



Council
14 July 2022
Chief Executive and Registrar's Report

Classification	Public
Purpose	For noting
Issue	A review of activities and performance since the last Council meeting not reported elsewhere on the agenda.
Recommendations	To note the content of the report.
Financial and resourcing implications	<p>The two-month accounts to 31 May 2022 are provided at Annex B to this paper.</p> <p>A Performance Measurement Report, considered annually by the Audit Committee, is attached at Annex C to this paper.</p>
Equality and diversity implications	The paper sets out what we have done since the previous Council meeting on matters related to equality, diversity and inclusion.
Communications implications	These are discussed in the report.
Annexes	<p>A. Business Plan monitoring report - 30 June 2022</p> <p>B. Two-month accounts to 31 May 2022</p> <p>C. Performance Measurement Report</p>
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Key messages from this paper:

- The report sets out the activities undertaken by the team since the previous Council meeting not reported elsewhere on the agenda. Headlines include:
 - We have again passed all 18 of the Professional Standards Authority, Standards of Good Regulation.
 - We will be involved in the Scottish Regulatory Stakeholder Event which is scheduled for 24 October 2022 by chairing one session with a focus on patients and participating in a panel discussion on regulatory reform.
 - We are planning a meeting in Northern Ireland to engage with osteopaths in the region.
 - New Welsh Language regulations are expected to come into effect from 31 October 2022.
 - We have presented at the Institute of Osteopathy regional roadshow in Birmingham and engaged with the profession through a live broadcast with the Academy of Physical Medicine.
 - We have engaged with our counterparts in Australia and New Zealand and committed to more frequent meetings and the sharing of knowledge and insight.

Introduction

1. This report gives an account of activities of note that have been undertaken by the Chief Executive and Registrar and colleagues since the previous Council meeting, which are not reported elsewhere on the agenda.

Professional Standards Authority for Health and Social Care (PSA)

Performance review:

2. Our Performance Review Report for 2021-22 has been published which once again concludes that we have met all 18 Standards of Good Regulation. I must pay tribute to the staff team, supported by those within our governance structure, for their work which has led to this successful outcome.
3. We have published a [news article](#) alongside the Performance Review Report and will be highlighting this success through our communication channels.
4. As part of the PSA's new approach to the performance review process there will be increased dialogue in year which is designed to increase understanding and to allow for any issues to be addressed at an early stage. In June I met with our

new Scrutiny Officer, Collette Byrne, for a very helpful opening discussion and we look forward to maintaining this ongoing dialogue.

Department of Health and Social Care (DHSC) and Department for Business, Energy and Industrial Strategy (BEIS)

5. Phil Harper, Deputy Director Professional Regulation, has taken up post following the departure of Mark Bennett who had worked at the DHSC for the previous two decades. We wish Mark well and look forward to working with Phil. An introductory meeting has been held and quarterly meetings are scheduled with Phil through to summer 2023.
6. Measures have been brought forward to change the law to allow more healthcare professionals to complete DVLA medical questionnaires. We have included this update within our profession-wide ebulletin and we are aware that the Institute of Osteopathy has also done so.
7. We were invited to attend a DHSC roundtable stakeholder engagement discussion concerning Appropriate Clinical Cover (ACC), which looks at the matter of indemnity cover for healthcare professionals. This discussion was designed to restart work on the ACC project following a consultation DHSC held in 2018-19 about indemnity cover for healthcare professionals who purchased their own indemnity cover, because they were not covered by existing or proposed state-backed schemes. We expect DHSC to ask us to help facilitate the distribution of a questionnaire to osteopaths at a later point this year.

Devolved nations

Scotland:

8. Jessica Davies, Senior Communications and Insight Officer, has been liaising with colleagues from the Scottish Government and our fellow healthcare regulators to help shape the agenda for the Scottish Regulatory Stakeholder Event which is planned for 24 October 2022.
9. Currently, GOsC will be participating in two sessions. We will chair a session with the General Chiropractic Council and General Dental Council on 'Patient impact and engagement', and we will participate in a panel discussion with the General Medical Council and General Dental Council on 'Reform of Healthcare Professional Regulation – why now?'

