



Council
18 November 2020
Reduced fee consultation analysis

Classification	Public
Purpose	For discussion
Issue	This paper provides Council with an analysis of the responses to the reduced fee consultation.
Recommendation(s)	To seek an Amendment Order to close the anomaly within the General Osteopathic Council (Application for Registration and Fees) Rules 2000 around the application of the reduced registration fee.
Financial and resourcing implications	The Amendment Order will close the anomaly which means that a registrant who practises for nine months of the registration year can pay a reduced fee if they do not practise for the other three months continuously.
Equality and diversity implications	An Equality Impact Assessment was undertaken and formed part of the consultation document.
Communications implications	The consultation document was publicised through our normal communication channels.
Annex(es)	A. Analysis of reduced fee consultation responses
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Key messages from the paper:

- The consultation on whether to amend the registration rules around the application of the reduced fee generated 29 responses. On the question of whether the anomaly should be closed, 18 responses disagreed with the proposal to amend the Rules, with 11 responses in agreement.
- The consultation responses are set out in Annex A to this paper.

Background

1. From 1 September 2020 to 23 October 2020, the General Osteopathic Council (GOsC) ran a [public consultation](#) which considered possible changes to the General Osteopathic Council (Application for Registration and Fees) Rules 2000 [the Rules].
2. The consultation document proposes a change to how the reduced fee is applied. The proposed change would remove an anomaly that means an osteopath may be out of clinical contact with patients for three continuous months in their registration year, return to practice for the remaining nine-months, yet remain entitled to pay the reduced fee for the full registration year.
3. The coronavirus (COVID-19) pandemic saw a sharp rise (96%) in osteopaths converting their registration status to that of non-practising. This increase brought into sharper focus the potential impact of this anomaly within the Rules.
4. The Department of Health and Social Care (DHSC) are open to a Rule change on the basis that GOsC complete all of the associated paperwork and present any proposed amendment such that it might be laid without the DHSC needing to expend significant lawyer time which, we know, is current scarce.

Discussion

5. The consultation generated 30 responses, of which it was possible to count 29, as one response was submitted twice.
6. When presenting an analysis of the consultation responses to Council, the Executive would normally summarise the responses. However, as this change relates to registration fees and is an emotive subject, the consultation responses, and the GOsC response, have been set out in full within the Annex to this paper.
7. In order to fulfil our consultation principle of transparency, our response to the consultation submissions is published with the Council papers.
8. There were two questions within the consultation response and the results of these are summarised below.

Question	Yes	No
1. Do you agree that the rules should be amended to close the anomaly that an osteopath might claim a reduced fee for the whole of their registration year, despite practising for up to nine-months in that same period?	11	18
2. Having considered the equality impact assessment are there any equality factors which you think the GOsC has not taken into consideration?	15	14

9. With regard to question 1, it was clear from some of the responses that the change was not fully understood with some registrants believing that we were removing the reduced fee completely which is not the case. Others suggested we implement a pro-rated reduced fee, which is exactly the policy intent that we consulted upon.
10. With regard to the equality impact assessment, there were no consultation responses which would suggest we have overlooked a particular group of registrants. The responses again indicated that the proposed change was not fully understood as there were suggestions that the reduced fee should cover ill-health and maternity leave. Any registrant who is out of clinical contact with patients for three months or more continuously, irrespective of the reason for the period of non-practise, is able to claim a reduced fee. The proposed change to the Rules would simply see the reduced fee pro-rated match the period of non-practise.
11. In summary, it is suggested that the consultation responses did not present any new arguments which would result in Council changing its policy intent, which is to amend the Rules to change the application of the reduced registration fee so that it matches the period of time a registrant is out of clinical contact with patients.

Recommendation:

To seek an Amendment Order to close the anomaly within the General Osteopathic Council (Application for Registration and Fees) Rules 2000 around the application of the reduced registration fee.

