



**Minutes of the 106th meeting of the General Osteopathic Council – Public,
held on Wednesday 29 January 2020, at Osteopathy House,
176 Tower Bridge Road, London SE1 3LU**

Unconfirmed

Chair: Alison White

Chair Designate: Bill Gunnyeon

Present: John Chaffey
Elizabeth Elander
Simeon London
Joan Martin
Haidar Ramadan
Denis Shaughnessy
Deborah Smith

In attendance: Fiona Browne, Director of Education, Standards and Development
Sheleen McCormack, Director of Fitness to Practise
Liz Niman, Head of Communications and Engagement
Matthew Redford, Acting Chief Executive and Registrar
Marcia Scott, Council and Executive Support Officer
Hannah Smith, Regulation Manager

Observers: Maurice Cheng, Chief Executive, the Institute of Osteopathy (iO)
Nick Jones, Chief Executive and Registrar, the General
Chiropractic Council (GCC)

Item 1: Welcome and apologies

1. The Chair welcomed all to the meeting. A special welcome was extended to the Chief Executive and Registrar of the GCC, Nick Jones, and to Maurice Cheng, Chief Executive of the Institute of Osteopathy.
2. Apologies were received from Council Member, Sarah Botterill, and from Colette Higham, Scrutiny Officer, the Professional Standards Authority.

Item 2: Questions from observers

3. There were no questions from observers

Item 3: Minutes

4. The minutes of the 105th meeting, 20 November 2019 were agreed as a correct record subject to the following amendments:

- a. References to the Office of Students at paragraphs 11b and 38b to be amended to read the Office for Students.

Item 4: Matters arising

5. There were no further matters arising from the minutes of the meeting 20 November 2019.

Noted: Council noted the matters arising from the minutes of the meeting 20 November.

Item 5: Chair's Report and Appointments

6. The Chair gave her final report to Council. The report included a summary of her eight-year tenure, from her appointment, 1 April 2012, to its conclusion on 31 March 2020:
 - a. It was the Chair's conclusion that consolidation of small, single-profession regulators was not currently on the political agenda and, in her view, gave the profession of osteopathy the opportunity to make more rapid progress in its own development.
 - b. There had been much progress in developing the leadership, structure and processes essential for the profession to thrive and grow which had seemed very remote during the first year of her chairmanship. The Chair was delighted to see that eight-years on osteopathy had been accepted by the NHS as an allied health profession and was starting to take its place as an established provider in which the provision of osteopathy could be of benefit to patients. However, the benefits still remain available to relatively few patients and the Chair hoped that her successors would be able to support more rapid development of the services required to enable more extensive provision to a wider cadre of patients. In her view this was a key part of the role of the regulator and central to its statutory purpose.
 - c. The Chair was proud to have been able to ensure that the costs of regulation had been reduced substantially and holding the fee at its current level had been an achievement. Cost efficiencies have meant that more could be spent on supporting the development of the profession which includes ground-breaking research which Council has sponsored, particularly in values-based practice, which informed the design of the new CPD scheme, and also sponsorship of the leadership development programme, run for osteopaths in conjunction with the Open University. Continuing to provide such support is a key feature of the strategic plan which Council launched last Autumn.
 - d. The Chair's only regret was that the progress made was not as extensive as had been hoped for when she was first appointed. It was hoped that progress would continue, and the Chair wished her successors in this endeavour.

- e. The Chair would be leaving Council at the conclusion of another successful year, where, despite challenges, business plans and budgets were on track to be delivered, and the reputation of the organisation remained undiminished. Council would be asked to approve the 2020-21 business plan against a background of continuing excellent performance and a determination to improve still further by improving efficiency and effectiveness in areas such as the CPD scheme, technology and equality and diversity, therefore recognising that, like any other Board, Council and the Executive constantly strive to perform better.
 - f. In summary the Chair said that it had been a pleasure and a privilege to serve as Chair and that the motivation of Council today is as fresh and enthusiastic as it has ever been.
 - g. The Chair stated that she had worked with some extremely capable and committed people and thanked everyone, especially for going the extra mile during challenging times. It was acknowledged that colleagues had always striven their hardest to do what was asked of them and she would miss everyone and wished colleagues success in their future regulatory endeavours. She had always been driven by professionalism and commitment to statutory purpose and hoped this would continue.
 - h. It was noted that this would also be the final Council meeting for Haidar Ramadan and John Chaffey whose tenures would also end on 31 March 2020, after eight-years of service as members of Council. It was noted that they had both served with distinction, hard work and professionalism. On behalf of Council the Chair thanked Haidar and John for all their work and wished them well for the future.
7. The following points were made and responded to:
- a. The Chair Designate, Dr Bill Gunnyeon, on behalf of Council and the Executive thanked the Chair for all her work with the GOsC and wished her well for the future.
 - b. Reflecting on what she had learned during her time as Chair, Alison said that chairing a Board was about building an effective team which happens as part of discussion, coaching, support and development, and holding people / colleagues to account and takes place outside of the boardroom / council chamber. Negative experiences also contribute to learning and to build into being an effective Chair and/or board member. It was important for an organisation to do more than 'tick-along' and should push to be better and learn from challenging experiences and things which have not worked as well as expected and improve. In terms of the osteopathic profession the end point to this approach is the that patients will receive better services.
 - c. Both Haidar Ramadan and John Chaffey thanked the Chair for her leadership, support and mentorship during their years of service. They also thanked the

members of Council and the Executive for the valuable comradeship and support given during their tenure as members of Council and as members of the GOsC Committees.

- d. It was noted that former registrant member of Council, Jonathan Hearsey, had formally requested that his thanks and appreciation for all the work undertaken by the Chair and departing members of Council be recorded.

Noted: Council noted the Chair's Report.

Re-appointment of panellists to the Fitness to Practise Committees

8. The Chair introduced the item which sought Council's agreement to re-appointment Eleanor Harding to the Investigating Committee (IC) for a period of 12-months, and Barry Kleinberg to the Professional Conduct Committee (PCC) for a period of four-years. Both reappointments are to commence from 1 April 2020.

Update on Council and Committee appointments

9. The Acting Chief Executive and Registrar gave an update on the recruitment process for members of Council and GOsC Committees.
 10. It was noted that the shortlisting and interview process for the two registrant members of Council had been completed and due diligence checks were being undertaken. The process would be scrutinised by the PSA. The appointment of the registrant members would be made by Privy Council and it was the view that the planned reconstitution of Council would be ready for 31 March 2020.
 11. The following points were made:
 - a. The Chair of the interview panel for Registrant Members of Council, Bill Gunnyeon, informed members that the panel had been impressed by the standard of the candidates and encouraged by those applicants who were in the early stages of their careers and showing an interest in the governance process.
 - b. Council was reminded that the recruitment process to appoint an independent member of the Remuneration and Appointments Committee was underway. The deadline for applications is February 2020.
- a. **Agreed: Council agreed the reappointment of Eleanor Harding to the Investigating Committee for a period of 12-months from 1 April 2020 – 31 March 2021.**
 - b. **Agreed: Council agreed the reappointment of Barry Kleinberg to the Professional Conduct Committee for a period of four-years from 1 April 2020 – 31 March 2024.**

- c. **Noted: Council noted the update on the appointments process for Council vacancies.**

Item 6: Acting Chief Executive and Registrar's Report

12. The Acting Chief Executive introduce his report which a gave a review of the activities and performance since the last Council meeting and not reported elsewhere on the agenda.

13. The following points were highlighted:

- a. Council of Deans: The Council of Deans Annual Conference was held on 21 January 2020. It was attended by Steven Bettles, Professional Standards Manager, Rachel Heatley, Communications and Engagement Officer, along with colleagues from the Institute of Osteopathy. There were useful seminar sessions at the conference which gave the GOsC and the iO the opportunity to raise issues about student funding.

Attendance at the conference has provided an opportunity to develop and build relationships with the College of Deans. A meeting has already taken place between the College of Deans and the GOsC to discuss ways of working together.

- b. Office for Students (OfS): At the request of the OfS the meeting planned for January was postponed and is now scheduled to take place towards the end of February. Council will be updated on the meeting's outcome.

c. Care Quality Commission (CQC):

- i. Emerging Concerns Protocol: The Emerging Concerns Protocol was developed by a forum of health profession regulators, system regulators and partners in 2016. The GOsC did not participate in the initial conversations during development of the protocol as it was not a member of the forum. As osteopathy is now an Allied Health Profession (AHP) the CQC is keen for the GOsC to become a member of the forum and discussions took place in January 2020 with the view to the GOsC becoming a signatory to the Protocol. As a signatory this would mean the GOsC would be able contribute to the development of the protocol document thereby raising the profile of the organisation and the osteopathic profession.
- ii. Frenulotomy Services (tongue tie release): A meeting was held with the CQC, 27 January 2020, to discuss the issues relating to CQC registration of osteopaths who might be providing this service. A joint communication clearly setting out the requirements for providing this service is to be developed between the CQC and the GOsC for circulation to the profession in due course.

- d. On-line training: The on-line training in equality and diversity and in well-being has taken place; feedback on both topics has been positive. Continuing the themes of wellness and mental health, the GOsC would be taking part in the 'time to talk' campaign (6 February 2020) which encourages and supports individuals in the work environment getting together and talking about mental health. It is hoped that the initiative will become a regular feature for staff and that awareness of the campaign, and its related issues, would be raised across the profession.

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

- a. Frenulotomy Services: It was agreed that the importance of being registered with the appropriate regulator where procedures beyond osteopathy were offered and the risk of fitness to practise procedures if registration did not happen should be made clear to the profession. It was believed that provision of frenulotomy services was rare, but registrants should be made aware of their responsibility to have appropriate registration.

Members were given the assurance that the CQC were not moving towards the regulation of osteopathy as part of their statutory remit. Members were also reminded that the CQC have a list of regulated activities for which any health practitioner will require registration if providing a listed service.

- b. Office for Students (OfS): It was noted that there might be some disappointment from the osteopathic education institutions (OEIs) about the postponement of the meeting between the GOsC and the OfS as they are looking for clarity on issues on their respective regulatory responsibilities. Members were informed that there was no change to the current position and a new meeting date had been agreed for the end of February. The discussions on regulation and the wider education sector would continue and it was recognised that maintaining the standards of both regulatory bodies was an added pressure for the OEIs.
- c. Quality Assurance Agency (QAA): The issue of the QAA possibly becoming a membership body was raised and, in light of the relationship the organisation has with subject benchmark statements, it would be important to keep developments in focus and be aware of the implications of the change in status. It was noted there was evidence for a potential departure in what is set out in the subject benchmark statement and in the criteria for approval of registration.

15. Business Plan 2019-20: Monitoring as at 31 December 2019: It was noted that at the time of reporting all areas of the business plan were on track. The Chair on behalf of Council thanked the Executive and staff for their work and all that had been achieved in the face of a number of challenges during 2019.

16. Financial Report to 31 December 2019: It was noted that at the time of reporting the financial position was on track and the GOsC is in a healthy

position. It was the opinion of the Acting Chief Executive and Registrar that the organisation was in a position to not only deliver the business plan and budget for the coming year 2020-2019 but also to be able to deliver in future years.

17. The following points were made and responded to:

- a. It was explained that after designated spending there was a surplus for the year (as at 31 December 2019) of c.£160,000, which was in line with expectations.
- b. It was noted that although the budget was well managed, the financial position was tight meaning the scope for doing new and/or different things was limited and might mean reprioritising.
- c. A question of clarity was asked about the size of the bank balance reported on the Balance Sheet at 31 December 2019. The Acting Chief Executive and Registrar clarified that the bank balance was reporting a higher value as the 120-day bond, which is normally reported separately, had matured and the funds were shown in the bank account at the end of December 2019. Council were advised that the funds previously held in the 120-day bond had been transferred into the investment portfolio in January 2020, which was in accordance with the decision made by Council in November 2019.

Noted: Council noted the Acting Chief Executive and Registrar's report.

Item 7: Fitness to Practise Report

18. The Director of Fitness to Practise introduced the report which gave a quarterly update on the work of the Registration department and the GOsC Fitness to Practice Committees.
19. The following points were highlighted:
 - a. The Standard Case Directions have been implemented and have been applied to cases referred by the Investigating Committee during December 2019.
 - b. Section 32: Two cases have been heard relating to individuals who failed to respond to respond to the GOsC's 'cease and desist' letter. The case of Mr Habib Chharawala was heard at Westminster Magistrates Court 15 January 2020. He pleaded guilty, received a fine of £1,000 and was ordered to pay all costs. The case relating to Ms Amanda Purcell was heard at Bolton Magistrates Court 20 January 2020, where she has pleaded not guilty. The case is to go to trial in April 2020.
 - c. Training has been arranged for the Investigating Committee as a result of the Initial Stages Audit which took place in September 2019. The training will take place at the end of February. In preparation for the training, the draft Screeners' Guidance has been amended and will be used at the training to collect feedback in advance of it going to consultation.

- d. Following a number of conversations with Victim Support, a service has been set up to provide support to witnesses and vulnerable registrants who are going through the fitness to practise process. The service has a dedicated telephone number and will be available 24 hours a day, 365 days of the year. The Regulation Manager will deliver training to the call handlers who run the GOsC support service at Victim Support's office in Cardiff during early February 2020.
- e. Dataset: The Regulation team have met the Key Performance Indicators for the screening and end-to-end targets. Although the number of concerns was slightly reduced during Q3, the numbers overall remain consistently high. There does not appear to be a pattern to the concerns, but this will continue to be monitored.

