



**Council**  
**11 May 2020**

**The General Osteopathic Council (Coronavirus) (Amendment) Rules Order of Council 2020**

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| <b>Classification</b>                        | Public   |
| <b>Purpose</b>                               | For decision   |
| <b>Issue</b>                                 | <p>In order to be able to serve documents electronically, GOSc requires amendment to its Rules. This paper seeks approval of the amendments to:</p> <ul style="list-style-type: none"><li>• the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules 1999</li><li>• the General Osteopathic Council (Application for Registration and Fees) Rules 2000</li><li>• the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000.</li></ul> |
| <b>Recommendation</b>                        | To approve the making of the General Osteopathic Council (Coronavirus) (Amendment) Rules Order of Council 2020   |
| <b>Financial and resourcing implications</b> | Service of documents electronically will lead to a small financial saving on printing and postage, and an opportunity cost saving as it is more efficient to service documents electronically.   |
| <b>Equality and diversity implications</b>   | The service of documents by electronic means will not disadvantage any group who holds a protected characteristic.   |
| <b>Communications implications</b>           | These legislative changes are necessary to enable GOSc to continue to effectively discharge its statutory duties. We do not propose a period of consultation period to enable the amendments to come into effect immediately   |
| <b>Annexes</b>                               | The draft The General Osteopathic Council (Coronavirus) (Amendment) Rules Order of Council 2020  |
| <b>Author</b>                                | Sheleen McCormack  |

## Background

1. Further to the Coronavirus Act 2020 receiving Royal Assent on 25 March 2020, we were contacted by the Department of Health and Social Care (DHSC) inquiring whether there were any immediate legislative changes that GOsC considered necessary to enable us to continue to effectively discharge our statutory duties during this challenging period.
2. DHSC stressed that only changes that were 'absolutely necessary' would be considered given the need to focus on COVID-19 and the limited availability of legal support and Parliamentary time. It was emphasised that we would need to be able to make a robust case for any changes. The other healthcare regulators also received the same inquiry from DHSC.
3. This paper sets out the background regarding the changes to our rules we consider necessary for the GOsC to effectively discharge its statutory functions during the unprecedented and evolving situation caused by the pandemic.

## Discussion

4. The GOsC legislation is outdated compared to the more modern statutory schemes of the other healthcare regulators, with the rules being very prescriptive, especially around service of notices.

### *Registration*

5. The GOsC does not currently have any rules around registration renewal other than the fee amount that is payable. GOsC has therefore approached the registration retention process in the same manner prescribed within the Osteopaths Act 1993 for applications for registration, namely, that registrants are making a fresh application for full registration each year at their renewal date. This process is set out in rule 4 of the General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000 ('the Registration rules').
6. Registration reminder notices and notices of removal from the register, require service by postal delivery and recorded delivery to be properly effected. This is a mandatory requirement within the Registration rules. Rule 3 of the Registration rules provides for the service of documents as follows:

"3 (1) In these Rules –

(a) any reference to the sending of a notice to an applicant or a registered osteopath is a reference to the sending of the notice by registered post service or by a postal service in which delivery or receipt is recorded to the address at which he has his practice or his principal practice or, if he is not practising, the address which he has informed the Registrar in writing is the address to be shown in the register in relation to his name;

(b)..."

7. Renewals of registration are performed on a rolling basis throughout the year. In March / April 2020 we are required to send by post, around 700 registration 28-day renewal reminders to registrants who have not as yet renewed their registration. At the conclusion of the 28-day reminder period, we would be required to send out 14-day notices of removal by post.
8. As physical attendance at office premises by our staff is currently impossible with all staff working from home, together with the fact that the ability of the Post Office to deliver mail is affected by the current situation, amendments to the rules will allow us to serve notices of registration renewal and notices of removal by email rather than by post.
9. We therefore proposed amendments to enable us to effect service by email. This can be achieved by an amendment to the rules with the insertion of the words in bold to rule 3 of the Registration Rules below:

'3 (1) In these Rules –

(a) any reference to the sending of a notice to an applicant or a registered osteopath is a reference **to the sending of the notice to an electronic mail address that the applicant or registered osteopath has notified to the Council as an address for communications or** by registered post service or by a postal service in which delivery or receipt is recorded to the address at which he has his practice or his principal practice or, if he is not practising, the address which he has informed the Registrar in writing is the address to be shown in the register in relation to his name;...'

#### *Fitness to Practise*

10. As reported to Council, we have postponed all our substantive hearings until 3 July 2020. However, we are planning on listing a number of virtual hearings and meetings with multiple individuals attending remotely. The GOsC (Investigation of Complaints) (Procedure) Rules 1999 ('the IC Rules') together with the GOsC (Professional Conduct Committee) Rules 2000 ('the PCC Rules') require that we serve notice of hearings and meetings by post and/or recorded delivery.
11. Rule 27 of the IC rules states:

'Service of Notices

'27. Any notice or communication required by these rules to be served on an osteopath shall be served by recorded delivery to the osteopath at his address on the Registrar or to his last known or any other address if it appears to the Registrar that a notice so addressed is more likely to reach him.'

12. Rule 65 of the PCC rules states:

'Postal service of documents

65.—(1) Any notice or communication required by these Rules to be served on a person may be served on the person either by delivering it to him or leaving it at his address, or by sending it by Registered Post or by Recorded Delivery service.

(2) For the purposes of these Rules, the osteopath's address shall be his address in the Register or his last known address if it differs from his address in the Register and it appears to the Solicitor that a letter sent to him there is more likely to reach him than at his registered address.

(3) For the purpose of these Rules service of a notification sent by post shall be deemed to have been effected at the time when the letter containing it is sent.

(4) Any notice or communication other than a notice or communication required by these Rules must be sent by first class post.'

13. We are currently using external legal providers to effect service on registrants by post. However, given the size and volume of documents and bundles that require service together with the fact we do not want to build up a backlog in our fitness to practise cases, we require a similar amendment to regarding service by electronic means to our IC and PCC Rules to enable service of notices and other documents to be relied upon at substantive hearings to be properly effected by email.

14. This can be achieved by an amendment to the rules with the insertion of the words in **bold** to the existing IC Rules as set out below:

15. The GOsC (Investigation of Complaints) (Procedure) Rules 1999

*'Service of Notices*

*27. Any notice or communication required by these rules to be served on an osteopath shall be served **using electronic mail to an electronic mail address that the osteopath has notified to the Council as an address for communications or** by recorded delivery to the osteopath at his address on the Register~~trax~~ or to his last known or any other address if it appears to the Registrar that a notice so addressed is more likely to reach him.'*

And

The GOsC (Professional Conduct Committee) Rules 2000 requires: the removal of rule 65(4); the removal of the word '*postal*' from the stem of Rule 65; the removal of the word 'either' from rule 65(1); together with the insertion of the words in **bold** below:

*Postal Service of documents*

65.—(1) Any notice or communication required by these Rules to be served on a person may be served on the person **using electronic mail to an electronic mail address that the person has notified to the Council as an address for communications** or ~~either~~ by delivering it to him or leaving it at his address, or by sending it by Registered Post or by Recorded Delivery service.

(2) For the purposes of these Rules, the osteopath's address shall be his address in the Register or his last known address if it differs from his address in the Register and it appears to the Solicitor that a letter sent to him there is more likely to reach him than at his registered address.

(3) For the purpose of these Rules service of a notification sent by post shall be deemed to have been effected at the time when the letter containing it is sent.

~~(4) Any notice or communication other than a notice or communication required by these Rules must be sent by first class post~~

*Conclusion*

16. We proposed the above amendments to the DHSC to enable us to effect service by email. The DHSC agreed to make the minor amendments we requested which are detailed within the draft statutory instrument at Annex A.

17. As these are only minor amendments to the rules but are required to be enacted in order to support our regulatory functions during the COVID-19 emergency, we are not proposing to consult on the changes. We will, however, actively engage with all our internal and external stakeholders involved in our hearings, including defence organisations. We also plan on highlighting these amendments through our communications with the profession.