Northern Ireland:

10. We have reported elsewhere on the Council agenda the work which has been undertaken on the recruitment of a Council member, Northern Ireland.

11. We are developing plans for an in-person meeting in Northern Ireland with osteopaths provisionally set for 24 September 2022. We hope that we may be able to include representatives from the DHSC NI if available.

Wales:

12. The Institute of Osteopathy regional roadshow in Cardiff, which we were due to attend, was postponed as a result of the national rail strikes. We look forward to attending the rescheduled event on 22 October 2022.
13. The Welsh Government held a regulatory update meeting in June to outline the plans for the revisions to the Welsh Language Standards, with 31 October 2022 being the expected date the regulations come into effect. The meeting was led by Alan Jones, Head of Welsh Language Standards and Partnership Branch, Welsh Government. An update from this meeting is provided on the July 2022 Council agenda under our Welsh Language Annual Report.

Patients

14. As part of a thematic review into patient engagement in osteopathic education we have interviewed representatives from seven educational providers to identify areas for development to enable patients to further contribute to the work of OEIs.
 - The review will also identify good practice with the aim of providing more in-depth information to enable all parties to learn from.
 - Findings from the review will be shared with COEI and will form the basis of a good practice workshop involving representatives from OEIs.
15. We are entering into the implementation and evaluation phase of the Values project, a project in which we developed resources to support shared decision-making based on what is important to the individual patient.
 - A communications campaign to begin disseminating the resources will begin during the summer.
 - We will co-host a shared decision making event showcasing the resources in Autumn/Winter 2022-23 which we would co-host with the Collaborating Centre for Values Based Practice at St Catherine's College, Oxford.
 - To evaluate the use of the resources we plan to appoint a researcher/research organisation over a period of 6 to 12 months.

Equality, Diversity and Inclusion

16. On the July 2022 agenda is the GOsC Annual Report on equality, diversity and inclusion which provides more detail about our activity, including our

performance against our EDI Framework 2021-24 and progress of the research into the experiences of under-represented groups in osteopathic education and training. We also provide, as a separate paper for Council, an update on the EDI survey activity.

17. Since the previous meeting of Council, we have updated our Equality Impact Assessment and guidance document to ensure there is a specific reference to the Welsh Language. We feel this approach will ensure we are considering any impact on the Welsh Language at an early stage which will put us in a good position to meet the new Welsh Language Standards.
18. June 2022 was the month of Pride and we reflected our commitment to this by changing our social media logos to include the rainbow flag colours.

Australia, New Zealand

19. I met with my Australian and New Zealand counterparts¹ via Zoom in May 2022. This was the first meeting since the pandemic and there was a wide ranging discussion and sharing of information and knowledge. We have committed to meeting quarterly as well as to keep in contact over email between meetings.

Convention 2023

20. We are in discussions with representatives from the Institute of Osteopathy, the National Council for Osteopathic Research and the University College of Osteopathy around the development of a two-day convention to be held in late 2023. This even would in part mark 30 years since the passing of the Osteopaths Act 1993.
21. We will share more details with Council as the planning develops further.

Osteopathic Foundation

22. The Osteopathic Foundation have announced the appointment of Dee Sissons as its new Chair effective from 30 June 2022. The Osteopathic Foundation made the announcement saying: 'Dee has forged a strong healthcare career and has extensive leadership experience. She has held a variety of senior NHS nursing roles, as well as serving as Chair of the Royal College of Nursing and is at present Chief Executive of Rainbows, the children's hospice.'
23. We look forward to meeting with Dee at an appropriate time and discussing how we might support the Osteopathic Foundation as it transitions towards a new strategic direction.

¹ Attendees from: Osteopathy Board of Australia, Osteopathic Council of New Zealand, Australian Osteopathic Accreditation Council.

