



Council
16 May 2024
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
Authors	Sheleen McCormack and David Bryan

Key messages from the paper:

- In this reporting period, we received a similar number of concerns (15) in comparison to the last quarter (17).
- We exceeded our screener KPI however we did not meet the Investigating Committee (IC) KPI. No substantive hearings commenced during the reporting period. One case was considered at a Professional Conduct Committee (PCC) review hearing.
- As at 31 March 2024, we had listed 3 of the 18 cases referred by the IC to the PCC. A breakdown of the cases awaiting hearing can be found in the quarterly dataset at Annex A.
- 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.
- The GOsC held the PCC members annual training event on the 11 January 2024.
- The GOsC held the new PCC Induction training on the 12 January 2024.
- GOsC attended the Professional Standards Authority (PSA) and Parliamentary and Health Service Ombudsman on tackling barriers to complaints event.

Fitness to practise case trends

1. In this reporting period, the Regulation Department received 15 concerns, with eight formal complaints being opened. During the same period last year, the Regulation Department received 12 concerns and 7 formal complaints were opened.
2. Of the 15 concerns; three related to a transgression of boundaries, three related to poor communication, two related to conduct not linked to treatment, six related to inadequate treatment and one related to a lack of insurance.
3. The eight formal complaints related to; a transgression of sexual boundaries (2), poor communication (1), conduct not linked to treatment (1), inadequate treatment (3) and lack insurance (1).
4. As previously reported to Council, we have continued to encounter delays in the progress of some cases because of on-going challenges predominantly related to third-party investigations. During the reporting period 40% of our caseload is currently with third parties, an increase of 2% since the previous quarter. We have also encountered ongoing difficulties with engaging with complainants in serious matters in transgression of sexual boundaries cases, which has impacted on our ability to progress these cases expeditiously.

5. Over the relevant reporting period, there were two applications to the Investigating Committee (IC) for the imposition of an Interim Suspension Order (ISO). The IC imposed an ISO in one case and accepted Undertakings in another.
6. There was one application to the Professional Conduct Committee (PCC) for the imposition of an ISO during the reporting period where an interim suspension order was imposed.
7. The IC met remotely on two occasions, considering in total 6 cases over the reporting period. One case was closed with no case to answer; one case was closed as no case to answer with advice and four cases were referred to the PCC.
8. In the reporting period the PCC sat remotely for one PCC review hearing.

Fitness to practise case load and case progression

9. As at 31 March 2024, the Regulation Department fitness to practise caseload was 72 cases (56 formal complaints and 16 concerns). In comparison, the Regulation Department's fitness to practise case load as of 31 March 2023, was 51 fitness to practise cases (39 formal complaints and 12 concerns).
10. 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	8 weeks
Investigating Committee	Median time from receipt of concern to final IC decision	26 weeks	32 weeks
Professional Conduct Committee	Median time from receipt of concern to final PCC decision	52 weeks	N/A
Health Committee	Median time from receipt of concern to final HC decision	52 weeks	N/A

11. In this reporting period the Screener KPI was exceeded by one week.

12. The IC KPI was not met in this quarter. Two cases exceeded the KPI and in another two cases they over the KP slightly. In two cases, which were joined, we experienced delays in engaging with the complainant for a number of weeks. This unfortunately meant that these two cases took longer to progress and impacted on the output against the KPI.
13. No cases were considered by the PCC at a substantive hearing during the reporting period. However, one PCC review hearing took place, concluding with the conditions against the registrants practice being revoked.
14. Three out of 18 cases at the PCC stage have been listed for a substantive hearing. The breakdown of these cases can be found in the dataset in the annex to this paper.
15. During the reporting period we received a Restoration application. This has since been scheduled for two days at the end of May 2024.

Section 32 Prosecution

16. 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 11 active Section 32 investigations as at 31 March 2024.
17. We reported to Council at its last meeting that Mr Nigel Graham had received a second conviction in December 2023, for unlawfully describing himself as an osteopath. Mr Graham was due to be sentenced in January 2024. At Highbury Corner Magistrates court Mr Graham fined £500 and ordered to pay this amount at a rate of £200 per month, commencing on 9 February 2024. Mr Graham was also ordered to pay costs of £2,246 to the GOsC and a Victim Surcharge of £200.

Panellist Training

18. On 12 January 2024, the GOsC held a PCC/HC Induction training day with the newly appointed members. The agenda covered Equality and diversity training, and separate sessions on: Unacceptable Professional Conduct; Professional Incompetence Interim Suspension Orders and the Remote Hearing Guidance and Protocol. We also had a presentation from our current PCC chair, Andrew Harvey, reflecting on his experiences of remote hearings.
19. On 11 January 2024, the GOsC held the annual PCC training day, focusing on Equality and diversity training and an interactive session on case law updates. Both training events were held in person and were well received.

Professional Standards Authority (PSA) and Parliamentary and Health Service Ombudsman tackling barriers to complaints event

20. On 23 January 2024, the Head of Fitness to Practise attended an event run by the PSA as well as the Parliamentary and Health Service Ombudsman which focused on tackling barriers to complaints. The purpose of this event was for stakeholders from across the health and social care sector to come together to:

- Discuss and explore barriers to complaining that exist for patients and service users;
- Share examples of innovative actions to widen and improve access to complaints services;
- Encourage and promote further joint work to tackle barriers to complaining.

21. This was a useful session with guest speakers talking about their experiences of complaints, allowing attendees to delve deeper into understanding what prevents people from complaining and what patients want from complaints systems in the future.

Recommendation:

To note the report.