



General  
Osteopathic  
Council

# Publication of Hearings, Findings and Sanctions

PROFESSIONAL CONDUCT COMMITTEE

9 NOVEMBER 2005

The General Osteopathic Council (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.

The purpose of this policy is to ensure that the Council meets its obligations to disclose information relating to the Professional Conduct Committee (PCC), whilst protecting the rights of parties to its proceedings. This is a general policy and exceptions will be considered and may apply.

## Relevant Legislative Requirements

The Osteopaths Act 1993 (the Act), section 22(13) requires the PCC to, at least once in every twelve month period, publish a report setting out:

- > the names of those osteopaths in respect of whom it has investigated allegations under this section and found the allegations to be well founded;
- > the nature of those allegations; and
- > the steps (if any) taken by the PCC in respect of the osteopaths so named.

Where the PCC has investigated any allegation against an osteopath and has not been satisfied that the allegation was well founded, section 22(14) provides for the PCC to include in its report for the year in question a statement of that fact if the osteopath so requests.

Section 26 of the Act provides for the GOsC to make rules as to the procedure to be followed by the PCC in considering any allegation under section 22. Section 26(2)(e) requires such rules, in particular, to include provision securing that any hearing before the PCC is held in public unless the Committee decides that it is in the interests of the person making the allegation, or of any person giving evidence or of any patient, to hold the hearing or any part of it in private.

The GOsC Professional Conduct Committee (Procedure) Rules 2000 (the Rules) have been made under section 26 of the Act and state:

### Rule 17

- (1) Except as provided in paragraph (2) the proceedings of the Committee [PCC] shall be held in public.
- (2) The Committee may decide that it is in the interests of the complainant, or of any person giving evidence, or of any patient, to hold the hearing or any part of it in private and, in such a case, all persons who are not concerned with the hearing shall withdraw.

- (3) In paragraph (2) a person is not concerned with the hearing unless he is –
- > a member of the Committee or a legal or medical assessor;
  - > the osteopath or his representative;
  - > the Solicitor or his representative;
  - > an officer or member of the Council;
  - > a person giving oral evidence to the Committee;
  - > a person given leave by the Chairman to remain at the hearing.

Article 6(1) of the Human Rights Act 1998 requires that in determination of his civil rights and obligations or of any criminal charge against him, everyone is entitled to a fair and public hearing within a reasonable time by an independent and impartial tribunal established by law. Judgement shall be pronounced publicly but the press and public may be excluded from all or part of the trial in the interest of morals, public order or national security in a democratic society, where the interests of juveniles or the protection of the private life of the parties so requires, or to the extent strictly necessary in the opinion of the court in special circumstances where publicity would prejudice the interests of justice.

The Freedom of Information Act 2000 came into force on 1 January 2005 and it creates a general right of access to all types of recorded information held by public authorities. The GOsC publishes a model publication scheme that details what information is readily available from the Council. The aim is to make as much information as possible readily available.

## Method of publication

The main method of publication will be the GOsC's website – [www.osteopathy.org.uk](http://www.osteopathy.org.uk). This provides easily accessible and up-to-date information. Users can access the Register of Osteopaths; notices of forthcoming PCC hearings; written decisions of the PCC and information on the sanctions applied in each case.

The Fitness to Practise Report is produced on an annual basis and all reports are made available on the GOsC website. In addition it is circulated in hard copy directly to all members of the profession, other healthcare regulatory bodies and made available to anyone who requests it. The Report contains details of the cases that have been considered by the PCC, the findings reached and the sanctions applied.

Professional Journals – the GOsC produces a bi-monthly magazine – *The Osteopath* – which is circulated to all members of the profession. This journal is also circulated to osteopathic students and other healthcare professionals on a regular basis. It is also at times distributed to the media. Fitness to practise articles are a regular feature in the magazine and include reports on cases that have been considered by the PCC, its findings and the sanctions applied.

Posting Notices – notices of all PCC hearings are posted within Osteopathy House.

# Nature of information disclosed and timescales

The table below provides details of the general policy for disclosure of information relating to PCC hearings, findings and sanctions and the timescales that relate.

NATURE OF INFORMATION	METHOD OF PUBLICATION	TIMESCALE	CONTENT
<b>Notice of PCC Hearings</b>	GOsC Website Osteopathy House	Posted 28 days prior to the date of the hearing.	<ul style="list-style-type: none"> <li>&gt; Osteopath's name, registration number and location.</li> <li>&gt; Date, time and place of hearing.</li> <li>&gt; Allegation.</li> </ul>
<b>Notice of PCC Hearings – interim suspension</b>	GOsC Website Osteopathy House	At the time the notice of the hearing is sent to the osteopath.	<ul style="list-style-type: none"> <li>&gt; Osteopath's name, registration number and location.</li> <li>&gt; Date, time and place of hearing.</li> <li>&gt; Statement that it is an interim suspension hearing.</li> </ul>
<b>PCC decision – allegation not well founded (not proved)</b>	GOsC Website (if requested by the osteopath)	Within seven working days of the decision being reached and for 28 days.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; The decision reached.</li> <li>&gt; The reasons for the decision.</li> </ul>
	<i>The Osteopath</i> (if requested by the osteopath)	Next available edition (usually published on a bi-monthly basis) and for one edition only.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; A summary of the decision reached and reasons for the decision.</li> </ul>
	Fitness to Practise Report (if requested by the osteopath)	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; The decision reached.</li> <li>&gt; The reasons for the decision.</li> </ul>
<b>PCC decision – allegations well founded (proved) in part</b>	GOsC Website	<p>Within seven working days of the decision being reached.</p> <p>See sanctions for period of publication.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Details of the charges that are well founded (proved).</li> <li>&gt; Details of the charges that are not well founded (not proved), if requested by the osteopath.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> </ul>
	<i>The Osteopath</i>	Next available edition (usually published on a bi-monthly basis) and for one edition only.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number</li> <li>&gt; A summary of the decision reached and reasons for the decision.</li> </ul>

