

Council
14 July 2022
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
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Key messages from the paper:

- A revised Remote Hearings Guidance and Protocol was approved by Council in May 2022. The guidance has been designed to set out our approach to managing remote and in person hearings into the future. We have been individually reviewing cases to determine whether to list future hearings in person or remotely.
- At the time of writing, we have listed 10 of 22 cases referred by the Investigating Committee (IC) to the Professional Conduct Committee (PCC).
- In this reporting period, we received a lower number of concerns (10) than the previous quarter (14 concerns). Nine concerns were made formal in this reporting period.
- We have exceeded our KPI's at screener and IC stage however we have not met the PCC KPI in this quarter.
- The Fitness to Practise live webinar took place on 17 May 2022, where the Independent Support Service also gave a presentation and we answered attendees' questions on the evening.
- The GOsC is supporting an external research project relating to witness harm throughout the FP process.
- The second 'Insights into Fitness Practise' ebulletin was issued on 25 April 2022.

Fitness to practise case trends

1. In this reporting period, the Regulation Department received 10 concerns and nine formal complaints were opened. During the same period last year, the Regulation Department received 20 concerns and nine formal complaints were opened.
2. Of the 10 concerns, two related to a transgression of boundaries, two related to conduct and six related to inadequate treatment.
3. The nine formal complaints related variously to: a conviction (1), a transgression of sexual boundaries (2), conduct not linked to treatment (1), conduct linked to treatment (1) and inadequate treatment (4).
4. There were four applications made to the Investigating Committee (IC) for the imposition of an Interim Suspension Order (ISO). One ISO was imposed, in two cases undertakings were accepted by the IC and in another case no ISO was imposed. These cases related to a transgression of sexual boundaries (3) and health of the registrant (1).
5. The IC met three times during the reporting period considering, and concluding, all nine cases. In five cases the IC found no case to answer. In another two cases the IC

found no case to answer but provided advice to the registrant. Two further cases were referred to the PCC.

6. In this quarter the PCC sat remotely for two substantive hearings. One of the two hearings was part heard. There were no PCC review hearings or PCC Interim Suspension order applications during this reporting period.
7. A further six day hearing scheduled to commence in June 2022, had to be re-scheduled due to a panellist's personal circumstances.

Fitness to practise case load and case progression

8. As at 30 June 2022, the fitness to practice caseload is 55 (47 formal complaints and 8 concerns). In comparison, on the 31 June 2021, the fitness to practise caseload was 44 fitness to practise cases (31 formal complaints and 13 concerns).
9. Performance against the new 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	5 weeks
Investigating Committee	Median time from receipt of concern to final IC decision	26 weeks	25 weeks
Professional Conduct Committee	Median time from receipt of concern to final PCC decision	52 weeks	65 weeks

10. In this reporting period the Screener KPI was exceeded by four weeks. The IC KPI was also exceeded in this quarter by one week, based on 9 cases being considered by the IC.
11. The end to end KPI was not reached for this quarter.

Section 32 cases

12. 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. There were 21 active Section 32 investigations as at 30

June 2022, two less than the last quarter – a reduction of 30% since this time last year.

13. There have been no prosecutions commenced in this quarter.

FtP Webinar

14. The FtP webinar took place on 17 May 2022. We were joined by over 80 attendees as well as the Independent Support Service (provided by Victim Support). The Independent Support Service highlighted what they do and how all the case participants, including the complainant and registrant osteopath, can benefit from their services. The GOsC, focused on vulnerable witnesses, also providing useful statistics on vulnerable parties that have taken part in FtP investigations over the last three years. The focus of this webinar was to highlight the Independent Support Service for osteopaths and the range of special measures available for vulnerable witnesses at hearings.
15. A joint FtP webinar with the General Chiropractic Council, hosted by GOsC, is planned for September 2022.

FtP E-Bulletin

16. The second in our series of 'Insights on Fitness to Practise' bulletins was issued on 25 April 2022. In this issue we highlighted the Independent Support Service available to all osteopaths going through a fitness to practise investigation. We also continued to reply to the questions sent to us during our last Fitness to Practise webinar in September 2021 and provided case studies. In this issue we discussed what happens during a preliminary investigation by the Regulation team of serious concerns which result in an application for an interim suspension order before the Investigating Committee.

Witness to Harm Research Project

17. The full title of this project is 'Improving patient, family and colleague witnesses' experiences of Fitness to Practise proceedings: A mixed methods study'.
18. The research is being led by the Open University and funded by the National Institute of Health Research (NIHR). It is the first independent multi-regulator research conducted on Fitness to Practise (FtP) processes in the UK. The focus of which is a comprehensive literature review and consultation, focusing on cases of serious misconduct before professional regulators involving allegations of harm to the witness, to a family member, or to themselves as a colleague professional. The purpose of the is to improve understanding of the expectations, experiences and recommend improved processes for witnesses involved in FtP proceedings.
19. The Director of Fitness to Practise and Regulation Manager met with the lead researcher of this project on 17 June 2022, in order to understand the parameters of

the project and of the GOsC and how we can best support and contribute to this research. We have also welcomed the researchers to observe a number of our forthcoming FtP hearings, as part of one of their work packages offered.

Training for the Investigating Committee and Professional Conduct Committee

20. The Regulation Team held induction training for the new Committee members on 22 April 2022. The agenda encompassed Equality and Diversity training, the FtP process and applicable rules and processes that effect the IC and PCC, and sessions on the Remote Hearings guidance and as Interim Orders.
21. The IC all members training day has been scheduled for 22 November 2022. Currently, the agenda includes a case law update and an interactive session on Interim Orders (arising from the external audit recommendations conducted in 2021), in relation to risk assessment, proportionality and the need to adequately explain the IC decisions on these aspects within their written determinations.
22. The Professional Conduct Committee all members training day has been scheduled for 15 November 2022. Currently, the agenda encompasses the effective management of remote hearings, including active time management and a case law updates.

Recommendation: To note the report.