referred by the Investigating Committee is as follows.

The allegation is that Mr Caspar Hull (the Registrant) has been guilty of Unacceptable Professional Conduct contrary to section 20(1)(a) of the Osteopaths Act 1993, in that:

1. On 5 July 2021 ("Treatment 1") the Registrant provided treatment to Patient B at [the Clinic].

2. During Treatment 1 the Registrant:

a. imitated Donald Trump, and in doing so:

i. talked about Donald Trump "not getting the erection" or words to that effect;

ii used the word "pussy".

b. in response to Patient B's comment that she walked with poles, the Registrant stated "and with", referencing two Eastern European nationalities, "because they let them all in", or words to that effect;

3. The Registrant's conduct as set out at paragraph 2a was

(a) a transgression of professional and/or sexual boundaries,

c. (b) sexual in nature;

(c) not clinically indicated.

4. The Registrant's conduct as set out in particular 2b was inappropriate and/or unprofessional.

5. On 7 July 2021 and 14 July 2021 ("Treatment 2" and "Treatment 3" respectively), the Registrant provided treatment to Patient A at [the Clinic].

6. During Treatment 2 the Registrant:

a. shared personal information about his disabled daughter with Patient A;

b. told Patient A that while he was studying at university, a fellow student (Person C) had told him that she was so sensitive around the hip area to the point that she would orgasm if touched there, or words to that effect;

- i. confirmed that this information set out in particular 6b had been shared with you in private by Person C. or words to that effect;
- ii. stated he subsequently shared the matters set out in particular 6b with the whole university class, or words to that effect.

7. During Treatment 3 the Registrant:

- a) told Patient A that a young boy (Child D) had caught the Registrant having sex with Child D's mother, and/or asked the Registrant "how many times did you put your penis in mummy?" or words to that effect;
- b) went on to say "penis in mummy three times*" or words to that effect.
- c) told Patient A that as a child he played a game with children where he and the children would sit on the floor with their legs apart, and would throw a ball into each others' crotches, or words to that effect;
 - (i) stated that he threw a ball so hard into a young girl's (Child E's) vagina that she started shouting at the Registrant as Child E thought the Registrant had taken her virginity, or words to that effect.

8. The Registrant's conduct as set out at paragraphs 6a was a transgression of professional boundaries;

9. The Registrant's conduct as set out at paragraphs 6b and/or 7a and/or 7b and or 7c was

- a. a transgression of professional and/or sexual boundaries;
- b. sexual in nature

10. On 17 September 2021. the Registrant emailed the GOsC "Sorry as I said I resigned weeks ago. Knowing I have not sexually touched nor intended to touch any patient in any way. Knowing the past hearings of history of Person G and Person H who fanny fiddled and asked multiple patients to wear rubber and did not get interim suspensions I would be interested in the barristers opinion fir I believe nothing illegal happened" or words to that effect.

The Council's case

13. In respect of particulars 1 to 4, the Council relied on a statement from Patient B, signed and dated 10 September 2021.
14. Patient B had one appointment with the Registrant, on 5 July 2021. She attended for problems with her knee. She describes that appointment in her statement as follows.

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

15. Patient B then went on in her statement to describe the treatment the Registrant had given her. At the end of the appointment the receptionist asked her if she wanted to book another appointment and she said no. In her statement Patient B explained that, given her uncomfortable experience, she did not want to pay £80 for the appointment but because she just wanted to get out of the Clinic she did pay the fee and left. Later she reflected on the appointment and, having spoken to others, decided to write to owner/co-director of the Clinic. She was subsequently contacted by the GOsC and made a formal complaint.
16. In respect of particulars 5 to 9, the Council relied on a witness statement from Patient A signed and dated 8 September 2021.
17. Patient A said she had two treatment appointments with the Registrant, on 7 and 14 July 2021.
18. Patient A described the first appointment in her witness statement. She said:

[REDACTED]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[Redacted]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

[REDACTED]

20. Patient A said in her statement that she felt rather shaken by the whole experience. That evening she emailed the Clinic to raise a complaint about the Registrant. She was subsequently contacted by the GOsC and following that she completed a complaint form.
21. The Council also relied on a statement made by Person F (owner and co-director of the Clinic) on 13 September 2021. Person F said that on 14 July 2021 the Clinic received a complaint from Patient A. After speaking to Patient A, he went to see the Registrant. Person F said:

[REDACTED]

[REDACTED]

22. After discussing the matter with his wife, who is the second co-director of the Clinic, Person F terminated the Registrant's employment. He visited the Registrant to inform him of this. He said in his statement:

[REDACTED]

23. Mr Faux, on behalf of the Council, submitted that an interim order was necessary in order to protect the public. The evidence, he said, indicated that the Registrant, who is an osteopath of longstanding, had for some reason become wholly disinhibited in his dealings with patients in a way that was sexual. Put simply the Registrant seemed to have lost all sense of how to behave properly and professionally.

