

## Fitness to practise report 2010-2011

Resolving issues involving osteopaths' fitness to practise is an integral part of the GOsC's duty to regulate the profession, thereby protecting the public and the profession's reputation. The following report of the GOsC fitness to practise committees covers the period from 1 April 2010 to 31 March 2011.

These statutory committees include the Investigating Committee, Professional Conduct Committee and Health Committee. It has not been necessary for the Health Committee to sit this year, so this report focuses on the Investigating Committee and Professional Conduct Committee.

### Investigating Committee

The Investigating Committee (IC) consists of osteopathic and lay members. When a formal complaint about an osteopath is received by the GOsC it is the duty of the IC to examine the evidence and decide whether there is a case for the osteopath to answer. Allegations fall into four categories and it is not uncommon for one complaint to contain many allegations:

- unacceptable professional conduct
- professional incompetence
- a relevant criminal offence (conviction)
- ability to practise is seriously impaired due to a mental or physical condition (health).

From 1 April 2010 to 31 March 2011, the IC met on six occasions and considered 30 cases. The decisions are set out in the table below. The IC concluded that 13 cases should be heard by the Professional Conduct Committee.

Allegation	Case to answer	No case to answer
Unacceptable professional conduct	0	1
Professional incompetence	0	0
Unacceptable professional conduct and/or professional incompetence*	13	13
Conviction	0	3
Health	0	0
<b>Total cases considered</b>	<b>13</b>	<b>17</b>

## Professional Conduct Committee

The Professional Conduct Committee (PCC) also consists of osteopathic and lay members. It considers cases that are referred from the IC where there is a case to answer in relation to an osteopath's conduct, competence or conviction of a criminal offence. The PCC's role is to decide whether the allegations made are proved. This takes place at a public hearing, unless there is a good reason to hear the allegations in private. Both parties (the osteopath and the GOsC) are permitted to attend the hearing and put forward their case.

From 1 April 2010 to 31 March 2011, the PCC considered 17\* new cases and imposed the following sanctions:

	UPC	PI	Conviction
Removed	1	0	1
Suspended	2	0	1
Conditions of practice	1	0	0
Admonished	6	0	0
Not proved	2	0	0
<b>Total</b>	<b>12</b>	<b>0</b>	<b>2</b>

\*at the time of writing this report, the PCC had not reached a decision in three of the cases considered.

## Review hearings

When the PCC imposes a Conditions of Practice Order or suspends an osteopath from the Register (a Suspension Order), it may decide to review the case before the Order expires. During the period of this report, the PCC reviewed three Suspension Orders.

## Interim Suspensions

The IC and PCC will, if it is necessary to protect members of the public, order the Registrar to immediately suspend an osteopath's registration. The suspension is likely to remain in place during the investigation of a complaint, unless there is a change in circumstances.