**Recommendation:** to approve the making of the General Osteopathic Council (Coronavirus) (Amendment) Rules Order of Council 2020

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STATUTORY INSTRUMENTS

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**2020 No. 0000**

**HEALTHCARE AND ASSOCIATED PROFESSIONS**

**OSTEOPATHS**

**The General Osteopathic Council (Coronavirus) (Amendment)  
Rules Order of Council 2020**

*Made* - - - - - \*\*\*

*Laid before Parliament* \*\*\*

*Coming into force* - - - \*\*\*

At the Council Chamber, Whitehall the Xth day of May 2020

By the Lords of Her Majesty's Most Honourable Privy Council

The General Osteopathic Council has made the General Osteopathic Council (Coronavirus) (Amendment) Rules 2020, which are set out in the Schedule to this Order, in exercise of the powers conferred by sections 6(2), 6(3), 20(10) and 26 of the Osteopaths Act 1993(a).

By virtue of section 35(1) of that Act, such Rules must be approved by the Privy Council, and by virtue of section 36 of that Act, such approval must be given by Order of the Privy Council.

**Citation and commencement**

1. This Order may be cited as the General Osteopathic Council (Coronavirus) (Amendment) Rules Order of Council 2020 and shall come into force on Xth May 2020.

**Privy Council Approval**

2. Their Lordships, having taken these Rules into consideration, are pleased to and do approve them.

*Richard Tilbrook*  
Clerk of the Privy Council

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(a) 1993 c. 21; section 6(2) amended by S.I. 2007/3101; section 20(10) amended by the Chiropractors Act 1994 c. 17.

## SCHEDULE

Article 2

**General Osteopathic Council (Coronavirus) (Amendment) Rules 2020**

The General Osteopathic Council makes the following Rules in exercise of its powers under sections 6(2), 6(3), 20(10) and 26 of the Osteopaths Act 1993.

**PART 1****Citation and commencement**

1. These Rules may be cited as the General Osteopathic Council (Coronavirus) (Amendment) Rules 2020 and shall come into force on Xth May 2020.

**PART 2**

Amendment to the General Osteopathic Council (Investigation of Complaints)  
(Procedure) Rules 1999

**Amendment to the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules 1999**

2. In rule 27 (service of notice) of the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules 1999(a)—

- (a) after “shall be served” insert “using electronic mail to an electronic mail address that the osteopath has notified to the Council as an address for communications or”;
- (b) for “on the Registrar”, substitute “on the Register”.

**PART 3**

Amendment to the General Osteopathic Council (Professional Conduct Committee)  
(Procedure) Rules 2000

**Amendment to the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000**

3. In the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000(b)—

- (a) in the title to rule 65 (Postal service of documents), for “Postal service of documents” substitute “Service of documents”;
- (b) in rule 65(1)—
  - (i) after “served on the person”, insert “using electronic mail to an electronic mail address that the person has notified to the Council as an address for communications or”;
  - (ii) omit “either”;
- (c) omit rule 65(4).

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(a) As set out in the Schedule to the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules Order of Council 1999 (S.I. 1999/1847).

(b) As set out in the Schedule to the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules Order of Council 2000 (S.I. 2000/241) as amended by S.I. 2009/1182; there are other amending instruments but none is relevant.

## PART 4

## Amendment to the General Osteopathic Council (Application for Registration and Fees) Rules 2000

**Amendment to the General Osteopathic Council (Application for Registration and Fees) Rules 2000**

4. In rule 3(1)(a) (service of documents) of the General Osteopathic Council (Application for Registration and Fees) Rules 2000(a), after “sending of the notice” insert “to an electronic mail address that the applicant or registered osteopath has notified to the Council as an address for communications or”.

Given under the official seal of the General Osteopathic Council this XX day of Month 2020.



*Dr Bill Gunnyeon CBE*  
Chair of the General Osteopathic Council

**EXPLANATORY NOTE**

*(This note is not part of the Order)*

This Order is made under the Osteopaths Act 1993 (c. 21). The Order amends the General Osteopathic Council (Investigation of Complaints) (Procedure) Rules 1999 (as contained in S.I. 1999/1847), the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000 (as contained in S.I. 2000/241) and the General Osteopathic Council (Application for Registration and Fees) Rules 2000 (as contained in S.I. 2000/1038) to provide for service of documents by email.

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(a) As set out in the General Osteopathic Council (Application for Registration and Fees) Rules Order of Council 2000 (S.I. 2000/1038) to which there are amendments not relevant to these Regulations.