Analysis of reduced fee consultation responses

Consultation Question	Yes	No	Consultation response	GOsC Response
Do you agree that the rules should be amended to close the anomaly that an osteopath might claim a reduced fee for the whole of their registration year, despite practising for up to nine-months in that same period?	11	18	<ul style="list-style-type: none"> I think it is disgusting to make this change at this time. This is the only thing that helped osteopaths during the pandemic. You are trying to make this change in case another lockdown occurs or an Osteopath gets ill (maybe with COVID) and cannot work. GOsC is doing a great job of making themselves very unpopular with the Osteopathic community. How much does the Chief Executive get paid?? Is he concerned that is more Osteopaths can't work this year then he will have to take a pay cut. As an Osteopath I ceased work for 3.5 months during which I had no income from Osteopathy. Had I worked without interruption for the year I would be happy to pay the full fee. Therefore if a reduction is offered, I would accept. If not offered I would be obliged to pay in order to continue working. The different categories of consultation are just an example of how we can make things complicated. Osteopaths are already paying over the odds for a regulatory body but whatever the consultation results show it is my guess the GOsC will go ahead and "close the anomaly" anyway. 	<ul style="list-style-type: none"> The consultation considers correcting an anomaly in the Registration Rules where an osteopath may work for nine-months in their registration year yet claim a reduced fee for the entirety of their registration year if they do not work for three continuous months. Council considers this to be unfair and consulted on the change. If an osteopath was to fall ill and not practise for three months or more continuously, they would be able to claim a reduced fee, pro-rated for their period of non-practise, under this proposed change to the Registration Rules. Any osteopath who is out of clinical contact with patients for three months or more continuously in their registration year would be able to claim a reduced fee, pro-rated for their period of non-practise, under this proposed change to the Registration Rules. Our consultation document set out our consultation principles which demonstrate no decision was reached prior to the consultation.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<ul style="list-style-type: none"> Because losing a quarter of your overall annual income reflects on the whole year. Taking time out as an Osteopath always has a knock on effect on patient numbers, and therefore income, when you return to practice. Therefore, to aid the continuation of the profession, the fee should be reduced over a 12 month period if you have 3 months out. The proposed changes do not take into account: 1. The reason why the osteopath may have taken time off. 2. The effects on patient numbers and income of someone returning after three months either if that person is not able to work full time due to health, or merely having lost patients. 3. The reduction as it stands can be a lifeline for osteopaths in extreme and difficult conditions. 4. It smacks of penny pinching, which could have a detrimental effect on some osteopaths. 5. Savings could be made by reducing GOsC costs in other areas, such as the inflated wages paid to the executives. Not practicing for three months can have a big impact on the earning for the whole year, by the time the osteopath can find work and build a list again. 	<ul style="list-style-type: none"> Pro-rating the registration fee to reflect the period of non-practise ensures fairness to all registrants. This means that those in practise pay the practising fee, or a proportion of the practising fee, if they have been out of clinical contact with patients for more than three-months continuously. If an osteopath is out of clinical contact with patients for three-months or more continuously they may claim a reduction in the registration fee, which is pro-rated for the period out of practice. The reason for the time out of practice is not a factor in whether an individual qualifies for the reduction. We have set out in our earlier answers responses to the other points raised. We have responded to a similar point in our earlier responses.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<ul style="list-style-type: none"> Three months is a long time not to be earning and the Registration Fee is a high amount to pay with such loss of earnings. The fees are disgracefully high and unjustified, however that is beside the point. If an osteopath can't work for 3 months, why on earth would you not extend them this already small level of support?!!! I'm disgusted you suggest reducing it which is very clearly nothing to do with 'equality' or 'fairness', but instead your attempt to make more money off us. Your zero attempt to publicise this very survey underpins that - we have only received from colleagues. Meanwhile where are our new registration certificates which we have paid for?? Covid Pandemic & Lockdown has created an example where this opportunity is required more than ever. Why, just when osteopaths are most in need of making use of this opportunity, would the GOsC remove the opportunity? The GOsC running costs are significantly lower than normal with no-one in the building - hence the reason for not providing ID cards or updated certificates. Further, the rules should be that this opportunity to claim a reduced fee can be at any time of the year, not just within 3 months of the date of renewal. 	<ul style="list-style-type: none"> We have responded to a similar point in our earlier responses. We are not removing the reduced fee support. Any osteopath who is out of clinical contact with patients for three months or more continuously in their registration year would be able to claim a reduced fee, pro-rated for their period of non-practise, under this proposed change to the Registration Rules. We disagree that we did not publicise the consultation. The consultation was publicised through a news story, two ebuletins and social media. Registration certificates are available online via the ozone, the password protected site for registrants. An osteopath who is non-practising for three-months or more continuously, at any point in their registration year, may claim a reduction in their registration fee. The period of non-practise does not need to be at the beginning of the registration year in order for a reduced fee to be offered, pro-rated for the period of non-practise. We have responded to a similar comment about registration certificates above.