



Council Meeting
12 July 2016
Voluntary Removal Policy

Classification Public

Purpose For decision

Issue The draft policy formalises the decision making process the Registrar undertakes when an osteopath makes a request to be removed from the Register of Osteopaths and sets out how the process differs depending on whether there are current fitness to practise concerns at the point when they make an application for removal.

Recommendation To agree to consult on new draft policy on voluntary removal at the Annex.

Financial and resourcing implications None

Equality and diversity implications Monitoring of diversity data will form part of the Regulation Department Quality Assurance Framework.

Communications implications In line with our standard practice, a public external consultation will be undertaken.

Annex Draft Voluntary Removal Policy

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Background

1. This policy sets out how we address requests from osteopaths to be removed from the Register of Osteopaths (the Register), a process known as voluntary removal (VR) or resignation.
2. The Osteopaths Act 1993 (the Act) is silent as to procedure for dealing with such requests and generally, there are no barriers preventing an osteopath from applying for voluntary removal from the Register. However, where there are ongoing fitness to practise issues relating to that osteopath, the application needs to be considered by the Registrar who determines whether the osteopath's request for removal should be granted in all the circumstances of the case.

Discussion

3. Each year, only a handful of osteopaths that fall within the latter category above ask to be removed from the Register. Formalising the criteria the Registrar takes into consideration in assessing applications will assist osteopaths in determining whether they may wish to make an application for VR, and will improve the transparency of our processes whilst aiding consistency in the decision making process.
4. Removing an osteopath from the Register can provide a more proportionate and efficient mechanism for dealing with osteopaths who have fitness to practise issues and who no longer wish to stay on the Register. For example, while providing immediate protection to patients and the public, this would also remove the stress of a hearing for witnesses and registrants alike.
5. However, developing a robust decision making framework would also ensure the wider public interest and the need to maintain public confidence in the profession is taken into account. For example, in circumstances where former osteopaths choose to practise in another discipline as manual therapists there is a clear public interest in bringing this matter to a hearing so that the fitness to practise concerns can be put on the public record and a member of the public can see that the osteopath faced a hearing.
6. The policy is aligned to the GOsC strategic objective to promote public and patient safety through proportionate, targeted and effective regulatory activity. It will provide greater assistance to committees in the task of deciding whether an ISO is appropriate in any given case and will assist other users of the guidance including legal assessors and registered osteopaths and their advisers.

Consideration by the Policy Advisory Committee

7. At its meeting on 16 June 2016, the Policy Advisory Committee (PAC) considered the draft guidance. The PAC agreed that the guidance should be recommended to Council for consultation subject to some minor corrections and amendments.

Recommendation: to agree to consult on new draft voluntary removal policy for public consultation at the Annex.



**General
Osteopathic
Council**

Draft Guidance on Voluntary Removal Applications

Introduction

1. A registrant is able to request removal from the Register of Osteopaths (the Register) at any time. This process is referred to as voluntary removal or resignation.
2. The Osteopaths Act 1993 (the Act) is silent as to whether an application must be in writing¹. However, in practice, we normally require registrants to confirm their request for removal in writing.
3. In all cases where a registrant requests removal, for example: because of retirement, the Registrar is required to provide reasons for their decision.²

A. Voluntary removal for administrative reasons

4. The application for removal is usually straightforward and can be effected quickly. Any request to leave the Register, for example, where the registrant wishes to retire, has to be received in writing or by completing a form entitled *Leaving the Statutory Register of Osteopaths request form*. This form can be accessed on the GOsC website, or it can be sent to the registrant by the Registration Department. The Registration Department will then write to the registrant to confirm that they have been removed from the Register after they have checked that there are no outstanding fitness to practise concerns.