24. Mr Faux submitted that this was borne out not only by the complaints of Patient A and Patient B, but by the Registrant's communications with others. He pointed out that Person F said the justification the Registrant had given him for making the comments Patient A complained of 'was just nonsense'. Mr Faux also submitted that the content of the Registrant's email to his regulator on 17 September 2021, the text of which is set out in particular 10 of the Allegation, was indicative of someone who is disinhibited to a dangerous degree.

The Registrant's case

25. The Registrant sent written submissions to the Council on 13 September 2021.
26. In his written submissions, the Registrant gave details as to his practice and background. He qualified as an osteopath in 1990 and gained fellowship of the [REDACTED] ten years later. He studied the concepts of central sensitisation and pain matrix which has subsequently informed his osteopathic practice.
27. He has been an FCCA (Final Clinical Competence Assessment) assessor and moderator for 20 years and an external examiner for 8 years. In his 31-year career as an osteopath, during which time he estimated he had given over 40,000 treatments, he said he only had two complaints.
28. At the start of his written submissions, the Registrant said:

'Regarding the case against me, I accept all the accusations against me as they reflect the feelings of the complainants at the time. For this I am really sorry if I affected them in this way.'

29.

[REDACTED]

[REDACTED]

[REDACTED]

30.

[REDACTED]

[REDACTED]

31.

[REDACTED]

32. At the conclusion of his written submissions the Registrant wrote:

'So as I have not much interest in carrying on as an osteopath I offered my resignation a few weeks back. [REDACTED]

[REDACTED]. I am away so I have written this up as to my memories of the complaints. So as I have resigned as stated, whether you think its appropriate or not, I bid farewell to the register and will not zoom skpe or whatever you hearing. [sic]'

33. The Registrant sent a further email to the Council on 15 September 2021, regarding the allegation concerning Person C. He said:



Committee's decision

34. The Committee's role is to consider whether to suspend the Registrant's registration pending the final hearing in this case. The power to impose an ISO is contained in section 24 of the Osteopaths Act 1993. The Committee may only impose an ISO if it is satisfied it is necessary to do so in order to protect members of the public.
35. The Committee considered all the documents before it. It took into account the submissions of Mr Faux on behalf of the Council and the Registrant's written submissions. It heard and accepted the advice of the legal assessor.
36. The Committee reminded itself that its function was not to make any findings of fact, but to conduct a risk assessment. In assessing the risk to the public, the Committee considered the following factors.
37. The allegations were supported by signed witness statements from the two complainants, who are independent of each other, and the witness statement of Person F. Further, the Registrant had made admissions as to the comments attributed to him both in his own written submissions and his discussions with Person F. Thus, in the Committee's view, the evidence and information in support of the allegations was strong.
38. The allegations themselves involved two different patients. It was clear from the evidence of those patients that the Registrant's behaviour not only made them feel shocked, uncomfortable and shaken but was somewhat threatening and traumatic for them. The conduct in this case is alleged not only to be unprofessional and inappropriate but sexual in nature, which of itself is a serious allegation. The Committee was of the view that the allegations made against the Registrant are very serious.
39. There was little or no evidence before the Committee that the Registrant had any awareness of the potential impact of his conduct on his patients or any recognition of the potential harm it may cause. Indeed, in his written submissions, whilst he had accepted the complaints of Patient A and Patient B he had sought to justify the comments he had made to them. The Committee considered there was force in Mr Faux's submission that the Registrant was demonstrating inappropriately disinhibited behaviour.
40. The Committee considered that, in these circumstances, there was a real risk that this type of conduct would be repeated if the Registrant were able to continue practising. Further, if it were to be repeated the Committee's

view was that the risk of harm would be significant, in light both of the evidence given by Patient A and Patient B as to the effect the Registrant's behaviour had on them and also the risk that the Registrant's tendency to disinhibited conduct could escalate.

41. The Committee noted that the Registrant had said in his written submissions that he has offered his resignation as an osteopath. It also noted, however, that he had offered no formal written undertakings to the Committee. It did not consider that the Registrant's assertion regarding retirement provided sufficient safeguard for the public in light of the risks identified in this case.
42. The Committee took into account the Registrant's long career as an osteopath and the evidence he had provided as to his standing in the profession. It balanced the need to protect the public with the likely impact on the Registrant of an ISO being made. It noted that, whilst there is always a risk of reputational impact when an interim order is imposed, the likely financial impact on the Registrant is not significant given that he has expressed an intention to no longer practise as an osteopath. In any event, the need to protect the public from the real risks that exist in this case clearly outweighs the Registrant's interests.
43. The Committee was satisfied that an interim suspension order was necessary on the basis that there was a real risk of harm to patients if an order was not made.
44. This order will take effect immediately.
45. This order will have effect until the Professional Conduct Committee decides on the allegations against the Registrant, subject to his right to appeal this decision or to apply to revoke the order under section 25 of the Act.
46. The Registrant has a right of appeal against this decision in accordance with Section 24 of the Osteopaths Act 1993.
47. This decision will be confirmed in writing to the Registrant.