



Council
21 November 2018
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's 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	FtP Data Set
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Fitness to practise case trends

1. The quarterly fitness to practise dataset for the relevant reporting period is attached at the Annex to this paper.
2. In this reporting period, the Regulation Department received 16 concerns and 11 formal complaints. During the same period last year, the figures were 30 concerns and 6 formal complaints.
 - a. Of the 16 concerns: four related to communication issues; four involved sexual impropriety; three involved issues with treatment; one involved a health condition; one related to advertising; two related to record-keeping or the storage of patient data; one related to a registrant acting beyond the scope of their competence; and one related to a failure to engage with the GOsC's fitness to practise process.
 - b. Of the 11 formal complaints: three related to communication issues; one concerned professional indemnity insurance; three concerned sexual impropriety; two involved issues with treatment; one related to advertising; and one related to a failure to engage with the GOsC's fitness to practise process.
3. Two applications were made to the Investigating Committee for the imposition of an Interim Suspension Order and one application was made to the Professional Conduct Committee. During the same period last year, the number of applications made were three and none respectively.
4. The Interim Suspension Order (ISO) applications made during this reporting period concerned allegations of transgressing sexual and professional boundaries.
5. The IC considered that an interim suspension order was necessary for public protection in one case and granted the application. The IC did not consider that an interim suspension order was necessary for public protection in the other case. The PCC considered that an interim suspension order was necessary for public protection in and granted the application.
6. During this reporting period, the Regulation Department serviced 16 Committee hearing and training events, including substantive hearings, IC meetings and ISO hearings.

Fitness to practise case load and case progression

7. As at 30 September 2018, the Regulation Department's fitness to practise case load was 61 fitness to practise cases (41 formal complaints and 20 concerns). At the 30 September 2017, the fitness to practise case load was 128 cases (51 formal and 77 concerns).

8. The performance against KPIs for this reporting period is as follows:

Case stage	Key Performance Indicator	Median figures achieved this quarter
Screening	3 weeks	3 weeks
Investigating Committee	17 weeks	13 weeks
Professional Conduct Committee	52 weeks	77 weeks
Health Committee	52 weeks	n/a (no cases heard)

9. In this reporting period, the median figures for the length of time taken for cases to be screened and considered by the IC are within KPI. The PCC median exceeds the KPI, reflecting the conclusion of a number of complex cases in this quarter.
10. The Professional Conduct Committee heard eight cases over 21 days during the relevant period. Two cases went part heard with one being re-listed and concluded within the same reporting period. In one case no UPC was found, one case concluded with a conditions of practice order; two cases resulted in a suspension and one case resulted in a removal from the register. One case was cancelled under Rule 19 of the GOsC (Professional Conduct Committee) (Procedure) Rules 2000.
11. During the reporting period, the Investigating Committee considered 17 cases and referred eight cases for a final hearing and closed four cases. The IC adjourned four cases to request additional information.

Section 32 cases

12. 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.
13. The Regulation department continues to act on reports of possible breaches of section 32 and as at 30 June 2018, is currently handling 38 active section 32 cases.

Judicial Reviews and appeals of decisions made by FTP Committees

14. On 25 September 2018, the GOsC was notified that a statutory appeal had been lodged at the Manchester High Court against a determination of the Professional Conduct Committee which related to a finding of Unacceptable Professional Conduct and the imposition of a conditions of practice order against the Registrant.

15. Counsel has been instructed and we will be resisting the appeal which it is anticipated will be listed early in 2019 for a two day hearing.

Training for the Investigating Committee and Professional Conduct Committee

16. The Professional Conduct Committee all members training day has been scheduled for 30 November 2018. We have engaged an experienced judicial trainer who sits as a fee paid judge on the First Tier Tribunals (amongst other appointments) to assist Committees in the approach to be taken to making primary findings of fact as part of their decision making in light of the Teasdale judgment reported to Council in July. The final agenda items include; the approach to be taken to decision making by Committees; structuring in camera discussions; the purpose of the standard case directions and an update on the new Osteopathic Practice Standards.
17. Joint Chair training with the General Optical Council and General Chiropractic Council has been arranged for Committee chairs. This will be hosted by the General Optical Council at their offices in February 2019. Potential training items include reflecting on joint learning over case decisions and facilitating in camera discussions to ensure all views are taken into consideration.

Recommendation: to note the report.