Engagement activities

24. We attended the Institute of Osteopathy regional roadshow in Birmingham in May, alongside approximate 30-40 regional osteopaths. The roadshow included a focus on evolving careers, mentoring and featured a 90-minute presentation from Fiona Browne, Director of Education, Standards and Development and Steven Bettles, Policy Manager, on professional judgement. We have received positive feedback and look forward to presenting to the iO roadshows in Wales, Leeds, Scotland and London. Additionally, we would hope to be able to use the presentation at the local regional groups, for example, with Northern Ireland at the planned event in September.
25. We are liaising with the Norfolk regional group over attendance at a session in September where we will be covering: communication and consent, type/nature of concerns and complaints we receive; our patient activity including shared decision making tools and case based scenarios.
26. We ran a lunchtime session for osteopaths interested in applying for the Council Associate position which takes office from 1 April 2023. With thanks to Harriet Lambert and Caroline Guy for their interaction with attendees and for encouraging applications.
27. The Senior Management Team attended a live broadcast with the Academy of Physical Medicine in June 2022 which was watched by 477 members of the academy, the majority of which we can expect were osteopaths. The broadcast covered a wide range of topics including:
 - Fitness to practise: proceedings, timeliness, types of complaints
 - Section 32 and protection of title
 - Evaluation of our CPD scheme
 - Value for money, registration fees, and why there was no reduction/waiver of fees during the pandemic
 - Customer service and responsiveness to queries received.
28. The live broadcast was scheduled for 90 minutes and did overrun slightly due to the volume of questions being received. We have committed to responding to any questions which were not answered during the broadcast. We thank Steven Bruce for the invitation to speak on the broadcast and for agreeing to share the unanswered questions/audience comments with us so we can respond and continue to engage with osteopaths.

Staffing

29. Since the previous meeting of Council there are some staff updates to share:
 - We are pleased to welcome Banye Kanon to the GOsC as the Quality Assurance Liaison Officer. Banye started on 13 June and was able to attend the Policy and Education Committee during his first week in post.

- Shardai Blythe-Weir, Registration and CPD Assistant has left the GOsC after achieving a promotion and has been replaced by Mohammed Sherali who was working within the Registration team on a temporary basis.
- Finally, Adarsh Muppane, Senior Digital Communications Officer, has left the GOsC to take up a position with the Nursing and Midwifery Council. We thank Adarsh for his work in the Communications team and also for his work around the Welsh Language Scheme.

External meetings – bringing insight into our business

30. Since the previous meeting we have participated in several external events with stakeholders and partner organisations which ensure that we are able to bring insight to our work. These meetings, which have not been referenced elsewhere in the report, include:

- Chief Executives of the Regulatory Bodies forum
- Sub-group of the Chief Executives (CO-POD)²
- DHSC: regulatory reform meetings
- Department of Industry and Trade: Regulated Professions Advisory Forum
- Directors of Fitness to Practice forum
- Nick Jones, Chief Executive and Registrar, General Chiropractic Council
- Maurice Cheng, Institute of Osteopathy (iO)
- Duncan Empey, Interim Chair of the Osteopathic Foundation
- Osteopathic Development Group meeting
- Ian Fraser, Chair of Council of Osteopathic Education Institutions
- GOsC / COEI meeting
- Nockolds Healthcare Regulators Complaints Forum
- RAMP, iO
- Crowe LLP
- Advertising Standards Authority
- Speaking Up Partnership Group
- Inter-regulatory forums - multiple

Business Plan monitoring

31. The Business Plan monitoring report for the period ending 30 June 2022 is attached at Annex A.
32. We have not cancelled/postponed any activities and we have highlighted in the report where some deadlines have been slightly extended. However, overall, the business plan is in good shape at the end of the first quarter.

² NB: The GOsC has taken on the Chairing responsibilities for CO-POD in 2022 following the change in Chief Executive and Registrar at the General Optical Council.

Financial report

33. The financial year end 2022-23 commenced on 1 April 2022. The two-month accounts to 31 May 2022 are attached at Annex B and the Head of Resources and Assurance will speak to the paper.

Performance Measurement report

34. Audit Committee considers a performance measurement report at its June meeting. The latest report was considered by Audit Committee and is attached at Annex C.

Recommendations: To note the content of the report.