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<ul style="list-style-type: none"> As self-employed persons, changes to our status reflect our autonomy over our practice. Removal of such clauses restrict our autonomy and increase our fees and outgoings - should we decide to have a career break - adding increased financial pressures on an already pressured career. I have been in practice for 26 years and have always paid the full fee apart from one year. This was because of having to take time out for surgery. I have otherwise always been happy to pay the full fee and thereby indirectly support those who cannot. When taking necessary time out of practice, it is only possible to claim for the 3 months' worth of reduction and no more, even though someone may be out for considerably longer than this. A factor which may well have saved the Council further fee losses in the past. In addition, the new proposed rules conflict with the GOsC's published values for equality and diversity. By its own admission, the majority of osteopaths taking advantage of the current scheme are women on maternity leave. The new proposals would unfairly discriminate against them simply because of their sex - something I would wonder whether is legally challengeable. Because of an osteopath's self-employed 	<ul style="list-style-type: none"> We disagree that this change would restrict a practitioners autonomy. Any period of non-practise which was longer than three continuous months would qualify for a reduced registration fee, pro-rated. The reduced registration fee may be claimed by any osteopath on the register who is out of clinical contact with patients for three-months or more continuously. While one reason may be maternity leave, this is not the only reason for registrants claiming the reduced fee, for example, ill-health. As we set out in the Equality Impact Assessment the change addresses an unfairness within the Rules which sees a proportion of practising osteopaths under-paying compared to other practising osteopaths. The proposed change to the Rules is designed to make the practising fee fairer to all practising osteopaths.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<p>status, many women are already forced to return to practise much earlier than they would do otherwise, if employed. Changing the rules would mean that unless they take considerably more time off than they do now, they would miss out on the same level of reduction. That would make no financial sense to them, and only serve to save the Council money.</p> <ul style="list-style-type: none"> Furthermore, the draft guidance document states that the current rule is not consistent with other regulators. This inconsistency is valid in two ways; firstly, osteopaths pay considerably more than most other professions simply to be regulated; secondly, osteopaths are almost always self-employed and therefore have little or no provision for ill health/incapacity unless they take out private insurance. To remove the current rule and replace it with the new proposal would unfairly disadvantage osteopaths because of their unique employment status as compared with most other regulated professions. In the present crisis of COVID-19 and the associated widespread devastating impact on the livelihood of osteopaths, it would be particularly callous to introduce the new rules at this time. It may even result in some osteopaths having to leave the register altogether for a time, with the view of returning later. This would defeat the 	<ul style="list-style-type: none"> We do not agree that the employment status of osteopaths should be a factor in the decision to seek an amendment to the Rules. There are other self-employed healthcare professionals who do not benefit from the option of a reduced registration fee. Our proposed change retains the reduced registration fee, pro-rated, for the same period that an osteopath is out of clinical contact with patients, providing that period is for three-months or more continuously. The reduced fee was available, and will continue to be available, to osteopaths who have been affected adversely by COVID-19.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<p>purpose of the revised rules - to keep osteopaths who are undergoing financial hardship on the register. Neither would it save the Council money, as those who leave the register would not be paying fees at all.</p> <ul style="list-style-type: none"> • Pregnancy, maternity leave, illness, loss of a loved one, mental health, COVID 19. This is just greed to change the current rules which work really well. • What if they are out of practice for more than 3 months for example due to maternity leave or injury. Maybe a pro rata option? • I think that a reduced fee is fair and reasonable. It should only be removed if you are going to introduce a suitable pro-rata replacement. • You are money grabbers, this is an outrage that you are increasing the fees, especially after you have saved a lot of money by having your staff work from home, reduce the registration fees full stop. • I am an overseas osteopath so this does not directly affect me, but I think absolutely with the current covid shut down climate there should be more flexibility and support for member's circumstances, rather than less. 	<ul style="list-style-type: none"> • If an osteopath is out of clinical contact with patients for three-months or more continuously, for all of the reasons stated, they may claim a pro-rated reduction in the registration fee. • If an osteopath is out of practice for three-months or more continuously they may claim a pro-rated reduction in the registration fee. • The change to the Rules would see the reduced fee remain, pro-rated for the equivalent period the osteopath was out of clinical contact with patients. • We note the feedback. • We are not suggesting osteopaths are cheating the system. The consultation was on whether we should seek to close an anomaly which exists within the Registration Rules. The change proposed would see the reduced fee remain, pro-

