



General  
Osteopathic  
Council

# Consultation on draft Practice Note: Questioning Witnesses

Tuesday 20 September 2022

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## **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 currently around 5,400 osteopaths.

One important aspect of our work is dealing with concerns and complaints about osteopaths. We have legal powers with clear and transparent processes to investigate and deal with osteopaths who may fall short of the standards we have set.

## **Background**

Prior to the COVID-19 pandemic and national restrictions introduced in March 2020, the majority of our fitness to practise hearings were held in-person at Osteopathy House in London.

Throughout the whole period of the pandemic and continuing restrictions imposed, we continued to manage urgent hearings remotely, including hearings of interim suspension orders, reviews and some part-heard cases. Over a short period of time we acted quickly, flexibly and responsibly in adapting to significant challenges caused by the pandemic. We started holding substantive hearings remotely from July 2020 onwards.

Between 23 March 2020 and 31 July 2022, we held 84 remote or blended hearings and meetings.

These were made up of the following different types of hearings:

- Interim Order applications – 21
- Substantive reviews – 10
- Final hearings – 31
- Other hearings and Investigating meetings – 22

We have held some cases as ‘blended’ (or ‘hybrid’) hearings (hearings in which some people attend ‘virtually’ via our online platform and others are physically present at Osteopathy House) to ensure that all those involved in fitness to practise hearings are able to participate in proceedings safely and effectively. To facilitate and manage this transition to blended and virtual meetings, several measures and activities were undertaken to ensure our hearings and meetings continue to be fair, accessible and transparent. These included:

- An Interim Protocol for Remote Hearings, introduced and approved by Council in July 2020.
- A bespoke half day training session attended by all panellists and led by an experienced Legal Assessor.

- Tailored training and assistance on the use of the relevant electronic meeting platforms, made available for every panellist.
- A cloud-based system called Caselines which was piloted successfully in August 2020. Caselines is an electronic evidence preparation and presentation system which enables confidential hearing documents to be prepared, shared and accessed securely for fitness to practice hearings. Following training being provided to both the IC and PCC members in November 2020, Caselines is now used by all parties in our meetings and hearings.
- A separate FtP risk register to identify and manage risks in remote and blended hearings.

To support our continuing work in this area, panellists need to feel enabled to continue to play a proactive role in fitness to practise proceedings. Therefore, as well as our Remote Hearings: Guidance and Protocol, we also developed as a companion piece, a practice note on questioning witnesses. The interim practice note on [questioning witnesses](#) was approved by Council in July 2020 to assist Committees at in-person, remote and blended hearings.

Since July 2020 we have conducted a general review of the interim practice note on questioning witnesses to incorporate feedback, insights and build on the learning we have acquired so far from the experiences of participants in remote and blended hearings.

We also carefully evaluated the experiences of those involved in remote hearings across other jurisdictions, including witnesses. Alongside this we also conducted a literature review of existing protocols and guidance within other jurisdictions, including the civil and criminal courts and in particular, any learning we could draw from witness experiences included in the HMCTS (HM Courts and Tribunal Service) evaluation of remote hearings during the COVID-19 pandemic, published in December 2021.

## The consultation

In this consultation, we are inviting views on our [draft practice note on questioning witnesses](#).

We are committed to ensuring our adjudication function is discharged in a fair, effective and transparent manner. We want to make sure all witnesses feel able to give their best evidence and engage effectively with the hearing process. The draft Practice Note forms part of a [set of Practice Notes](#) that have been prepared for use by the fitness to practise committees to assist in meeting this objective. It is designed to be read in conjunction with other practice notes we have published.

We have made some minor accessibility changes throughout the practice note. Key changes are highlighted in red.

Please read the draft before answering the consultation questions below.

## How to respond

The deadline for responses to this consultation is **5pm Monday 31 October 2022**.

You can send us your views by responding to our [online consultation](#) or if you would prefer, you can email your response to: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk)

Copies of the draft Practice Note on questioning witnesses and this consultation response form are also available on request in other formats by emailing [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk)

Information in responses, including personal information, may need to be published or disclosed under the access to information regimes (mainly the Freedom of Information Act 2000, the General Data Protection Regulation, the Data Protection Act 2018 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 name 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 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.

## Consultation questions

### Draft Practice Note on Questioning Witnesses

1. Your name or your organisation if replying on behalf of an organisation (optional)

2. Have you had direct experience of giving evidence in a hearing at GOsC?

Yes  No

3. If yes, in what context? For example, as a witness, registrant, legal representative, etc?

4. Have you had direct experience of giving evidence in a hearing elsewhere?

Yes  No

5. If yes, please specify where (for example another healthcare regulator) and in what context (for example, as a witness or registrant)

6. If you gave evidence at a GOsC hearing, what was your experience of the questioning by the GOsC representative, the registrant and /or their defence team and the panel?

7. Do you think the questioning process could be improved? If yes, please explain how you think it might be improved.

8. Did you find the draft Practice Note on Questioning of Witnesses clear and easy to understand?

Yes  No

Please provide any suggestions about how the draft note might be made clearer.

9. Do you consider there are any equality and diversity implications for groups or individuals related to this practice note?

Yes  No

If yes, please explain what could be done to address this?

10. Do you consider that the approach proposed in this consultation supports our overarching objective of public protection? This includes:

- a. protecting, promoting and maintaining the health, safety and well-being of the public
- b. promoting and maintaining public confidence in the profession of osteopathy
- c. promoting and maintaining proper professional standards and conduct for osteopaths

Yes  No

Please provide additional comments below

As set out above, we are asking some specific questions that we would like responses to, but you are welcome to offer any other comments you wish.

All feedback will be taken into consideration.

**Diversity questionnaire**

We would like to ask some questions about you. Completing the diversity questionnaire is optional but we would welcome information about our respondents. We ask for this information to help us analyse the consultation responses to help ensure we are not inadvertently discriminating against any particular group. We are also required as an organisation to monitor diversity.

It would be very helpful to us if you would provide this information. You can skip any questions you do not wish to answer.

[Please complete the diversity questionnaire.](#)

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