



Council
20 July 2021
Fitness to Practise report

Classification	Public
Purpose	For noting
Issue	Quarterly update to Council on the work of the Regulation department and the GOsC's Fitness to Practise committees.
Recommendation	To note the report.
Financial and resourcing implications	Financial aspects of Fitness to Practise activity are considered in Annex B of the Chief Executive and Registrar Report.
Equality and diversity implications	Ongoing monitoring of equality and diversity trends will form part of the Regulation department's future quality assurance framework.
Communications implications	None
Annex	A - Fitness to Practise Data Set
Authors	Sheleen McCormack and David Bryan

Key messages from the paper:

- We continue to list and hold meetings and hearings through the use of remote hearings and blended hearings, ensuring the safety and wellbeing of all participants.
- At the time of writing, we have listed 8 of the 16 cases referred by the Investigating Committee (IC) to the Professional Conduct Committee (PCC).
- In this reporting period, we received 20 concerns and 9 formal complaints were opened which is comparable to the previous year.
- Mr Gerard Garrote was found guilty at Westminster Magistrates' Court on 5 May 2021, on one count of using the osteopathic title while not registered with the GOsC. This is contrary to section 32(1) of the Osteopaths Act 1993.
- On 21 June 2021, Amanda Purcell appeared at Wigan Magistrates' Court and was found guilty on two counts of using the osteopathic title while not registered with the GOsC, contrary to section 32(1) of the Osteopaths Act 1993

Fitness to practise case trends

1. In this reporting period, the Regulation Department received 20 concerns and 9 formal complaints were opened. During the same period last year, the figures were 15 concerns received and 11 formal complaints opened.
2. Of the 20 concerns, four related to the transgression of patient/professional boundaries, four related to clinical failings, five related to conduct and/or poor communication, two related to conduct on a social media platform, one related to a lack of insurance and four cases related to Covid-19 specifically with regard to inappropriate comments on social media platforms or a failure to adhere to health and safety in response to the pandemic.
3. The 9 formal complaints related variously to: boundaries, clinical treatment, conduct and/or communication, a lack of insurance and conduct specifically in regard to the Covid 19 pandemic.
4. There were no applications made to the Investigating Committee (IC) for the imposition of an Interim Suspension Order (ISO).
5. During this reporting period, the Regulation Department serviced 6 remote Committee hearings and meetings remotely. This included four substantive hearings and two IC meetings.

Fitness to practise case load and case progression

6. As at 30 June 2021, the Regulation Department's fitness to practise caseload was 44 fitness to practice cases (31 formal complaints and 13 concerns). As at 30 June

2020, the Regulation Department's fitness to practise case load was 56 fitness to practise cases (40 formal complaints and 16 concerns).

7. Performance against the performance targets for this reporting period, is as follows:

Case stage	Key Performance Indicator	Performance Target	Median figures achieved this quarter
Screening	Median time from receipt of concern to the screener's decision	9 weeks	9 weeks
Investigating Committee	Median time from receipt of concern to final IC decision	26 weeks	55 weeks
Professional Conduct Committee	Median time from receipt of concern to final PCC decision	52 weeks	79 weeks

8. In this reporting period the median figures for screening was met.

9. The IC KPI was not met this quarter. Four cases were considered by the IC in this quarter, one of which was impacted by a police investigation and two are older cases impacted by the pandemic with regard to difficulties collating investigative documentation. Whilst the number of cases considered was lower in this quarter, we are now scheduling an additional IC meeting in August 2021 to enable the timely consideration of cases.

10. The PCC median figure was twenty-seven weeks outside the target. This is the continuing legacy of the impact of the postponement of all unheard substantive cases between 26 March and 3 July 2020. In addition, the figure of 79 weeks is reflective of two PCC cases that concluded in this quarter. Specifically, the delays relate to witness availability as well as difficulties with collating evidential material throughout the pandemic.

Section 32 cases

11. Under section 32 of the Osteopaths Act 1993, it is a criminal offence for anyone who is not on the GOsC's register to describe themselves (either expressly or by implication) as an osteopath.

12. The Regulation department continues to act on reports of possible breaches of section 32 and as at 30 June 2021, is currently handling 28 active section 32 cases.

13. Mr Gerard Garrote was found guilty at Westminster Magistrates' Court on 5 May 2021, on one count of using the osteopathic title while not registered with the GOsC. This is contrary to section 32(1) of the Osteopaths Act 1993. Mr Garrote was fined £1,000 and ordered to pay costs of £960 to the GOsC.
14. On 21 June 2021 Amanda Purcell appeared at Wigan Magistrates' Court. Following a trial, Ms Purcell was found guilty on two counts of using the osteopathic title while not registered with the GOsC, contrary to section 32(1) of the Osteopaths Act 1993. Ms Purcell received a conditional discharge for 12 months and was ordered to pay costs of £1,600 to the GOsC.

Working with other regulators/stakeholders

15. Throughout this reporting period, we have continued to liaise regularly with other healthcare regulators including around the planned DHSC regulatory reforms and continued meetings of the Directors of Fitness to Practise via on-line platforms.

Training for the Investigating Committee and Professional Conduct Committee

16. The IC all members training day has been scheduled for 22 November 2021. Currently, the agenda includes a case law update and an interactive session on the new, consolidated Screeners Guidance which has just been published.
17. The Professional Conduct Committee all members training day has been scheduled for 15 November 2021. Currently, the agenda encompasses the effective management of hearings, including time management and a case law updates.

Recommendation:

To note the report.