B. Voluntary removal where there are current fitness to practise concerns

5. A different procedure is followed where the registrant is subject to an ongoing fitness to practise investigation or proceedings. This section details the relevant factors that the Registrar will take into consideration when making a decision on requests for voluntary removal where the registrant is the subject of an ongoing fitness to practise investigation.
6. A registrant may request to be removed from the Register at any stage during their fitness to practise investigation. However, voluntary removal is generally not appropriate until the investigation into a registrant's fitness to practise has been completed and all the evidence has been gathered. This is because the Registrar will need to consider all aspects of the fitness to practise allegation before reaching a decision. Nevertheless, the Registrar may want to give individual consideration as to whether the factors (as listed below) indicate that voluntary removal should be granted.

¹ Section 6 of the Osteopaths Act 1993

² Rule 6 of the General Osteopathic Council (Registration) Rules 1998 states that 'where the Registrar removes an entry in the register (except where the removal is pursuant to an order under section 22(4) (d) of the Act) or refuses to renew an entry, he shall give the osteopath concerned reasons in writing for the removal or the refusal as the case may be.'

7. The Registrar will need to be satisfied, taking account of all the relevant circumstances, that it is appropriate to grant the registrant's request for voluntary removal from the Register.
8. Relevant circumstances include the following factors:
 - the public interest, including patient safety
 - the registrant's health
 - the sincerity of the registrant's request to cease to be registered
 - any evidence that the registrant may wish to continue to practise as an osteopath in the UK or overseas
 - the likelihood that the registrant will make an application for restoration to the register at some point in the future.
9. The public interest is composed of three elements³:
 - a. the protection of patients, colleagues and the wider public from the risk of harm
 - b. maintaining public confidence in the osteopathic profession
 - c. declaring and upholding appropriate standards of conduct and competence among osteopathic professionals.
10. Removal from the Register is the most effective way of ensuring that patients and the wider public will be protected. The Registrar will have regard to the extent of any alleged harm caused to patients. However, the Registrar will give additional consideration to any future risk posed to patients should the registrant make an application for restoration to the Register. In doing so the Registrar may ask for additional information from the registrant. For example: whether the registrant intends to cease practising permanently or whether the registrant admits some or all of the allegations. Where there is evidence to suggest that the registrant genuinely wishes to cease to practise as an osteopath, for example where the registrant is in the latter stages of their career, then this would weigh in favour of granting voluntary removal.
11. The Registrar should also take into account there may be difficulties in reviving a fitness to practise investigation several years after the alleged events should the registrant make an application for restoration to the register. This may be because a witness has died or their memory has faded and/or evidence has deteriorated or is otherwise no longer available.

³ See Practice note: 2015/1: The duty to act in the public interest

12. Where there is evidence to suggest that the registrant is seeking voluntary removal as a mechanism to avoid a final hearing or where there is information to demonstrate that the registrant intends to re-apply to the Register in the near future this would weigh against granting voluntary removal.
13. Equally, where former osteopaths choose to practise in another discipline, for example, as manual therapists, or where they are dual registered with another professional regulator, there is a clear public interest in bringing fitness to practise concerns to a hearing. This is because members of the public can then see that the osteopath faced a professional conduct or professional incompetence hearing as this will be put on public record.
14. A separate and important consideration in the Registrar's assessment is the need to maintain public confidence in the osteopathic profession and declare and uphold proper standards of conduct and competence amongst the osteopathic profession. Even where there may be an absence of serious and/or widespread harm to patients, regard must also be taken of the impact of the Registrant's alleged behaviour on public confidence such that the allegation requires ventilation at a final hearing before a Professional Conduct Committee. Voluntary removal from the Register would prevent a hearing from being convened. This is a significant factor that will be always be given careful regard by the Registrar when reaching a decision.
15. The same does not apply where the allegations relate solely to the registrant's health. In these circumstances the Registrar will generally grant an application for voluntary removal. However, depending upon the nature of these health concerns, or where the allegations involve a combination of health, misconduct and/or incompetence, the Registrar may request that the registrant undergo a medical assessment by a medical assessor appointed by the GOsC before reaching a decision.