



General
Osteopathic
Council

Annex B to Item 6

Council
29 January 2014
Quarterly Fitness to Practise Report

Report from Moulton Hall Ltd January 2014

Moulton Hall Ltd
Penlee House
4 Hedge Lane
London
N13 5SH
Tel 020 8882 8871

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GOSc Complainants Research 2013

Summary

As of the end of 2013, seventy completed questionnaires had been returned, as follows:

	Total	Pre 2011	2011	2012	2013
Registrants	39	20	10	6	3
Complainants	25	8	8	6	3
Patients who raised a concern	6	1	1	-	4
Total	70	29	19	12	10

These results are based on ten questionnaires; six from patients - three who made a complaint and three who raised a concern, and four from registrants three of whom were involved in the GOSc complaints procedure in 2013.

For all results count data has been provided given the small number of responses. This is a summary of the main results and for anonymity sake, as there are few responses some questions have been omitted from this summary.

Complainants'

Background and outcome of the hearing

Overall, of the three complainants, two had complained about unacceptable conduct and two felt the osteopath was professionally incompetent. Two of the three spoke to the osteopath and tried to resolve the issue before making a formal complaint.

For all three the last step in the complaints procedure was a Public Hearing before the Professional Conduct Committee. For all (3/3) the outcome of their complaint was not in their favour. The procedure was not viewed as fair – 2/3 felt the process was unfair, while 1 viewed the procedure as neither fair nor unfair. They felt the process was unfair because:

- The Committee did not take account of all the information given by the complainant, they favoured the Osteopath's evidence
- They were unable to assist the lawyer with "*lies or mistakes*" made by the Osteopath

Overall satisfaction and improvements

There were mixed views on how complainants felt the GOSC had dealt with their complaint. One was very satisfied, one satisfied and one was dissatisfied.

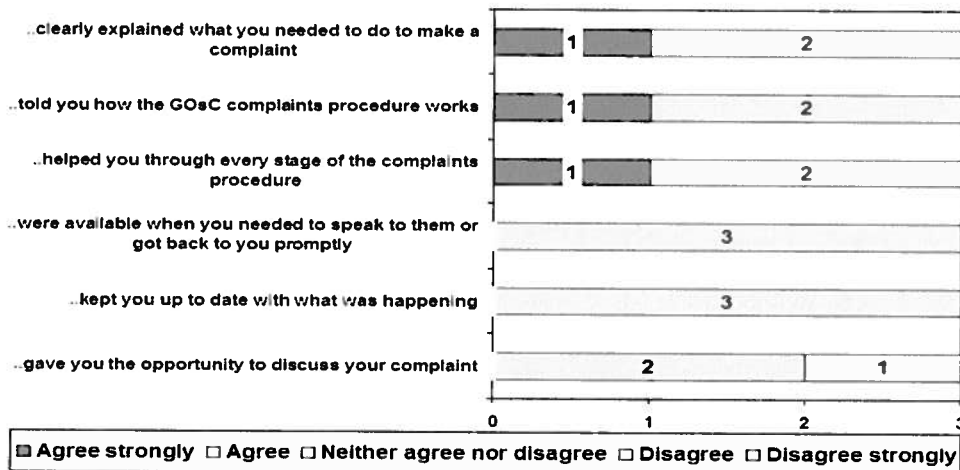
Two of the three felt the GOSC could have done more by:

- Excluding misleading information from the documentation
- Reducing the amount of time from the complaint submission to the Hearing
- Informing them that they could delay proceedings to re-read statements

Satisfaction with staff at the GOSc

For most, complainants' were positive about their experience of staff at the GOSc. Only one complainant was indifferent about their experience of staff at the GOSc - not being given the opportunity to discuss their complaint.