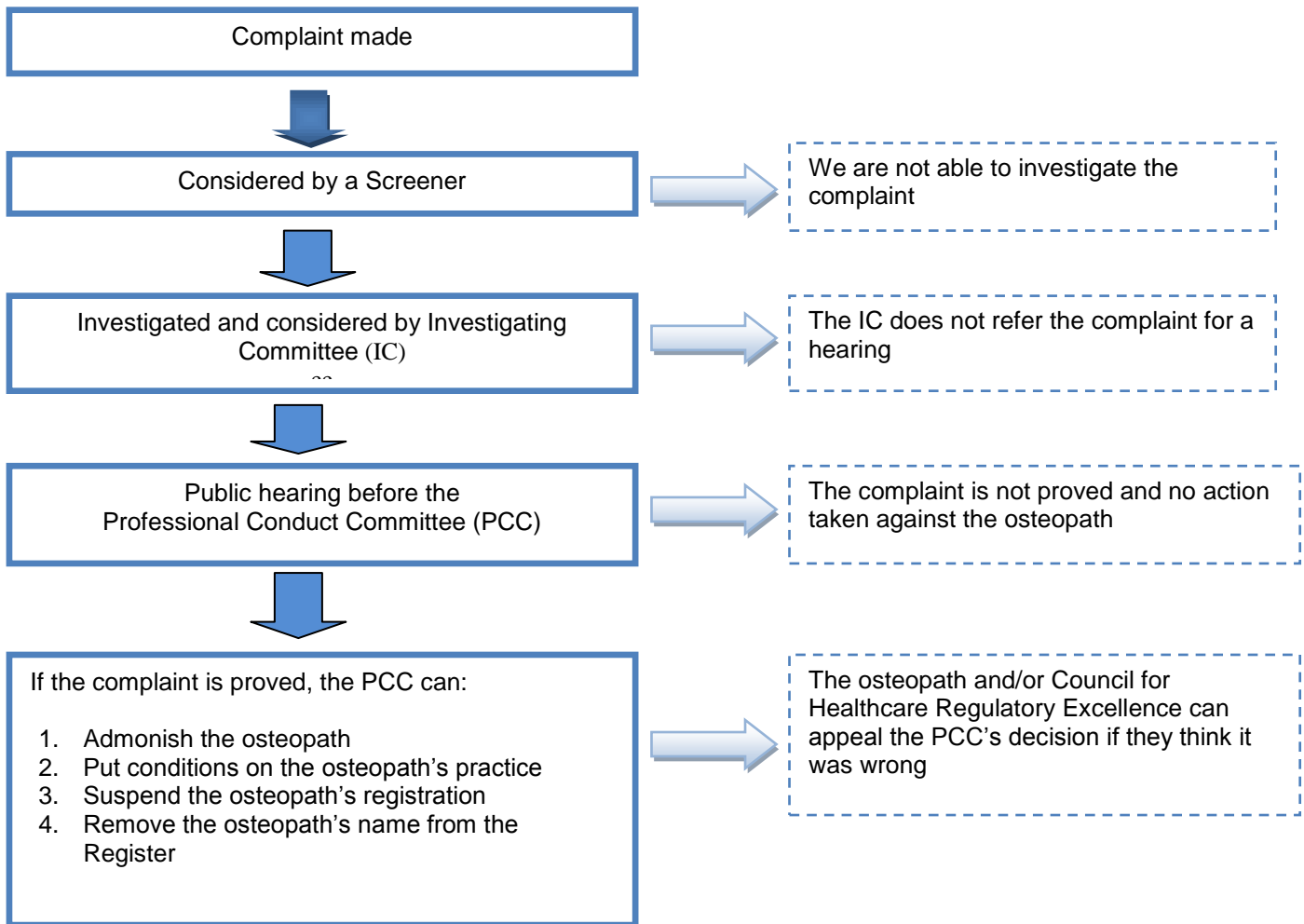
Interim suspension is used only in relation to the most serious allegations and the IC exercised this power on just one occasion between 1 April 2010 and 31 March 2011.

## Appeals

An osteopath and the Council for Healthcare Regulatory Excellence (CHRE) can both appeal a Professional Conduct Committee decision. No appeals were made during the period of this report.

## What happens when a complaint is made?

The diagram below illustrates the procedures followed when a complaint is made about an osteopath.



## Who makes complaints?

Anyone who has a concern about an osteopath's fitness to practise can raise it with the GOsC. The vast majority of complaints come from patients - 25 of the complaints considered by the IC during the period of this report were made by patients. However, the police will inform the GOsC when an osteopath is cautioned for, charged with or convicted of a criminal offence, and these will be considered by the IC. Four of the cases that were considered by the IC during the period of this report were related to a caution or conviction for a criminal offence.

## How long does it take the IC to consider a case?

This will depend on the nature and the complexity of the case. Our targets for completion of the main stages of the fitness to practise process are:

- Consideration by the IC within four months of receipt of complaint.
- Hearing by PCC within nine months of referral by IC.

- Total time taken from receipt of complaint to conclusion – 13 months.

From receipt of complaint, it took an average of 3.9 months for cases to be considered by the IC. For the 14 cases that were concluded by the Professional Conduct Committee, it took an average of 16.2 months from the start of the case to its conclusion. This average was affected by the length of time that it took to conclude two serious criminal cases. These cases took 26 and 28 months each to conclude and resulted in the removal of both osteopaths. Setting aside these two cases, it took an average of 14.4 months from the start of the case to its conclusion.

### Improvements to the process

In line with the Council’s duty to regulate the profession and to manage complaints and concerns regarding an osteopath’s fitness to practise, the GOsC must ensure that its complaints processes are clear and easy to follow. Last year we volunteered to take part in a mystery shopping pilot scheme, conducted by the CHRE. The purpose of this exercise was to find out how regulators handle the very early stages of a person expressing a concern about a regulated professional and to implement improvements if necessary. During the pilot, five telephone calls were made to the GOsC (see table below).

## OVERALL EXPERIENCE

### Overall, do you feel;

	Yes completely	To Some extent	Not at all	<b>Total</b>
Confident that your complaint was taken seriously?	5	0	0	<b>5</b>
Appropriate advice was given to you?	5	0	0	<b>5</b>
Information was relayed in a concisely and coherently?	5	0	0	<b>5</b>
Confident in the service provided?	5	0	0	<b>5</b>

On a scale of 1-10 where 10 is excellent and 1 is very poor, the GOsC were rated overall at 9.

For further information on any of the issues raised in this report, contact our Regulation Department on 020 7357 6655 ext 236 or email: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk).