

Meeting of Council

**Minutes of the Council held in public on Thursday 16 May 2024, at
Osteopathy House, 176 Tower Bridge Road, London SE1 3LU and
via Go-to-Meeting video conference**

Unconfirmed

Chair: Jo Clift

Present: Gabrielle Anderson (CA)
Dr Daniel Bailey
Harry Barton (Chair, Audit Committee)
Gill Edelman
Elizabeth Elander (Chair, People Committee)
Sandie Ennis
Simeon London
Professor Patricia McClure (Chair, Policy & Education
Committee)
Laura Turner (CA)

In attendance: Fiona Browne, Director of Education, Standards and
Development
David Bryan, Regulation Manager (Item 7)
Ben Chambers, Registration Manager (Item 8)
Banye Kanon, Senior Quality Assurance Officer (Item 10)
Sheleen McCormack, Director of Fitness to Practise
Liz Niman, Head of Communication, Engagement and Insight
Darren Pullinger, Head of Resources and Assurance
Matthew Redford, Chief Executive and Registrar
Marcia Scott, Council and Executive Support Officer (Online)
Paul Stern, Senior Policy Officer (Item 11)(Online)

Observer/s: Colette Byrne, Scrutiny Officer, Professional Standards Authority
(PSA)(online)
Maurice Cheng, CE, Institute of Osteopathy (iO)
Dr Jerry Draper-Rodi, Director, National Council for Osteopathic
Research (NCOR)

Item 1: Welcome and apologies

1. The Chair welcomed all to the meeting. Special welcomes were extended to the new appointments to Council:

- Harry Barton (Lay)
- Gill Edelman (Lay)
- Sandie Ennis (Osteopath)
- Gabrielle Anderson (Council Associate)

2. Apologies were received from:

- Caroline Guy, Council Member (Osteopath)
- Stacey Clift, Senior Policy Officer
- Rachel Heatley, Senior Policy Officer

Item 2: Question from Observers

3. There were no questions from observers.

Item 3: Minutes

4. The minutes of the 122nd public meeting 8 February 2024 were agreed as a correct record.

Item 4: Matters arising

5. The Chief Executive introduced the report which asked that Council note the actions completed and that two item remains ongoing:

- The expansion of the pool of Legal Assessors is expected to conclude by September 2024.
- The GOsC Social Media Policy final compliance checks are expected to conclude by July 2024.

Noted: Council noted the matters arising from the meeting of Council 8 February 2024.

Item 5: Chair's Report

6. The Chair presented an oral update on her activities to date including:

- The successful appointment of three new Council Members and a Council Associate.
- The ongoing recruitment activity for non-Executive appointments including a Lay Council Member (Wales), commencement of the recruitment process to replace two Council Members (Registrant) and four external members of the Policy and Education Committee (two Registrant, two Lay) from 1 April 2025.
- Working with the Executive on preparing for and considering the outcomes Council's Development Days 26-27 March. Work will also be starting on Council's Strategy Day, September 2024.

- Discussions with the Executive to consider GOsC's external communications and engagement with the profession/stakeholders.
 - Meetings attended: the Policy and Education Committee (7 March), the Audit and the People Committees (21 March)
 - Meetings have taken place with all Council Members, including those whose tenure ended 31 March, and the FtP Chairs (the Health Committee, the Professional Conduct Committee, and Investigating Committee), the Chairs of the General Chiropractic Council, General Optical Council, General Pharmaceutical Council, and Social Work England, and with
 - Meetings which are scheduled to take place or are being planned:
 - Bilateral meetings with the Chair and Chief Executive of the Professional Standards Authority (PSA) (20 May), and the President and Chief Executive of the Institute of Osteopathy (10 June).
 - The PSA/Health Regulator Chairs' Roundtable (9 July)
 - Meetings with the Chairs of the Nursing & Midwifery Council, the General Medical Council.
7. The Chair thanked the Executive and members of Council for the support received since being appointed, first as Chair Designate and then as Chair from 1 April.

Noted: Council noted the Chair's Report.

Item 6: Chief Executive's Report

8. The Chief Executive introduced the item which presented a review of activities and performance since the last Council meeting and not reported elsewhere on the agenda.
9. The key messages and following points were highlighted:
- a. Following the discussions in private session Council agreed the National Council for Osteopathic Research (NCOR) proposals to conduct research which will include exploring the reasons as to why Registrants leave the Register. Funding for the research will come from designated reserves up to £30,000k.
 - b. Council also agreed to designate up to £200k for the scoping work and the development and delivery of the website project.
 - c. A judgement has been handed down in the case of Somerville v NMC, Employment Tribunal, which will have implications for the employment statuses of fitness to practise panel members.