Graph 1: Statements about the staff at the GOSc – 2013 complainants

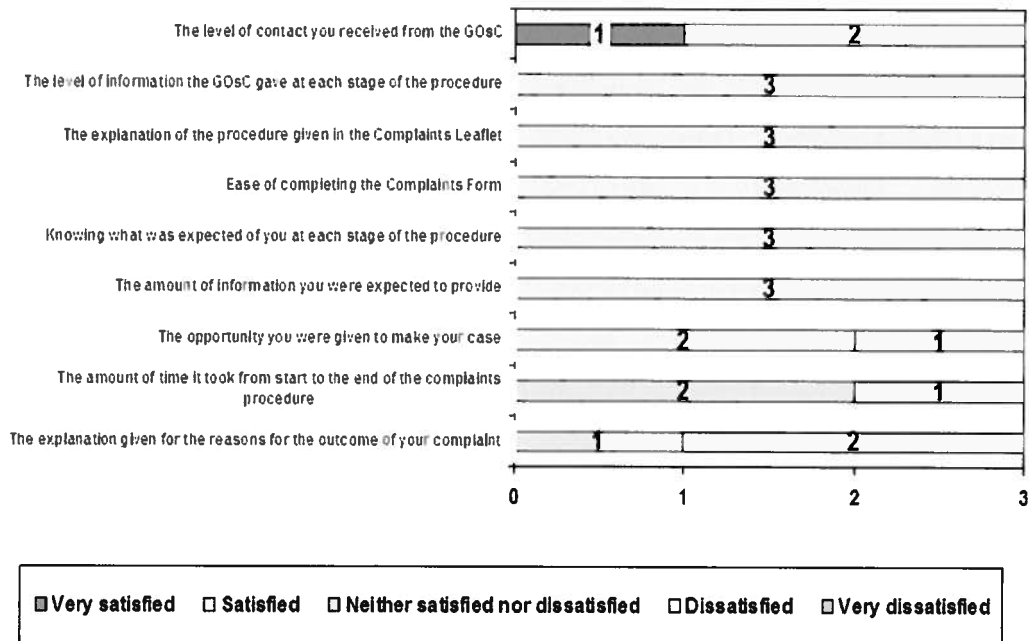


Satisfaction with the procedure

In 2013 most complainants were satisfied with all aspects of the procedure. However, two out of three were dissatisfied with the explanation given for the reasons for the outcome of the complaint and one was dissatisfied with "the amount of time it took from start to finish".

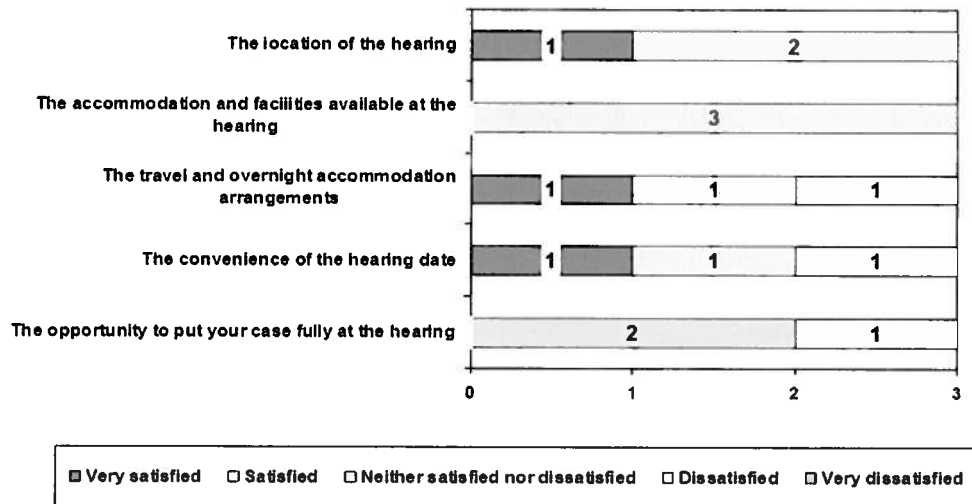
"The outcome appeared loaded in favour of the Registrant".

Graph 2: Satisfaction with elements of the complaints procedure – 2012 complainants



All three of the complainants' cases went to a Public Hearing. – two responded to the satisfaction elements of the questionnaire on the hearing. One respondent was dissatisfied with the convenience of the hearing date and the opportunity to put their case. The other was dissatisfied with the travel and overnight accommodation arrangements, as shown in Graph 3.

Graph 3: Satisfaction with elements of the hearing – 2013 complainants



Registrants' responses

Background and outcome of the hearing

The type and number of complaints made against registrants were as follows:

<u>Type of complaint</u>	Total (39)	Pre 2011 (20)	2011 (10)	2012 (6)	2013 (3)
Professional incompetence	67% (26)	65% (13)	70% (7)	67% (4)	67% (2)
Unacceptable conduct	51% (20)	60% (12)	40% (4)	50% (3)	-
Convicted of criminal offence	8% (3)	10% (2)	-	-	33% (1)
Inability to practice properly	3% (1)	5% (1)	-	-	-
Other	15% (6)	15% (3)	30% (3)	-	-

One of the three said the complainant tried to contact them to resolve the issue before making a formal complaint.