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<p>Why not prorate fees based on months when osteopaths are actually open and able to run their practice? None of us can predict what restrictions might lead to a shut down or personal need to isolate during the year, so it seems unfair that people only get a reduced rate if they happen not to be working at the date of renewal, or can predict that they will be shut 3 months continuously. I am sure I am not alone when I'm considering whether to pack in the Osteopathy altogether right now, this is when we need support from our regulatory body, not accusations of somehow 'cheating' a system or being unfair.</p> <ul style="list-style-type: none"> • While the fee is reduced at £330 it remains a significant cost. Those who have taken the three months out of practice will frequently upon return to work have to re-establish their practice numbers unless the practice they work in has other Osteopaths who have maintained the list, which is not the case for single practitioners. Further while Osteopaths who work a full week might find the fee insignificant for those of us who practice part time, in my case two days a week, this is not the case. 	<p>rated for the equivalent period the osteopath was out of clinical contact with patients.</p> <ul style="list-style-type: none"> • We have responded to similar comments earlier in our consultation responses.

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Consultation Question	Yes	No	Consultation response	GOsC Response
Having considered the equality impact assessment are there any equality factors which you think the GOsC has not taken into consideration?	15	14	<ul style="list-style-type: none"> • Illness, when I took my break I was unwell and couldn't work, I had to wait four months before I could get reduced fees. • Why only those whose status is Non practicing ON the date the retention is due can benefit from the discounted rate. What if one does not work for three months or more just before the date the fee is due? I was no wiring in the three months that prevented my renewal then I thought I was back and renewed as normal and then my clinic closed down so I did not work again for another three months but on the date I thought I was going to be starting again and I wonder how do I qualify in this scenario. So there are other factors that need to be looked at to be fair. • Council's view is that this is unfair to those who are in practice all year and pay a higher fee as a result is pathetic and childish. • Those with needs to work with reduced fee for less hours in practice should have fees in accordance with work performance - including those on maternity leave, sick or illness leave, sabbatical or break, pandemic or external factors outside of their sole 	<ul style="list-style-type: none"> • An osteopath out of clinical contact with patients for three-months or more continuously, for ill-health will still be able to claim a reduced fee. • An osteopath who is non-practising for three-months or more continuously, at any point in their registration year, may claim a reduction in their registration fee. The period of non-practise does not need to be at the beginning of the registration year in order for a reduced fee to be offered, pro-rated for the period of non-practise. • We note the response. • We disagree that we are financially targeting or exploiting osteopaths who take time out of practice. If an osteopath is out of clinical contact with patients for three-months or more continuously, for all of the reasons stated, they

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<p>control, sick child etc - and must not be financially targeted or exploited. This may drive more osteopaths out of the profession due to excessive annual costs.</p> <ul style="list-style-type: none"> • Maternity leave. People who have disabilities or long term chronic illness may find it difficult to work full time straight after a non-practicing period. Maternity or ill health may have had knock on effects on patient lists. Not everyone will have cover to maintain those lists. • Likely to impact more females than males due to potential for them having 3-9 months off work. Should introduce a part time and pro-rata option for fee reductions for this. • People on maternity leave • You have considered maternity leave as valid but you have not considered people in the high risk health groups, including older osteopaths (age discrimination), that may be told to isolate by the government, or feel concerned about having their practice open during future "waves" of covid increases. You have not considered the disparity of location of osteopaths, including those in Northern cities put under lock down...or whichever city or region might be next. You have not 	<p>may claim a pro-rated reduction in the registration fee.</p> <ul style="list-style-type: none"> • If an osteopath is out of clinical contact with patients for three-months or more continuously, for all of the reasons stated, they may claim a pro-rated reduction in the registration fee. • If an osteopath is out of clinical contact with patients for three-months or more continuously they may claim a pro-rated reduction in the registration fee. • We have responded to a similar comment above. • If an osteopath is out of clinical contact with patients for three-months or more continuously, for all of the reasons stated, they may claim a pro-rated reduction in the registration fee.

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Consultation Question	Yes	No	Consultation response	GOsC Response
			<p>considered basic socio-economic disparity where some families and individuals really are hurting financially right now, and most likely had reasons to need to pay reduced fees. Ultimately I am not sure what the difference is if someone is not working 3 months continuous vs 3 months of time spread out over the year.</p> <ul style="list-style-type: none"> • If this is truly about fairness rather than addressing a shortfall in GOSC financing following the Covid 19 issue then to be truly fair you would establish a fee, divide this by 12 and each Osteopath would pay according to months worked. I am taking a full year out and expected to pay £330 contribution for essentially nothing while a token fee of £20 or slightly greater for the "maintenance" of status might have some merit the current expected payment I might view as grossly unfair and unjustified • If someone wants to be non-practicing for 3 months but their registration renewal date falls within that time then I think that the same proportional reduction should be applied. 	<ul style="list-style-type: none"> • We note the suggestion about a 'maintenance' fee for retaining a name on the register while not practising; however, we think this would be more appropriate for a membership club/association rather than a statutory regulatory body. • An osteopath who is non-practising for three-months or more continuously, at any point in their registration year, may claim a reduction in their registration fee. The period of non-practise does not need to be at the beginning of the registration year in order for a reduced fee to be offered, pro-rated for the period of non-practise.