- d. The implications arising from the case of Meade v Westminster City Council and Social Work England are being considered. The Director of Fitness to Practise and the Regulation Team are planning relevant training for FtP Committee members which will take place in due course.
 - e. Since the previous meeting of Council, work has continued on a number of recruitment campaigns for 2023-24 and planning for campaigns happening in 2024-25. The recruitment process is to be reviewed by the People Committee to consider how it can be made less burdensome in terms of Council members time commitment.
 - f. The Executive received confirmation from Privy Council that Harry Barton, Gillian Edelman and Sandie Ennis had been confirmed as new Council members taking office from 1 April 2024.
 - g. An induction meeting for the new members of Council was held in February 2024 with the Chair of Council (Designate) and the Senior Management Team.
 - h. Continuing Council members and new Council members came together for two development days in March 2024.
 - i. Ben Adams, osteopath, was appointed to the Investigating Committee from 1 April 2024 for a period of four years to 31 March 2028.
 - j. Following a recommendation from the People Committee meeting in March 2024, Council agreed, electronically, to increase the day rates payable to members of the Policy and Education Committee, People Committee and Audit Committee. There was also agreement to streamline future increases to day rates.
 - k. The GOsC will be participating in the Pride in London parade on Saturday 29 June with staff, Council, Committee members and stakeholders participating.
10. In discussion the following points were made and responded to:
- a. Student Focus Groups: The value of student engagement was recognised and the student presentations undertaken by a number of GOsC colleagues are a valuable part of the engagement process. Students are interested and engaged; the interactions which have taken place have been successful in changing perceptions, breaking down some of the barriers and alleviating some of the anxiety students may hold about the regulator.
 - b. PSA Roundtable 'Accountability, Fear and Public Safety': The issues explored around common myths, fears and misconceptions in health regulation and highlighted in the blog written by Anna van der Gaag, reinforces what the GOsC is trying to achieve and that the approach been taken by the GOsC is

correct. It is recognised that for all regulators addressing the misconceptions held about regulation will be challenging and that a change of culture is required. It was added that the GOsC had been influential in some of the report's content regarding relational regulation, the approach to its CPD scheme based on engagement and support in the community, and the thinking and development around Student Fitness to Practise Guidance.

- c. PSA - Regulating in the Welsh Context: It was explained that the context for this meeting was new technology and its influence in supporting innovation and new ways of working. It was noted that a paper would be presented at the next meeting of the Policy and Education Committee to consider the GOsC's approach to AI, the risk profile of AI and its wider impact.
- d. DHSC – Legislative Reform: It was explained that AAPA Order 2024 would bring the Anaesthesia Associates and Physician Associates under the regulation of the General Medical Council (GMC). This change would provide the template for amendments to General Medical, Nursing and Midwifery, and Health and Care Professions Councils' legislation, but to date there was no timetable or indication for when the envisaged changes to the wider body of health regulators might take place.

Finance Report

- 11. The Head of Resources and Assurance introduced the financial report. The key messages and following points were highlighted:
 - a. For the year end 31 March 2024 the income was just c.£3m with expenditure, including designated funds, just over the same sum. The GOsC had a net surplus of c.£15k.
 - b. A more detailed report will be presented at the next meeting of the Audit Committee and with a report to Council in July. This will include the audit report for year-end 31 March 2024.
 - c. Members were advised the financial audit would encompass testing of the GOsC's IT systems and controls.

Council noted the following:

- a. The content of the report.**
- b. The update on the current Non-Executive recruitment campaigns.**
- c. The appointment of Ben Adams as a member of the Investigating Committee.**
- d. The increase in day rates payable to members of the Education and Policy Committee, Audit Committee and People Committee.**

e. The mechanism for increasing day rates annually.

Item 7: Fitness to Practise Report (Q4)

12. The Director of Fitness to Practise introduced the item which presented the quarterly update and dataset on the work of the Regulation department and the GOsC's Fitness to Practise Committees.

Council was also given an overview on the work and processes of the Regulation Team and the GOsC's Fitness to Practise Committees: Investigating, Health, and Professional Conduct.

13. The key messages and following points were highlighted:

- a. During the reporting period, a similar number of concerns were received (15) in comparison to the last quarter (17).
- b. The screener KPI was exceeded however the Investigating Committee (IC) KPI was not met. No substantive hearings commenced during the reporting period. One case was considered at a Professional Conduct Committee (PCC) review hearing.
- c. As at 31 March 2024, 3 of the 18 cases referred by the IC to the PCC had been listed.
- d. On 20 December 2023, the GOsC brought a successful prosecution against Nigel Graham for unlawfully describing himself as an osteopath whilst not registered with the GOsC. Mr Graham was sentenced on 12 January 2024.
- e. The GOsC held the PCC members annual training event on the 11 January 2024.
- f. The GOsC held the new PCC Induction training on the 12 January 2024.
- g. GOsC attended the Professional Standards Authority (PSA) and Parliamentary and Health Service Ombudsman event on tackling barriers to complaints .

14. In discussion the following points were made and responded to:

- a. Members were informed that data on cases which are impacted by third-party delays have been presented to Council showing the stark difference in the Key Performance Indicators (KPI) with and without the third-party data. A similar data set will be submitted for the next meeting in July.
- b. It was agreed that a geographical representation of third-party cases would also be developed showing where there are obstacles to case progression.

- c. It was noted that an increasing number of serious cases also means that third-party investigations by the police or another authority will impact on case progression. The Regulation team are working with the Professional Standards team to address the rise in boundary cases and addressing before they arrive at the ftp stage.
- d. Members were informed there is no formal notification system in place to advise when a third-party case can resume progression. Although it is recognised as time consuming the Regulation team conduct continuous monitoring and follow up cases on hold.
- e. Members expressed an interest in the PSA and Parliamentary and Health Service Ombudsman *tackling barriers to complaints* event. The event gave participating regulators and stakeholders to discuss, and share experiences. More information about the event would be shared at the next meeting in July.
- f. It was noted that there is an issue, especially for members of Professional Conduct Committee, regarding the reduced number of hearings at which members will sit due to fewer hearings taking place, and that this might have an effect on retention of panel members. It was pointed out that it would be unusual for a GOsC FtP committee member to be only working as a panellist with one organisation, so retention may not be a challenge.
- g. Members of the of the Investigating Committee sit regularly, as do the Screeners. In conjunction with the PCC and IC Chairs regular and appropriate training is organised for all committee members to attend. For example, following the recent decision on Social Work England (SWE) v Meade, training sessions are being prepared members on the Equality Act and Convention of Human Rights. An update will be presented to Council on the SWE v Meade decision and the impact for the GOsC at the July meeting .
- h. New appointees to the PCC/HC and the IC must undergo mandatory induction and training before they can be empanelled. New appointees can also observe FtP hearings in order to learn and gain confidence before they themselves are empanelled. All FtP training is mandatory as a process of continuous for all committee members.
- i. In response to questions raised in relation to the dataset:
 - Protection of Title (Section 32): It was explained that the number of convictions concerning Section 32 cases over the time period from Q1 to Q4 was not unusual. Where a concern is raised a 'Cease and desist' letter is usually sufficient to end the transgression but it should be noted that every case will be different and will impact on the statistics.

- It was important to reflect that the GOsC has the most challenging end-to-end KPIs amongst the Health Regulators, set at 52 weeks. The GOsC has been able to meet the challenges at screening and investigating committee stage but things become more problematical at the PCC stage. This is because much of the work conducted prior to the IC stage (investigations, collecting witness statements) is in the expectation that the case will progress quickly once referred but with 40% of cases being third-party this will impact on a case being taking to conclusion. It is important to reflect that there are serious cases but there are none where there is no interim order over an individual's ability to practise to ensure that the public are protected.
- All cases are being actively progressed and it is important to review the whole 12-month period.
- It was explained that in working with witnesses/complainants the issues and actions are:
 - The challenges with witnesses/complainants who engage and then disengage. Due to the vulnerability of some witnesses/complainants it is necessary to encourage engagement with them through a number of different methods. The GOsC does not have the powers to compel witnesses /complainants to engage.
 - Where a statement has been made and the case referred the witness/complainant may be compelled to give evidence but the challenges remain of how to maintain engagement remain.
 - The investigating Committee can close the matter if it is considered proportionate steps have been taken to engage the witness without whom there will be no case to answer.
 - Registrants subject to the FtP process are kept updated on progression their cases and all parties are provided with details about the Independent Support Service.

Noted: Council noted the Fitness to Practise report.