All registrants went elsewhere for help. All contacted a solicitor (3/3), while 2/3 the British Osteopathic Association and their insurer.

For two out of three the last step of the complaints procedure was a Public Hearing before the Professional Conduct Committee. One registrant was given a decision by the Investigating Committee.

For two of the three the complaint was not proved. There were mixed views on the fairness of the GOSC procedure. One thought the procedure was very fair, one fair and one thought it was very unfair. However, they did not stipulate why and noted they would be making a formal complaint about the procedure.

Satisfaction with the GOsC and Improvements

Two of the three contacted the GOsC for help with the complaint. One was very satisfied and one dissatisfied with the response they received, and the other did not complete the question.

In 2013 the type of information they contacted the GOsC for were:

- procedure (not specified)
- what constituted a criminal charge

All three thought the GOsC could have done more.

"Try to avoid going to a hearing, maybe some kind of moderator to act as a go-between the two parties".

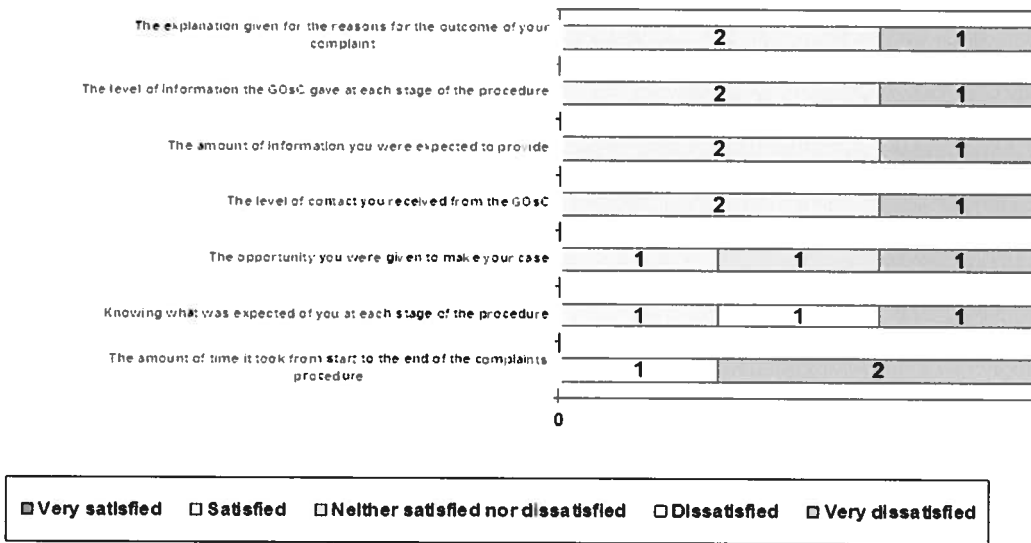
"[Could have] been quicker at reaching a decision before passing the complaint to the Investigating Committee".

Satisfaction with the procedure

Two of the three registrants were satisfied with most elements of the complaints procedure. One registrant was very dissatisfied with all elements. The other two registrants were dissatisfied or very dissatisfied with:

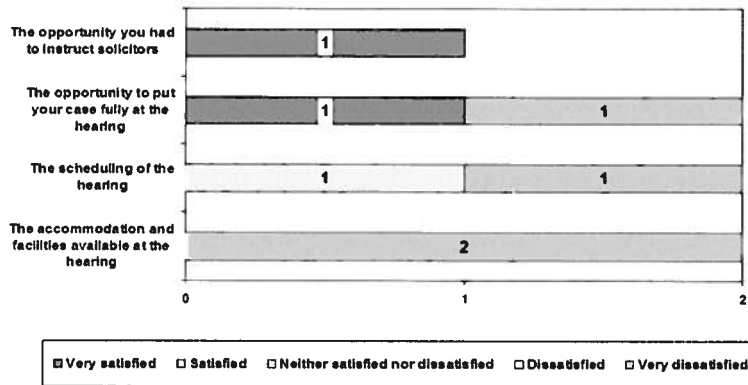
- The amount of time it took from start to the end of the complaints procedure
- Knowing what was expected at each stage of the procedure

Graph 4: Satisfaction with elements of the complaints procedure – registrants 2013



Of the two registrants who attended a Public Hearing both were very dissatisfied with the accommodation and facilities available. While one was also very dissatisfied with the scheduling of the hearing and the opportunity to put their case fully at the hearing.

