

Response to the General Osteopathic Council consultation on insurance requirements for osteopaths

April 2020

1. Introduction

- 1.1 The Professional Standards Authority for Health and Social Care promotes the health, safety and wellbeing of patients, service users and the public by raising standards of regulation and registration of people working in health and care. We are an independent body, accountable to the UK Parliament. More information about our work and the approach we take is available at www.professionalstandards.org.uk
- 1.2 As part of our work we:
- Oversee the ten health and care professional regulators and report annually to Parliament on their performance
 - Accredit registers of healthcare practitioners working in occupations not regulated by law through the Accredited Registers programme
 - Conduct research and advise the four UK governments on improvements in regulation
 - Promote right-touch regulation and publish papers on regulatory policy and practice.

2. General comments

- 2.1 We welcome the opportunity to comment on the draft Guidance about insurance requirements for osteopaths. We found the Guidance to be generally clear, informative and comprehensive, and support the inclusion of the key learning points. We have made a few suggestions about where the Guidance could be strengthened.

3. Detailed comments

Clarity

- 3.1 We consider the Guidance to be clear and informative.
- 3.2 The Guidance states that it is intended for osteopaths and those intending to register as osteopaths. To ensure the Guidance is applicable to prospective registrants, the GOsC may wish to add, for example in point 5, that a failure to make appropriate arrangements in line with the rules may result in refusal of entry onto the register and refusal of entry for those applying for restoration, as outlined in s.37(9) of the *Osteopath Act 1993* ('the Act').
- 3.3 It could be made clearer that the failure to comply with the indemnity requirements could result in removal from the register (as outlined in

s.37(10)(a) of the Act). The GOsC may also wish to emphasise that making a false declaration in relation to indemnity insurance is a serious concern.

- 3.4 We suggest further outlining what is meant by 'wider consequences for the public interest' in key point 9. This may not be understood by the lay reader and there may be different understandings of the term 'public interest', so it would be helpful to clarify.¹ The 'wider public interest' would usually be understood to include maintaining public confidence in the osteopathic profession and upholding professional standards, whereas 'public interest' is sometimes used interchangeably with public confidence.
- 3.5 To support key point 10, the GOsC may wish to consider including indemnity insurance in the Hearing and Sanctions Guidance to reflect that it is a serious FtP concern in its own right. There is currently no mention within the Sanctions Guidance of how this category of conduct should be treated by an FtP panel, which may contribute to it being treated less seriously than it should be. This may be something to consider the next time the Sanctions Guidance is reviewed.
- 3.6 Similarly, the GOsC may wish to amend the Investigating Committee Decision Making Guidance to reflect the detail of the learning points, and to emphasise that practising without adequate indemnity insurance should be taken seriously as it is a statutory requirement.
- 3.7 At point 15, we suggest expanding 'should check the current Professional Indemnity Insurance rules' to '... check they are compliant with the current...'. This would emphasise that osteopaths are under a duty to ensure they are compliant with the rules.

Improving understanding

- 3.8 We feel the Guidance provides a comprehensive overview of the requirements for osteopaths.
- 3.9 We suggest that the GOsC considers including or referencing information about demonstrating compliance for those applying for registration or re-registration (outlined in the GOsC (Indemnity Arrangements) Rules 2015 at rule 8).
- 3.10 The GOsC may also wish to consider adding some information to stress that registrants need to ensure they fully understand the nature of their cover and the period for which they are covered. This might include advice on best practice in terms of retaining historical insurance records in the event of a later claim.

Inclusion of learning points

- 3.11 The inclusion of the key learning points is helpful and we are happy that they are comprehensively captured. As per our response at section 3.5 and 3.6, the

¹ The Professional Standards Authority (2019) How is public confidence maintained when fitness to practise decisions are made? 4.30. Available at https://www.professionalstandards.org.uk/docs/default-source/publications/how-is-public-confidence-maintained-when-fitness-to-practise-decisions-are-made.pdf?sfvrsn=c8c47420_0/

GOsC may wish to amend the Sanctions and Investigating Committee Decision Making Guidance to incorporate these points.

Public protection

- 3.12 We consider that the approach proposed supports the GOsC's overarching objective of public protection. In addition, the GOsC may wish to consider other ways of continuing to raise awareness about indemnity insurance requirements, such as through The Osteopath Magazine and newsletters to ensure maximum reach.

4. Further information

- 4.1 Please get in touch if you would like to discuss any aspect of this response in further detail. You can contact us at:

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