Performance Measurement Report 2021-22

1. Council has previously adopted a set of measures against which the performance of the organisation can be assessed. Each year an annual performance measurement report is provided to the Audit Committee and reported to Council.
2. The areas of performance and agreed measures of success are as follows:

Area of performance	Measures of success
Meeting our statutory duties and maintaining confidence	<ol style="list-style-type: none"> 1. The public and registrants continue to have confidence in our work 2. We continue to meet the PSA's standards of good regulation 3. Privy Council and Department of Health intervention remain unnecessary 4. Appeals against statutory decisions are not upheld
Providing demonstrable public value	<ol style="list-style-type: none"> 1. Stakeholders – including patients, registrants and partners – are satisfied with our performance 2. Maintenance/improvement of standards measured through: <ul style="list-style-type: none"> - Outcomes of fitness to practice complaints - Volume/types of complaints - Engagement in new CPD activities and processes - Implementation/outcomes of development projects - Reduction in conditions imposed on Recognised Qualifications - Successful s32 activity (including prosecutions)
Using our resources to operate effectively	<ol style="list-style-type: none"> 1. Meeting a range of KPIs including: <ul style="list-style-type: none"> - Registration applications processing - Fitness to practise complaint handling - Auditing of CPD returns - Performance against customer service standards 2. Implementing improvements identified from audit and other feedback

3. The existing set of measures reflect advice from the Audit Committee and Council to adopt fewer measures but to be more targeted. An assessment of performance against these measures in 2021-22 is set out below.

Annex C to 7

Area of performance	Performance measures	Comments
Meeting our statutory duties and maintaining confidence	1. The public and registrants continue to have confidence in our work	<ul style="list-style-type: none"> • 2021-22 saw GOsC continue to fulfil its regulatory functions through a global pandemic. • We continued to develop a range of resources both to support the profession and to maintain delivery of our core functions. We began to consult to turning some of the interim guidance into permanent guidance, i.e. the Remote Hearings Protocol. • The level of communications received have remained high with email traffic becoming the main method of contact from our stakeholders. • Following our decision last year to introduce a new Communications and Engagement Strategy, we have been focusing on implementation, listening to our stakeholders and diversifying the communication channels we use. We have overhauled and redesigned our ebulletin which is one of our main methods of communicating with osteopaths. • In 2021 we again undertook a CPD Evaluation Survey, which we have previously reported to Audit Committee as an indication in the level of confidence in the GOsC through our implementation of the new scheme. • Through the 2021 survey, we have seen 80% of osteopaths report they have used the four themes of the Osteopathic Practice Standards (OPS) to identify their learning

Annex C to 7

Area of performance	Performance measures	Comments
		needs which is a key outcome we are looking to achieve. This is a 10% increase on 2020 figure, suggesting more osteopaths are steadily using the OPS when planning and recording their CPD.
	2. We continue to meet the PSA's standards of good regulation	<ul style="list-style-type: none"> The outcome of the PSA performance review into our performance for 2020-21 was published in November 2021. For the 11th successive year, all PSA Standards of Good Regulation were met. We anticipate the result of the PSA review into our performance for 2021-22 will be published by end June 2022. In the reporting period, Audit Committee commissioned our own self-assessment of our performance against the PSA Standards. Six working group meetings were held with the final report presented to Audit Committee in March 2022.
	3. Privy Council and Department of Health intervention remain unnecessary	<ul style="list-style-type: none"> Privy Council and Department of Health default powers have not been exercised.
	4. Appeals against statutory decisions are not upheld	<ul style="list-style-type: none"> In the previous year the High-Court quashed the decision of the Professional Conduct Committee in the case of Wray v GOsC. The GOsC was granted permission to appeal the case to the Court of Appeal. The GOsC appealed the case following this High Court judgment because, if unchallenged, it had the