Item 8: Registration Report

15. The Registration Manager introduced the item which provides an update on registration activity covering the six-month period from 01 October 2023 to 31 March 2024.
16. The key messages and following points were highlighted:
 - a. Following feedback from Council in November 2023 and Audit Committee in March 2024, a revised format of the Registration report was presented.
 - b. Key changes to the registration report format include:
 - the addition of graphs to key data areas,

- the addition of final year UK student numbers, and
 - the subsequent number of those who register with GOsC.
- c. At the end of March 2024 there were 5,519 osteopaths on the Register.
- d. The number of non-practising registrants stands at 160 at the end of March 2024.
- e. Nine return to practise assessments were completed in the reporting period. Sixteen registration assessments, connected to internationally qualified applicants were completed.
17. In discussion the following points were made and responded to:
- a. Members welcomed the new reporting format.
 - b. Members were informed that registration reports are published by other regulators but this is not something currently undertaken by the GOsC. The Executive would consider and reflect on this.
 - c. It was explained that the number of students who did not register post-graduation may be lower than the figure reported and there may be a number of reasons for this:
 - students may have not finished the course,
 - may have left the course,
 - may not have registered immediately after graduation.

With the implementation of the new CRM system more detailed information would be available.
 - d. It was explained that some of the data relating to removals from the Register had not previously included in reporting hence the disparity in the historic and more recent statistical information.

Noted: Council noted the Registration report.

Item 9: Business Plan and Budget 2024-2025

18. The Chief Executive introduced the item which presented Council with the draft Business Plan and Budget.
19. The key messages and following points were highlighted
- a. The draft Business Plan for 2024-25 was presented and represented the first year of the new Strategy, through to 2030.

- b. In discussion with Council in February 2024, the Business Plan had been streamlined to focus on activities which progress the Strategy, removing activities which are considered too operational in nature for Council.
- c. The 2024-25 Business Plan was now significantly shorter than previous iterations with a different feel and tone.
- d. Following feedback from Council in February 2024, measurable actions, timelines were added and, at the end of the Business Plan, key metrics to demonstrate delivery of efficient and effective regulation.
- e. Two additional activities would be included in the Business Plan:
 - The GOsC response resulting from the NMC v Somerville decision.
 - The GOsC Website development project.
- f. The 2024-25 budget had been balanced with a small surplus of c.£4k forecast. In February 2024, Council noted this may be the case with expenditure proposed as being from reserves for Governance Appointments being brought back into the operational budget.
- g. An Equality Impact Assessment had been completed for the introduction of the Business Plan and Budget 2024-25.

20. In discussion the following points were made and responded to:

Business Plan

- a. It was explained that as activities progressed Council would be provided with regular monitoring reports, with additional narrative how activities are progressing to address any omissions and ensure that there is transparency and clarity relating to the GOsC's activities.
- b. It was explained that the intention with the new model of the Business Plan was to move away from the previously highly detailed, operational model and monitoring so that Council could focus on more high-level strategic discussion. It was recognised that there needed to be a balance and the Executive would consider for the next monitoring report.
- c. The Chief Executive acknowledged the comments and suggestions to make the Business Plan more accessible. The next meeting would see monitoring activity with timelines incorporated and opportunity to see the RAG rating.

Budget

- d. It was confirmed that the 2023-24 figures were the forecast budget figures. The forecast surplus for 2023-24 was as predicted.

- e. Members were advised that as part of internal processes a financial report is made to Council at every meeting. In terms of financial thresholds and external reporting, as a registered Charity, if income were to fall below 20% of forecast income a report would have to be made to the Charity Commission. There is no requirement in place for reporting to the Department of Health and Social Care but if such a situation were to arise this would be carefully considered.
- f. In response to a question about funding and the International Journal of Osteopathic Medicine, it was explained that co-funding opportunities are to be explored for IJOM and other publications. There was currently no data available on usage of the journal.
- g. It was confirmed that a provision had been inserted onto the Balance Sheet and had been in place for some time in anticipation of the GMC v Somerville case and decision. The timing for implementation of the High Court's decision is yet to be determined and further consideration of both points would be made at the Audit Committee and People Committee meetings in June 2024.

a. Council considered and agreed the draft Business Plan 2024-25.

b. Council considered and agreed the draft Budget 2024-25.

c. Council considered and agreed the Equality Impact Assessment.

Item 10: Recognised Qualification (RQ) – North East Surrey College of Technology (NESCOT)

- 21. The Senior Quality Assurance Officer introduced the item concerning the renewal and recognition of the MOst and BOst (full-time) qualifications awarded by NESCOT and initial recognition of the BOst (part time) awarded by NESCOT.
- 22. The key messages and following points were highlighted:
 - a. Council is responsible for recognising qualifications under the Osteopaths Act 1993, on recommendation from the Policy and Education Committee and subject to the approval of the Privy Council.
 - b. At its March 2024 meeting, the Policy and Education Committee agreed to recognise recognition of the BOst part time. There are no conditions attached to this RQ.
 - c. As part of the BOst (part-time) visit, the Committee noted there was evidence that the previously agreed conditions to the MOst and BOst full-time courses had been met. They therefore agreed to renew recognition of the MOst and BOst (full-time and part-time) without an expiry date. There are no conditions attached to this RQ.

