



Council
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Draft Restoration Guidance

Classification Public

Purpose For decision

Issue This paper proposes the introduction of guidance on the arrangements for and procedure at a hearing where an application for restoration is made after the removal of an osteopath from the register following a fitness to practise hearing.

Recommendation To agree the draft Restoration Guidance.

Financial and resourcing implications Within existing budget

Equality and diversity implications None identified

Communications implications If approved, the guidance will be published on the GOsC website

Annex Draft Restoration Guidance

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Background

1. An osteopath who is removed from the GOsC's Register for fitness to practise reasons may apply for readmission after a period of ten months. In such cases the application for registration must be referred to the Professional Conduct Committee rather than being considered by the Registrar which would be the normal procedure for any other type of restoration application.

2. Section 8 of the Osteopaths Act 1993 states:

'Restoration to the register of osteopaths who have been struck off

- (1) Where a person who has had his entry as a fully registered osteopath removed from the register as the result of an order under section 22(4)(d) wishes to have his entry restored to the register he shall make an application for registration to the Registrar.*
- (2) No such application may be made before the end of the period of ten months beginning with the date on which the order under section 22(4)(d) was made.*
- (3) Any application for registration in the circumstances mentioned in subsection (1) (an "application for restoration") shall be referred by the Registrar to the Professional Conduct Committee for determination by that Committee.*
- (4) For the purposes of determining an application for restoration--*
 - (a) the Committee shall exercise the Registrar's functions under section 3; and*
 - (b) subsection (2) of that section shall have effect as if paragraph (d) were omitted.*
- (5) The Committee shall not grant an application for restoration unless it is satisfied that the applicant not only satisfies the requirements of section 3 (as modified) but, having regard in particular to the circumstances which led to the making of the order under section 22(4)(d), is also a fit and proper person to practise the profession of osteopathy.*
- (6) On granting an application for restoration, the Committee--*
 - (a) shall direct the Registrar to register the applicant as a fully registered osteopath; and*
 - (b) may make a conditions of practice order with respect to him...'*

3. Save for the enabling provisions within section 8 of the 1993 Act for restoration hearings, the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 (<http://www.legislation.gov.uk/ukxi/2000/241/contents/made>) (and associated

rules) are silent as to the procedure to be followed both by the Registrar when making arrangements for a restoration hearing, and also the procedure to be followed by the Committee during the hearing.

4. This guidance details the arrangements and procedure for restoration hearings where an individual, 'struck off' or removed from the register following a hearing before the Professional Conduct Committee, makes an application to be restored to the Register of Osteopaths.

Discussion

5. Applications for readmission to the Register following removal are rare. There is no record of any such application having been received or granted in recent years. No such applications have been received since it has become the GOsC's policy to develop procedural guidance to support the decision making of fitness to practise committees. However, we have now received such an application and it is prudent for Council to agree supporting guidance before the application is considered by the PCC.
6. The draft guidance is divided into separate paragraphs: what happens before the hearing and during the hearing. The procedure before the hearing mirrors the process laid down within the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 followed for fitness to practise hearings, including the notice of hearing required and disclosure of materials in advance of the hearing. Important safeguards for the fairness of the hearing are replicated within the procedure for the hearing which has been designed to guide the Committee through the appropriate procedure to follow when considering the restoration hearing, including the Committee having access to independent legal advice and the requirement to produce written reasons for the decision reached.
7. The guidance is designed to be read in conjunction with other guidance and is aligned with the Good Character Assessment Framework which is used by the Registration Department when considering applications for registration (which was developed by the Education and Registration Standards Committee in 2014) and the Hearings and Sanction Guidance approved by Council in January 2018.
8. In normal circumstances a new guidance document of this type would be considered in advance of Council discussion by the Policy Advisory Committee and also be subject to a period of public consultation. However, in the current circumstances and, given that the document draws on existing good practice and approved procedures, the Executive believes that these additional steps are not required.

Recommendation: to agree the draft Restoration Guidance.