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

- a. It was explained that when an anonymous complaint is received if it is possible to gather enough evidence to support the complaint it will be progressed but without supporting evidence it is difficult to take forward.
- b. It was explained that the number of PCC suspensions during Q3 in comparison to previous periods may be due to the number of Public Indemnity Insurance cases. This data would be checked and reported back to Council.
- c. Members were advised that informal use of the Victim Support service had been in place prior to the contractual agreement being formalised. As part of the agreement reports on usage will be included as well as the provision of information, advice and emotional support. The actual cost for the phone line is £1,350 per annum and the cost of the additional support is £1,150 per annum. The service has been given an estimate for the number of individuals who may seek support and advice while going through the fitness to practise process.
- d. It was explained that because the standard case directions and new KPIs had only recently implemented the front loading of cases was still a work in progress. This would be monitored to see if there was an impact on the number of cases with a PCC decision of 'Allegation not well founded'.
- e. There were several reasons given for the ten cases older than 52 weeks. It was agreed that a commentary giving a brief explanation about each of the cases would be provided in future reports.
- f. The concerns of members regarding sufficient resourcing for the Regulation team and fitness to practise were noted. The Regulation Manager and the Acting Chief Executive and Registrar gave assurances that current resourcing was sufficient and that if there were any difficulties or a need identified, this would be open to discussion.

Noted: Council noted the Fitness to Practise report.

Item 8: Business Plan and Budget 2020-21

21. The Acting Chief Executive introduced the item which provided Council with the draft Business Plan and Budget for 2020-21.
22. The following points were highlighted:
 - a. The activities and ambitions of the Business Plan build on the successes of the previous year and link to the 2019-24 Strategic Plan and the four strategic goals.
 - b. The Business Plan set out the key principles of how the plan has been developed, articulated the headline activities and ensured that each activity had a clear departmental ownership, timeline and link to the governance structure.
 - c. There are number of new areas which will enhance the business and will lay the foundations for the organisation to succeed in the short, medium and long-term, including:
 - looking to increase the number of patients who participate in our work;
 - the plans to support registrants as they progress through the CPD scheme, with a specific focus this year on peer discussion;
 - the intention to develop our data capacity and to enhance our IT systems, and;
 - a review of our approach to equality and diversity across the full range of the business activity.
 - d. It was noted there will be a newly constituted Council from 1 April 2020, and as part of the induction process there may need to be some clarification around some of the business plan activities as new members start to learn about our work.
 - e. It is noted that the plan is ambitious, and the organisation may be stretched in trying to succeed, but that we should be ambitious, nonetheless. It was understood choices might have to be made and there may be a need to reprioritise, but the plan demonstrates the ambition and vision of the organisation.
23. In discussion the following points were made and responded to:
 - a. The Chair expressed how pleased she was with the Business Plan and the Budget for clarity and clear direction.
 - b. It was noted that due to the nature of fitness to practise, this would always be a main area of concern due to its unpredictability. If there were any clear concerns, Council would be alerted at the earliest opportunity. The other

area of possible concern was in the procurement of quality assurance. The procurement process was currently in progress and any impact on the budget would be determined in due course.

- c. The Chair Designate expressed his approval of the plan and how it was set against the Strategic Plan, showing the breadth of work to be undertaken in the year ahead. He set out a number of issues:
- That the Business Plan is a mixture of business as usual and new initiatives – it may helpful to separate out the business as usual areas from the new projects;
 - Some areas of work are specific and easily measured. Some areas are less clear and therefore may be difficult to measure outcomes.

Council considered and agreed the following:

- a. the draft Business Plan 2020-21;**
- b. the draft Budget 2020-21;**
- c. the ring-fencing of reserve funds for CPD implementation and information technology initiatives.**

Item 9: Remuneration and Appointments Committee (RaAC) – Terms of Reference

24. The Acting Chief Executive and Registrar introduced the item which set out the amendments to the terms of reference for the Remuneration and Appointments Committee (RaAC).
25. Council was advised that the members of the RaAC had considered and agreed the amendments.

Agreed: Council approved the changes to the terms of reference as outlined in the paper.

Item 10: Any other business

26. Future Chairing of the Remuneration and Appointments Committee (RaAC): Council was reminded that the recruitment of the independent member of the Remuneration and Appointments Committee was in progress. Members' views were sought as to whether it would be appropriate for the role of Committee Chair to be taken by the independent member.
27. Members who are on the RaAC commented that if there was to be a change to the role it would require very careful consideration but at this point, would advocate the role remain as it currently stands i.e. chaired by the Chair of Council.

Date of the next meeting: 11 May 2020 at 10.00