- d. Council was asked to make decisions about recognition of these qualifications, following the recommendation of the Policy and Education Committee and subject to the approval of the Privy Council.

23. In discussion the following points were made and responded to:

- a. It was explained that although an institution may have no conditions or expiry date attached to its Recognised Qualification it does not prevent the GOsC reviewing an RQ or have provisions put in place over the 5–6-year review cycle. Since 2018, the GOsC has been moving away from the need to seek formal Privy Council approval for every RQ renewal, relying on the monitoring and scrutiny of the Policy and Education Committee. If there are concerns about the quality of an RQ without an expiry date then a recommendation to withdraw the RQ can be made to Council.

When a Visit takes place it is unusual for an institution not to receive Conditions, the criteria is that there are no Conditions or the institution is working towards not having Conditions.

- b. The situation for NESCOL is unusual in that the institution received a Visit in March 2023, but because the part-time course had not been reported in time it could not be included in that visit.

Agreed: Council agreed to renew the recognition of the M^{ost} and B^{ost} (full-time) awarded by the North East Surrey College of Technology (NESCOL) with no conditions and no expiry date, subject to the approval of the Privy Council.

Agreed: Council agreed to recognise the B^{ost} (part time) qualification awarded by the North East Surrey College of Technology (NESCOL) without an expiry date, and with no conditions, subject to the approval of Privy Council.

Item 11: Duty of Candour Research Report

24. Senior Policy Officer, Paul Stern, introduced the item which asked Council to consider the next steps arising from the Duty of Candour research report and to publish the report.

25. The key messages and following points were highlighted:

- a. The effective implementation of the GOsC's osteopathic standards in practice is important for practitioners. As the regulator, the GOsC has a role in promoting high standards and supporting osteopaths to meet these.
- b. Standard D3 of the Osteopathic Practice Standards (OPS) states: '*You must be open and honest with patients, fulfilling your duty of candour.*' The meaning of candour in the osteopathic context is challenging for osteopaths and patients.

- c. The GOsC has undertaken some joint work with the General Chiropractic Council (GCC), Community Research (an expert organisation in bringing the voices of patients into the heart of an organisation) and patients to better inform and support an understanding for patients and osteopaths about how the duty of candour should be implemented within osteopathy.
- d. In reviewing this paper and report, Council was asked to consider:
 - Its response to the report?
 - Any particular matters that stand out as having particular implications for practice and supporting osteopaths and patients?
 - The approach to publishing and disseminating the findings and our actions?
 - Whether there are gaps, what may have been missed?
 - Anything else?

26. In discussion the following points were made and responded to:

- a. Members welcomed the report, the approach to the research and the analysis which brought to life some the issues that patients have in relationship to language used, the meaning and how things are understood. To reinforce the value of candour to practitioners was invaluable in understanding where miscommunications may occur and to better ensure that patients can voice their views in an open, safe and unbiased way. Understanding and being able to consider issues through discussion was powerful tool in preventing concerns/complaints and the risk of FtP proceedings through misunderstanding.
- b. It was suggested and acknowledged that development of infographics to would be a useful tool in supporting the findings and concepts of the report .
- c. It was noted that the GOsC logo did not appear on the cover of the report and it was agreed that inclusion would be considered by the Executive.

a. Council considered, discussed and provided feedback on the themes from the Duty of Candour report and the proposed next steps.

b. Agreed: Council agreed to publish the Duty of Candour report.

Item 12: Unconfirmed Minutes of Policy and Education Committee (PEC)(Public) March 2024

27. The Chair of the PEC highlighted the discussions to review Quality Assurance provisions.

28. There were no other comments relating to the public meeting of the PEC.

Noted: Council noted the unconfirmed minutes of the Policy and Education Committee.

Item 13: Any Other Business

29. There was no other business.

Item 14: Questions and comments from Observers

30. Dr Jerry Draper-Rodi (NCOR): It was commented that candour was not only about risk and that the scope of the Duty of Candour Research (Item 11) could be wider to encompass other components, and the approach be more holistic. The comment was noted and the Executive would be taken into consideration.
31. Maurice Cheng (iO): Welcomed the Registration report (Item 8) acknowledging that the numbers on the Register had recovered over the past year. Concerns remained in relation to the student numbers and, with the Osteopathic Education Institutions, the iO are working hard to address the decline in student numbers and other areas that are of concern within the osteopathic profession. The Chief Executive acknowledged the concerns and discussions would take place with the iO in due course.

Date of the next meeting: Thursday 18 July 2024 at (10.00)