



General
Osteopathic
Council

Committee Circular

July 2017

The General Osteopathic Council

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Introduction

Welcome to the fifth in a series of regular updates designed specifically for the General Osteopathic Council's fitness to practise committee members and legal assessors, keeping you up to date on developments and issues relevant to professional regulation and the work of the regulation department.

In this issue:

- How we manage and list a case for a hearing
- The current workload of the Regulation department and the statutory committees over the previous quarter (April – June 2017)
- PSA Learning Points letter

How we manage and list a case for hearing

We have been extremely busy this year so far, surpassing previous years in terms of both the number of hearings and hearing days. We thought it would be insightful for committee members to gain a greater understanding of the process of how we schedule cases for meetings and hearings. This is a dynamic process and while we make every effort to prevent hearings being cancelled sometimes this is unavoidable. While listing cases is more an art than science, we have been making improvements which we hope will streamline the process and minimise cancellations in the future.

Once a concern is received by the Regulation Department, it is allocated to a caseworker and promptly risk assessed. If a case is screened in by a screener the case will be referred to the Investigating Committee (IC). We aim to refer cases to the IC within four months from when they are screened. If the osteopathic screener decides that we do not have the power to investigate then the case will be passed to a lay Screener who will also screen the case and either agree or disagree with the osteopathic screener. If both osteopathic and lay screeners agree that we do not have the power to investigate then the case will be closed and will not be referred to the IC. Where the lay and osteopathic screeners disagree, the case will be referred to the IC to decide whether there is a case to answer. Once referred to the IC, if it is decided that there is no case to answer, the case will be closed at this stage.

However, if the IC decides that there is a case to answer, the case will then be referred to the Professional Conduct Committee (PCC) or Health Committee (HC) depending on the type of case. We aim to have cases concluded by the PCC/HC (end to end) by 52 weeks.

Upon referral by the IC, the caseworker will send a listing questionnaire to the

registrant requesting information relevant to the listing of the cases, this includes dates to avoid for the hearing, the number of witnesses required, including expert witnesses and whether the registrant is making any admissions.

At the same time, if the GOsC has witnesses in the case, they too will be asked for dates to avoid. Once the caseworker has all the necessary information regarding dates and the number of days needed for the hearing, they will then complete a listing form that will be sent to the Regulation Assistant. This information will then be used to accurately assess the length the case will require to be completed and when it can be listed for a hearing. The Regulation Assistant and Regulation Manager use this information to list the case as soon as possible and where possible in line with the KPI for the case. We will then use this information when contacting Committee members for their availability. Committee members and legal assessors will be assigned to hearings, 5 – 6 months in advance.

An email will then be sent to the caseworker to advise them of the date the hearing will take place. They will then notify the registrant, and inform the representatives and the witnesses to advise them of the hearing date. Once notice has been sent to the Registrant, the caseworker will then prepare 'the notice of hearing' document. This document is then forwarded to the Regulation assistant who will in turn upload this to the website.

The Regulation Assistant will email the representatives of both the Registrant and the Council with deadlines for the documents to be received. The bundles and documents to be put before the Committee will then be sent to the Regulation Assistant as per the deadline. The documents will then be uploaded to

the GOsC on line platform a week before the hearing date, for the PCC /HC to read and consider.

The hearing room will be set up by Facilities or the Regulation Assistant the week or day before the hearing and the case papers will be prepared for the Panel. The hearing room will then be locked and will be reopened on the morning of the hearing, when either facilities or the regulation assistant set out the refreshments for the Committee and the parties to the hearing.

On the day of the hearing, the parties and the Panel will arrive between 8.45am and 9am ready for a 9.30am start. How smoothly the hearing runs will depend on whether there are any preliminary applications or whether any other issues arise throughout the day that may delay the process. At the start of the hearing, the Clerk will get the parties together ready to go into the hearing at 9.30am. The hearing will then begin and the Clerk will switch on the recorder.

When the Committee takes breaks throughout the hearing, the Clerk will ask

the Committee if they need anything and sit on reception if the break is short in case anything is needed by the parties or the Committee.

When the Committee, parties and clerk break for lunch, either Facilities or the Regulation Assistant will bring this in to the Committee. They will then collect the coffee and hot water pots to refill these for the Committee and the parties.

Once lunch is over, the Clerk will check that the Committee are still ready for the agreed times and provided they are, the parties will be gathered together outside the hearing to go back in.

Once the hearing has concluded for the day and the parties and Committee have left the Council Chamber, the Clerk or a member of the Regulation team will tidy up the room. They will tidy away all the used cups, glasses etc and will shred any documents that will no longer be needed. They will then lock the fire exit and the door to the Chamber if documents are being held. If no documents are left in the Chamber the door will be left open for the cleaner to clean the Chamber.

PSA learning points letter

One mechanism by which the PSA works with healthcare regulatory bodies to improve quality and share good practice is by reviewing the final decisions taken by the regulators' fitness to practise committees, and through the initial stages audit of the regulators' handling of complaints which are not referred to fitness to practise committees.

PSA then identify learning points which are fed back individually to each of the regulators. A recent learning point identified by the PSA related to a registrant failing to hold appropriate professional indemnity insurance for

around 12 months. Among other matters, while the sanction will depend on the facts of each case, the PSA considered that there may be a tendency simply to treat failure to have insurance as an administrative failure without assessing the wider consequences. The PSA noted that the current GOsC's Indicative Sanctions Guidance does not deal specifically with a failure to hold adequate indemnity insurance and indicate to panels and registrants just how seriously this behaviour should be viewed. The PSA was concerned this may lead panels to under-estimate the seriousness of the failing to hold it.

Fitness to practise case load and case progression



As at 30 June 2017, the Regulation Department's fitness to practise case load was 131 fitness to practise cases (57 formal complaints and 74 concerns), compared to case load of 90 cases (67 formal and 23 'informal complaints') at 30 June 2016.

In the first quarter of this year (1 April – 30 June 2017), the Professional Conduct Committee heard 17 cases at 16 hearings. Five of the 17 cases are part heard and four of these cases have been re-listed for conclusion by the PCC later in 2017.

In four cases no UPC was found, two cases concluded with a Conditions of Practice Order (COPO), two cases resulted in suspension, two cases concluded with admonishment, one case was adjourned and one review hearing concluded with the COPO expiring at the end of the order period.

Over the same period as detailed above, the Investigating Committee considered 11 cases and concluded 9. The IC adjourned two cases in order to obtain further information or to consider raising additional allegations.

Your feedback

If you have any questions about this circular or any feedback on it, please do not hesitate to contact the regulation team.

Professional Conduct Committee	Q2 16-17	Q3 16-17	Q4 16-17	Q1 17-18
PCC Hearings				
Number of Hearings	6	6	15	16
Number of hearing days	14	16	22	33
Total Cases CONSIDERED	6	6	18	17
Total Cases CONCLUDED	2	4	18	12
PCC DECISIONS				
Allegation not 'well founded'	2	1	7	4
Admonished	0	1	4	2
Conditions of Practice	0	0	0	2
Suspension	0	0	0	2
Removal	0	1	2	0
Rule 19	0	0	2	0
Adjourned	4	0	0	1
Conditions of Practice/Suspension to expire at end of order	0	0	0	1
Rule 8 Admonishment	0	0	2	0
PCC Interim Suspension Order DECISIONS				
Applications made	1	2	2	1
Interim Suspension Order Imposed	0	1	1	0
Undertaking	1	0	1	0

