



Equality Impact Assessment

Step 1 – Scoping the EIA

Title of policy or activity	
Draft Screeners Guidance	
Is this a new or existing policy/activity?	
Existing policy	
What is the main purpose and what are the intended outcomes of the policy/activity?	
<p>An external audit conducted in 2019 of 20% of all concerns/cases closed over the preceding twelve months at the different decision points during the initial stages of the GOsC fitness to practise processes, up to and including, Investigating Committee decisions recommended that comprehensive, consolidated Guidance for Screeners be produced.</p> <p>The guidance has also been substantially updated and modified which should improve transparency and written reasons provided by Screeners.</p>	
Who is most likely to benefit or be affected by the policy/activity	
<p>All participants involved in the initial stages of our investigations before the Investigating stage, in particular:</p> <ul style="list-style-type: none"> - Registrants under investigation - Complainants - Screeners 	
Who is doing the assessment?	
Sheleen McCormack, Director of Fitness to Practise	
Dates of the EQIA	
• When did it start?	20 Oct 2020
• When was it completed?	29 Oct 2020
• When should the next review of the policy/activity take place?	February 2021

Useful information

What information would be useful to assess the impact of the policy/activity on equality?

- Analysis of concerns received / closed / referred with EDI information pertaining to registrants complained about
- Feedback from Registrants and defence representatives

Is there data relating to people with any/each of the protected characteristics?¹

EDI information is collected from registrants on a voluntary basis at the outset of investigations.

Where can we get this information and who can help?

- Registrants
- Complainants
- Defence and legal stakeholders

Step 2 – Involvement and consultation

If you have involved stakeholders, briefly describe what was done, with whom, when and where. Please provide a brief summary of the response gained and links to relevant documents, as well as any actions.

A training day was held for all IC members on 21 February 2020. The draft screeners guidance was shared at this training event by an external legal trainer. The feedback was generally positive.

Points raised included:

- There needs to be a consistency of wording i.e. paragraph 9 (b) refers to sufficient relevant, credible and detailed information but in the flowchart on page 10 and the screeners report on page 24 it says 'or'. One therefore implies conjunctive and the other disjunctive. The view was that it should be 'and' and that the flowchart and report should be amended;
- Sufficient, relevant, credible, detailed, reasonable and proportionate were not words which required further definition in the guidance;
- appendix B should be incorporated into the main body of the guidance because it was felt that there were potential contradictions and inconsistencies between them. For example: it was suggested that paragraphs 9 and 12 of the guidance and pages 13 and 14 had some inconsistencies between them. Also, that paragraph 13 of appendix B (whether the case raises patients and public safety concerns) shouldn't be separate from the overall guidance and arguably ought to be included as an issue within the flowchart

¹ The nine protected characteristics in the Equality Act 2010 are age, disability, gender reassignment, marriage and civil partnership, pregnancy and maternity, race, religion or belief, sex and sexual orientation.

The draft Screeners guidance was also considered at the Policy and Education Committee in October 2020 where the use of the male gender within the guidance was queried. However, both the Osteopaths Act and the Investigating Committee Rules employ gender specific language, and this cannot be changed. Nevertheless, we have ensured that a gender-neutral terminology has been used in the guidance and other documents and this is in line with current parliamentary counsel drafting guidance.

We also plan to run a three month public consultation on the screeners guidance following its consideration by Council at its meeting in November 2020.

Step 3 – Data collection and evidence

What evidence or information do you already have about how this policy might affect equality for people with protected characteristics under the Equality Act 2010?

Please cite any quantitative (such as statistical data) and qualitative (such as survey data, complaints, focus groups, meeting notes or interviews) relating to these groups. Describe briefly what evidence you have used.

We do not have specific information or data specifically relating to the guidance. We have FtP data collected around complaints made against osteopaths. We have not used this data in the modification and consolidation of the guidance however. The guidance seeks to improve transparency around the application of the Act and the Rules by increasing clarity around the Screeners role and improving written reasons provided rather than changing a Screeners role.

We cannot change the Act or the Rules without parliamentary approval

What additional research or data is required to fill any gaps in your understanding of the potential or known effects of the policy? Have you considered commissioning new data or research?

This will form part of a larger activity following the outcomes of the EDI Audit approved by the Audit Committee

In addition, a draft report on the types of concerns and complaints raised about osteopaths and osteopathic services in 2013 to 2019 is currently being finalised by NCOR (National Council for Osteopathic Research).

Step 4 – assessing impact and strengthening the policy

What does the data reviewed tell us about the people the policy/activity affects, including the impact or potential impact on people with each/any of the protected characteristics?
Preliminary conclusions from the draft NCOR report of relevance to this assessment are that those who have been in practice for 10 years or more are most likely to have concerns and complaints raised against them and men are more likely to be complained about than women.
Are there any implications in relation to each/any of the different forms of discrimination defined by the Equality Act?
No
What practical changes will help to reduce any adverse impact on particular groups?
N/A

What could be done to improve the promotion of equality within the policy?
<ul style="list-style-type: none"> • Feedback should be sought from individuals to ensure that any improvements identified are proactively addressed. • A period of public consultation focussing on key issues, such as improving the written reasons provided for screeners decisions.

Step 6 – making a decision

Summarise your findings and give an overview of whether the policy will meet the GOsC’s objectives in relation to equality.
<p>We have added a section within the guidance stating the GOsC’s commitment to and policy on EDI.</p> <p>Having up-to-date, accessible guidance which support Screeners in their decision-making role which in turn supports the GOsC’s overarching objective of public protection and the wider public interest.</p>
What practical actions do you recommend to reduce, justify or remove any adverse/negative impact?
N/A

What practical actions do you recommend to include or increase potential positive impact?

Reviewing feedback received from the public consultation and incorporating this within the draft guidance.

Encouraging feedback and suggestions for improvement from Screeners and key external stakeholders such as membership bodies.

Encouraging feedback from complainants at all stages in the FtP process to ensure their voice not only continues to be heard but is actively engaged in our programme of reform.

Step 6 – monitoring, evaluation and review

How will you monitor the impact/effectiveness of the policy/activity?

Within every yearly business plan we provide for a regular programme for reviews and audits of our FtP processes and procedures (internally and externally). Prior to audits being conducted, review criteria are developed and agreed. The review criteria encompass the PSA’s (Professional Standards Authority) standards of good regulation and include a specific criterion as to whether there are any EDI concerns in the investigation process and / or individual decision reached.

An audit form is completed in respect of each concern/complaint. In addition, a composite report will be completed with a summary of findings and themes and suggestions for improvements.

What is the impact of the policy/activity over time?

To improve the quality of written reasons in the initial stages of our FtP processes

Where/how will this EIA be published and updated?

The EIA will be available on request. The first update will be after the evaluation of the responses we receive after the 3-month public consultation has concluded.

Step 7 – action planning

Please detail any actions that need to be taken as a result of this EIA

Action	Owner	Date
Ensure the EIA is published alongside the consultation	Sheleen McCormack	October 2020