Annex C to 7

Area of performance	Performance measures	Comments
		<p>potential to limit the way in which a PCC hears evidence in cases and would change the way regulators approach registrants who have been 'conditionally discharged' by the criminal courts. We considered these to be important points of general principle.</p> <ul style="list-style-type: none"> • The case was heard in October 2021 with the decision handed down in December 2021. • In its judgment, the Court of Appeal agreed with the substance of the GOsC arguments that the High Court had been wrong to criticise the way in which the PCC heard the case. Their Lordships underlined the importance of PCC panels seeking information through questioning and set out that the procedure followed by the PCC had not in any way been irregular or unfair to the registrant. • However, overall, the GOsC is deemed to have lost the appeal. This is because the Court of Appeal concluded that the High Court, notwithstanding its errors, had been entitled to form its own view of the conduct that had been admitted by Mr Wray, and to overturn the PCC's finding that he was guilty of unacceptable professional conduct.
Providing demonstrable public value	1. Stakeholders – including patients, registrants and partners – are satisfied with our performance	<ul style="list-style-type: none"> • Stakeholders were invited to participate in our public consultations in 2021-22: <ul style="list-style-type: none"> ○ Draft adjunctive therapies guidance

Annex C to 7

Area of performance	Performance measures	Comments
		<ul style="list-style-type: none"> ○ Equality, Diversity and Inclusion Framework 2021-24 ○ Guidance for Osteopathic Pre-registration Education and development of Standards for Education and Training Consultation ○ Remote Hearings Guidance • We have continued to hold large scale and small scale webinars with osteopaths and patients, which have received positive feedback from those attending. The insights collected from these meetings informs our policy and guidance development. • We committed within our Business Plan for 2022-23 (agreed in the reporting year) to undertake surveys of patients, registrants and other stakeholders to inform our work.
	<p>2. We maintain/improve standards measured through:</p> <ul style="list-style-type: none"> i. Outcomes of fitness to practice complaints ii. Volume/types of complaints iii. Engagement in new CPD activities and processes iv. Implementation/ outcomes of development projects 	<ul style="list-style-type: none"> • The Investigating Committee reached a final decision in 26 cases (39 in the previous year) with 17 cases referred to the Professional Conduct Committee or Health Committee (18 in the previous year). • The Professional Conduct Committee concluded 19 cases, in 8 of those a sanction was imposed (26 cases concluded and 16 sanctions in the previous year). • There was an decrease in removals from the Register (2 in 2021-22 compared to 5 in 2020-21).

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Area of performance	Performance measures	Comments
	v. Reduction in conditions imposed on Recognised Qualifications vi. Successful s32 activity (including prosecutions)	<ul style="list-style-type: none"> Engagement with the new CPD scheme continued to be positive with registrants moving through their CPD cycle, although a technical IT problem did affect some osteopaths CPD diary just prior to the end of their cycle. We tailored specific communications to those impacted and to future renewal months to prevent any future challenges from arising. Two institutions saw the removal of their 'recognised qualification' expiry date enabling more flexibility in terms of visits. 30 cease and desist letters were issued. In the reporting period, 36 cases were resolved. Two successful section 32 prosecutions were heard with costs being awarded to GOsC.
Using our resources to operate effectively	1. We meet a range of KPIs including: <ul style="list-style-type: none"> i. Processing of registration applications ii. Handling of fitness to practise complaints iii. Performance against customer service standards 	<ul style="list-style-type: none"> Registration application processing was within KPI. Median time taken for investigating a complaint was 27 weeks (one week above our target of 26 weeks). Median time taken for concluding a hearing was 65 weeks (above our target of 52 weeks but this was impacted by the pandemic and was one week better than the previous year). Corporate complaints are reported to the Audit Committee and in the year there were four, an increase from two in the previous year.

Annex C to 7

Area of performance	Performance measures	Comments
		<ul style="list-style-type: none"> There were no whistleblowing cases, incidents of fraud and no significant data breaches.
	2. We implement improvements identified from audit and other feedback	<ul style="list-style-type: none"> Assurance audits concluded in the year were: Assessment of GOsC Performance and an audit of fitness to practise Interim Order decisions made by the Investigating Committee (IC) and Professional Conduct Committee (PCC). The Assessment of GOsC Performance saw a report produced for Council. Audit Committee considered that report at its meeting of March 2022. The Report identified a range of recommendations which will be taken forward in 2022-23. The FtP audit also identified actions around enhanced training and revision to guidance. These actions are also being taken forward. Audit Committee considered GOsC reflections on PSA performance review report for 2020-21. The FTP decision review group did not meet during the pandemic but will recommence in the coming year. No significant issues were identified by the auditors within the annual financial audit.

