



Council

16 November 2022

London College of Osteopathic Medicine: Consideration of withdrawal of Recognised Qualification

Classification	Public
Purpose	For decision
Issue	To consider whether the London College of Osteopathic Medicine Recognised Qualification should be withdrawn.
Recommendations	<ol style="list-style-type: none">1. To note the situation regarding the suspension of the LCOM programme.2. To note the Policy and Education Committee's referral of this issue to Council.3. To consider and decide whether the LCOM Recognised Qualification should be withdrawn in accordance with Section 16 of the Osteopaths Act 1993.
Financial and resourcing implications	Financial implications will include reductions in costs of future visits and reductions in fees from future registrants of around 5 registrants every 2 years or so.
Equality and diversity implications	None
Communications implications	If Council agrees to withdraw the Recognised Qualification, subject to the approval of the Privy Council, the LCOM qualification will be recorded on our historical list of 'recognised qualifications' for the time period that it was recognised and the decision noted on our website subject to Privy Council approval. We will also issue a news item that we have withdrawn the Recognised Qualification from LCOM when we receive approval of that decision from the Privy Council.
Annex	Private Annex: Confidential letter from LCOM dated 10 August 2022
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Key messages

- The London College of Osteopathic Medicine (LCOM) Recognised Qualification (RQ) is due to expire on 16 July 2023. A RQ Visit was in the process of being planned but has been cancelled as LCOM no longer intend to run a programme.
- The Principal and Course Director of LCOM both left the institution in May 2022.
- The Chair of Trustees retired with effect from 25 August 2022 and stood down from the Board in September 2022. In the meantime, the (Clinical) Vice Chair of Osteopathic Trusts Ltd and soon to be Acting Chair of the Board is overseeing the institution.
- LCOM advise that their Trustees have taken the decision not to run the programme as planned this autumn in a letter dated 10 August 2022 due to issues related to resources (including finance) and the impact on the ability to deliver standards.
- The LCOM RQ expires on 16 July 2023. As the programme has been cancelled, the planned RQ review visit will no longer take place, and the RQ will expire with no further action required. The suspension of the course is published on our website and on the LCOM website.
- At its meeting on 6 October 2022, the Policy and Education Committee (the Committee) considered whether the suspension of the programme fell within the scenarios outlined in Section 16 of the Osteopaths Act 1993 (see paragraph 16 below). The Committee considered that it was appropriate to refer the matter to Council.
- Options for Council are presented, as to whether to exercise its power to withdraw the qualification in accordance with s16(2) of the Osteopaths Act 1993.

Background

1. The London College of Osteopathic Medicine offer an 18-month course for medical doctors, leading to the award of a Member of the London College of Osteopathic Medicine which has been a recognised qualification since May 2000.
2. The last cohort of LCOM graduated in 2019. Council considered the position of the LCOM RQ at its meeting in July 2021 and extended the RQ as the coronavirus pandemic had delayed recruitment to the next cohort. The [Council paper of July 2021](#) sets out the position with regards to the LCOM course since the graduation of the previous cohort.
3. General conditions attached to RQ programmes require that education providers 'must inform the Education Committee of the General Council as soon as practicable, of any change or proposed substantial change likely to influence the quality of the course leading to the qualification and its delivery.....'. This would include substantial changes in management. The Policy and Education

Committee (the Committee) performs the functions of the statutory Education Committee as outlined by the Osteopaths Act 1993.

4. We were informed on 8 April 2022 by the LCOM Principal, that he had handed in his notice, and that his last day in post would be 26 May 2022. We were subsequently informed that the Course Director was also leaving on that date.
5. We reported these changes to the Committee at its 16 June 2022 meeting. In discussion concerns were raised regarding the management changes, and the potential impact on delivery of the programme, given also that there has been no student cohort for more than two years. The Committee was keen to understand in more detail whether any other changes had taken place since LCOM last had a student cohort, and agreed to seek assurance in this respect prior to any new cohort commencing. We had already planned a meeting with LCOM Board Chair and Vice Chair on 7 July 2022, and a report on these aspects was requested for the Committee to consider before its next meeting in October.
6. We wrote to the LCOM Chair to outline the issues raised, and to explain that these would need to be considered when we met online on 7 July 2022. These included:
 - Governance: Assurance that there are effective governance arrangements in place to ensure delivery of the course.
 - Delivery of the curriculum and assurance that students will meet the Graduate Outcomes for Osteopathic Pre-registration and Education at the point of award of the RQ and the institution will meet the Standards for Education and Training (in force from 1 September 2022)
 - Teaching clinic provision, and how this has been maintained without students.
 - The implementation of the Standards for Education and Training and the updated Graduate Outcomes for Osteopathic Pre-registration Education
7. The LCOM RQ expires in July 2023, and a review visit was in the process of being arranged, dependant on a new cohort of students commencing.
8. Prior to the planned 7 July 2022 meeting, we received a request from the LCOM Chair to delay the meeting until later in the month, when it was hoped that a new Principal would have been appointed. We arranged a further meeting for 25 July 2022, but also met the Chair and Vice Chair on the 7 July as planned, to talk through the issues, and to further convey the Committee's concerns.
9. The further meeting with the Chair and Vice Chair took place on 25 July 2022, and this also included the proposed new Principal, whose confirmation as Principal by the LCOM Board was, at the time, still pending.