Graph 5: Satisfaction with elements of the hearing – registrants 2013

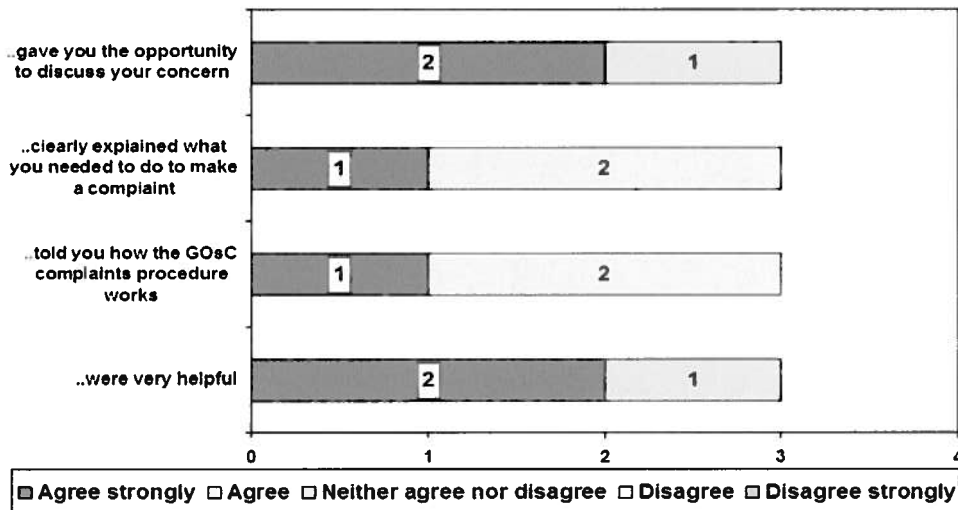


Patients who raised a concern – responses

Three patients raised a concern regarding conduct and one patient about incompetence. All spoke to the GOsC by telephone, two also made contact by post and one by email. Of the three patients who completed the statements about how the GOsC dealt with their concern, most were positive. However one patient was indifferent about “being given the opportunity to discuss their concern” and “the staff being very helpful”. Overall two patients were positive about the way the GOsC dealt with their concern (one very satisfied and one satisfied), while the third was dissatisfied. This patient was the only one who thought the GOsC could have done more.

“The GOsC could have been more encouraging and supportive. I was very worried and felt quite scared of the Osteopath....I felt too intimidated to proceed with my claim.”

Graph 6: Statements about the staff at the GOsC – 2013 patients who had a concern



For two patients their concern has since been resolved partially in their favour. Both these two patients spoke to the Osteopath about their concern and for one this helped resolve their concern “somewhat”. However, although both are unsure whether to make a formal complaint, neither feel that any element of the complaint procedure stopped them proceeding with the complaint.

“The decision to drop the complaint had more to do with personal issues, than the GOsC’s complaints procedure”.

For one patient the concern has not been resolved and they are definitely not going to make a formal complaint. This patient felt that the GOsC could have done more.

“Having to appear with the Osteopath at the hearing, felt intimidating and undermining”.

Conclusions

For patients in 2013 there were mixed views on the way the GOsC dealt with their complaint. However, none felt the process was fair nor was the complaint in their favour. Although most were positive about their experience of staff at the GOsC, they felt the GOsC could have done more. In particular, the GOsC could:

- Exclude misleading information from the documentation
- Reduce the amount of time from the complaint submission to the Hearing
- Inform the complainant they could delay proceedings to re-read statements

As in previous years particular attention should be paid to the explanation given for the reason for the outcome of the complaint and the time it took from the start to the end of the procedure.

For most (2/3) patients who raised a concern, the GOsC could have done nothing further. However, one patient felt the GOsC could have been "*more encouraging and supportive*", as they felt "*too intimidated to proceed*".

As in previous years, registrants had mixed views on the fairness of the procedure. All (3/3) felt the GOsC could have done more by trying to avoid going to a hearing and been quicker in their decision making pre Investigating Committee. Areas of the procedure and public hearing that could be improved were:

- The amount of time the procedure took,
- Letting Registrants know what was expected at each stage, and
- The accommodation and facilities available at the Public Hearing.

Vanessa Moulton
3 February 2014