NATURE OF INFORMATION	METHOD OF PUBLICATION	TIMESCALE	CONTENT
	Fitness to Practise Report	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Details of the charges that are well founded (proved).</li> <li>&gt; Details of the charges that are not well founded (not proved), if requested by the osteopath.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> </ul>
<b>PCC decision – allegation well founded (proved)</b>	GOsC Website	<p>Within seven working days of the decision being reached.</p> <p>See sanctions for period of publication.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges considered.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> </ul>
	<i>The Osteopath</i>	<p>Next available edition (usually published on a bi-monthly basis) and for one edition only.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; A summary of the decision reached and reasons for the decision.</li> </ul>
	Fitness to Practise Report	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges considered.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> </ul>
<b>PCC sanction – Admonish</b>	GOsC Website (Notices of Findings)	Within seven working days of the decision being reached and for 28 days.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	<i>The Osteopath</i>	<p>Next available edition (usually published on a bi-monthly basis) and for one edition only.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; A summary of the decision reached and reasons for the decision, including the sanction applied.</li> </ul>

NATURE OF INFORMATION	METHOD OF PUBLICATION	TIMESCALE	CONTENT
	Fitness to Practise Report	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The reasons for that sanction.</li> </ul>
<b>PCC sanction – Conditions of Practice Order</b>	GOsC Website (Notice of Findings)	<p>Within seven working days of the decision being reached.</p> <p>For the period of the Order.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; Details of the conditions imposed.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	<i>The Osteopath</i>	Next available edition (usually published on a bi-monthly basis) and for one edition only.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; A summary of the decision reached and reasons for the decision, including the sanction applied.</li> </ul>
	Fitness to Practise Report	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath's name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; Details of the conditions imposed.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	The Register (available on the website at all times)	Within seven working days and for the period of the order.	<ul style="list-style-type: none"> <li>&gt; The osteopath's name with a mark (CP) that identifies s/he is subject to conditions.</li> <li>&gt; Details of any conditions that relate to his/her practice.</li> </ul>

NATURE OF INFORMATION	METHOD OF PUBLICATION	TIMESCALE	CONTENT
<b>PCC decision – suspension and interim suspension</b>	GOsC Website (Notice of Findings)	<p>Within two working days of the decision being reached where the suspension is immediate and for the duration of the suspension.</p> <p>Within seven working days in all other cases and for the duration of the order.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The start date and duration of the suspension.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	<i>The Osteopath</i>	<p>Next available edition (usually published on a bi-monthly basis) and for that edition only.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name, registration number and location.</li> <li>&gt; A summary of the decision reached and reasons for the decision, including the sanction applied.</li> </ul>
	Fitness to Practise Report	<p>Report for that annual period only (published at the end of the annual period)</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The start date and duration of the suspension.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	The Register (available on the website at all times)	<p>The period of the suspension order.</p>	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name will appear in the searchable Register, with the word ‘Suspended’ beneath his/her name and a link to the findings of the PCC.</li> </ul>

NATURE OF INFORMATION	METHOD OF PUBLICATION	TIMESCALE	CONTENT
<b>PCC decision – removal</b>	GOsC Website (Notice of Findings)	Within seven working days of the decision being reached and for a period of ten months.	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name and registration number.</li> <li>&gt; Full details of the charges that were well founded (proved).</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The date of removal.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	<i>The Osteopath</i>	Next available edition (usually published on a bi-monthly basis) and for that edition only.	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name and registration number.</li> <li>&gt; Full details of the charges that were well founded.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The date of removal.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	Fitness to Practise Report	Report for that annual period only (published at the end of the annual period)	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name and registration number.</li> <li>&gt; Full details of the charges that were well founded.</li> <li>&gt; The decision reached in respect of each charge.</li> <li>&gt; The reasons for the decision.</li> <li>&gt; The sanction applied.</li> <li>&gt; The date of removal.</li> <li>&gt; The reasons for that sanction.</li> </ul>
	The Register (available on the website at all times)	From the date of removal.	<ul style="list-style-type: none"> <li>&gt; The osteopath’s name will not appear in the searchable Register.</li> </ul>



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