10. On the 10 August 2022, we received a letter from the (Clinical) Vice Chair of Osteopathic Trusts Ltd. This letter is attached at the Annex (private). It stated that the Trustees have taken the decision not to run a course at LCOM as planned this Autumn. They reported that the prospective students had been informed of the decision to cancel the course and that their fees will be reimbursed. The letter indicated that issues related to resources including finance and patient numbers would impact on the delivery of the course to the required standards.
11. The letter also indicated a plan to address these issues in the future and to hold a strategy day in the Autumn and that it was hoped to be able run an osteopathic educational course for medical practitioners once again in the future.
12. We wrote to the LCOM (Clinical) Vice Chair of Osteopathic Trusts Ltd requesting that they:
 - Provide us with the communication sent to prospective students informing them of this decision
 - Advise when students will be reimbursed
 - Confirm that the LCOM website clearly reflects that it will not be running an RQ course this academic year
 - Ensure that the students have my contact details should they wish to discuss any matters arising with us.
13. We have received confirmation from LCOM that the prospective student payments have been reimbursed, and the suspension of the programme is shown on the LCOM [website](#).

Discussion

14. As mentioned above, the LCOM RQ programme expires on 16 July 2023. As the programme has been cancelled, the planned RQ review visit will no longer take place, and the RQ will expire with no further action required. The suspension of the course is published on our website.
15. Any further programme to be developed and offered by LCOM in the future, will, if RQ status is sought for this, necessarily be subject to an initial RQ visit with a future specification to be agreed by the Committee.
16. Section 16 of the Osteopaths Act is set out below. At its 6 October 2022 meeting, the Committee was required to consider whether to make a referral to Council.

Section 16(1) of the Osteopaths Act 1993 provides that: 'Where, as a result of any visitor's report or other information acquired by the Education Committee, the Committee is of the opinion--

- (a) that a recognised qualification is no longer, or will no longer be, evidence of having reached the required standard of proficiency,
 - (b) that a proposed qualification which has yet to be granted, but which was recognised by virtue of section 14(2)(b), will not be evidence of having reached that standard, or
 - (c) that a condition for the continued recognition of a qualification (imposed under section 15(4)) has not been complied with,
- it shall refer the matter to the General Council.'

17. The Committee agreed that the letter from LCOM dated 10 August 2022 with the trustee's decision of suspension of LCOM's programme and the rationale for this, along with the information set out in the paper did provide evidence that the recognised qualification would no longer provide evidence of having received the required standard of proficiency. Further information about the rationale of the Committee is outlined in the minutes to their meeting of 16 June 2022 at Private Item 6 of the Agenda. The Committee referred the matter to Council to consider whether the RQ should be withdrawn.

18. Section 16 of the Osteopaths Act 1993 provides that

'(2) 'If the General Council is satisfied that the circumstances of the case are as mentioned in sub-section (1)(a), (b) or (c) it may, with the approval of the Privy Council, direct that the qualification is no longer to be a recognised qualification for the purposes of this Act.

(3) A direction under subsection (2) shall have effect from the date of the direction or from such later date as may be specified in the direction.

(4) In considering any matter referred to it under subsection (1), the General Council shall have regard to the information on which the Education Committee formed its opinion together with any other relevant information which the Council may have.'

19. An RQ has not previously been withdrawn by Council. Our view is that the Osteopaths Act as cited above does provide a power for Council to withdraw recognition for the suspended course before it otherwise expires in July 2023. It may withdraw but is not required to do so.

20. As this is an unprecedented process, we sought legal advice which confirmed the above interpretation. This also suggested that in the interests of procedural fairness, LCOM be given time to consider the possible withdrawal of recognition and to raise comments and questions.

21. To this end, the LCOM chair was sent the paper reported to PEC, and we provided a period of 21 days for observations, feedback or comments from LCOM. We subsequently met with her online on 26 October. It was reported that the LCOM strategy meeting is taking place on 6 November, and they will be considering options for the future of the organisation. There is still an appetite to be able to deliver an RQ programme in the future, and they have had further

interest from potential students despite suspending the programme. There were no other observations on the content of the papers.

22. We confirmed to LCOM that should Council decide to withdraw the RQ as a result of LCOM's own decision that they were not in a position to currently deliver this, this would not prevent LCOM seeking recognition of a programme in the future.

23. Council is asked to consider whether to withdraw the LCOM RQ in accordance with section 16 of the Osteopaths Act 1993 or whether to allow the expiry of the RQ by the passing of time on 16 July 2023.

Recommendations:

1. To note the situation regarding the suspension of the LCOM programme,
2. To note the Policy and Education Committee's referral of this issue to Council,
3. To consider and decide whether the LCOM Recognised Qualification should be withdrawn in accordance with Section 16 of the Osteopaths Act 1993.