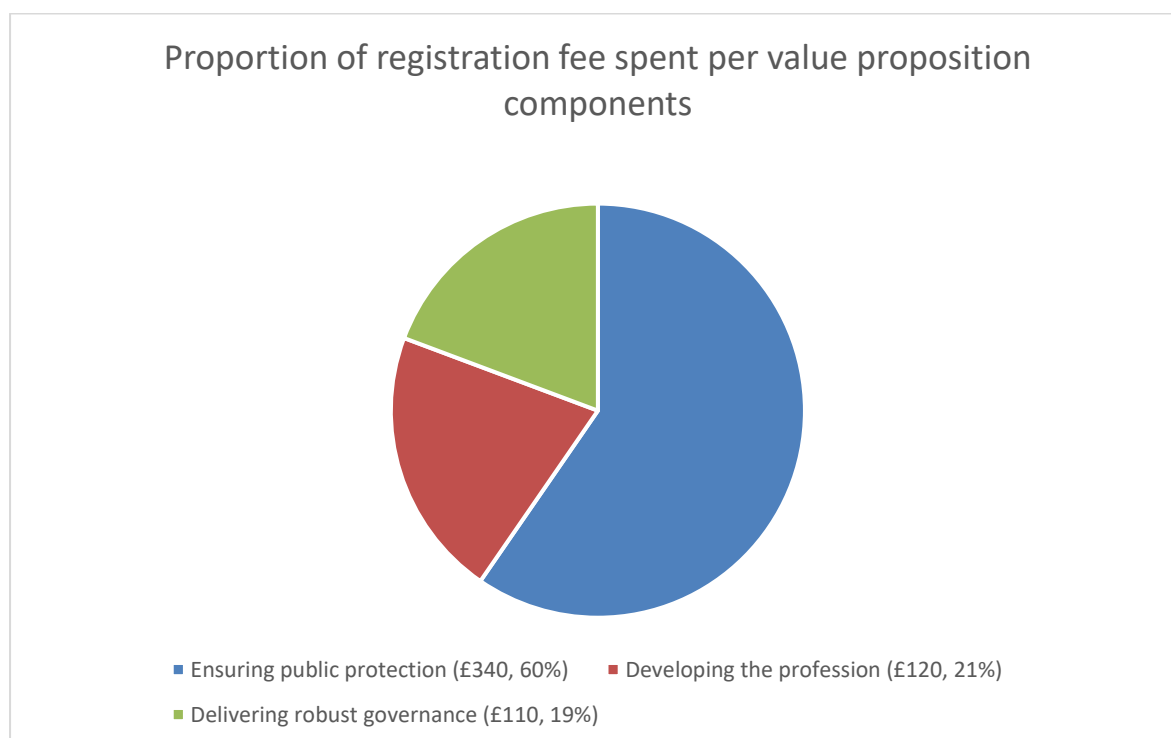
Annex C to 7

Table showing Value Proposition, expenditure in year, % of total budget and proportion of £570 registration fee

Value Proposition components	Expenditure in year³ £	Percentage of total spending %	Proportion of £570 registration fee used £
Ensuring public protection	1.65m (2022)	60% (2022)	340 (2022)
	1.64m (2021)	58% (2021)	330 (2021)
Developing the profession	0.58m (2022)	21% (2022)	120 (2022)
	0.71m (2021)	25% (2021)	144 (2021)
Delivering robust governance⁴	0.53m (2022)	19% (2022)	110 (2022)
	0.48m (2021)	17% (2021)	96 (2021)

What does the registration fee fund?

The headline registration fee of £570 is broken down to show the amount of spend across the GOsC value proposition in 2021-22.



³ Excluding investment losses and/or charges

⁴ Please note that the figures contained in the value proposition for Governance do not relate to the notes on Governance in the notes to the accounts.