



### Equality Impact Assessment

#### Step 1 – Scoping the EIA

<b>Title of policy or activity</b>
Draft Fitness to Practise Publication Policy (the Policy)
<b>Is this a new or existing policy/activity?</b>
Existing policy
<b>What is the main purpose and what are the intended outcomes of the policy/activity?</b>
<p>We conducted a review of the Policy as it relates to:</p> <ul style="list-style-type: none"><li>• the publication of interim order determinations made by the Investigating Committee (IC) and the Professional Conduct Committee (PCC).</li><li>• The publication of written determinations where voluntary removal has been granted to an individual after an FtP hearing has concluded with a sanction.</li></ul> <p>We intend to consult on amending the Policy so that GOsC will publish a summary only of the written decision for IC and PCC ISO hearings where an order is imposed. We also intend to consult on amending the Policy to make it explicit that GOsC will continue to publish a FtP written decision on the website, for the length specified within the Policy, in circumstances where an individual has been granted voluntary removal by the Registrar following a final hearing.</p>
<b>Who is most likely to benefit or be affected by the policy/activity</b>
<p>The purpose of the Policy is to ensure that the GOsC meets its obligations to publicise fitness to practise information, while protecting the rights of parties to its proceedings. GOsC must take account of the rights of registrants and others involved in proceedings and assess the risk of harm that may arise from the disclosure or non-disclosure of information disclosed in the published determination where an ISO is imposed.</p> <p>Equally, where individuals are granted voluntary removal and are therefore no longer registrants, it could be said that the record of the hearing should also be removed from our website.</p> <p>The information we publish together with the length of publication must be proportionate and balance the need for the public and patients to be informed about an osteopath's fitness to practise, with the osteopath's / former osteopath right to privacy and ability to rehabilitate.</p>

## Annex B to Item 13

<b>Who is doing the assessment?</b>	
Sheleen McCormack, Director of Fitness to Practise	
<b>Dates of the EQIA</b>	
• When did it start?	February 2022
• When was it completed?	31 October 2022
• When should the next review of the policy/activity take place?	February 2024

### Useful information

<b>What information would be useful to assess the impact of the policy/activity on equality?</b>
<p>Recently, we have amended information of our written ISO decisions in a number of individual cases involving osteopaths where there has been a criminal investigation. This is because of the potential for prejudice or contamination of witness evidence which could jeopardise an ongoing police investigation or trial. Equally, we are aware in some cases of further victims of alleged sexual abuse coming forward to the GOsC and/or the police after reading the ISO determination on our website.</p> <p>We also conducted a review of FtP information published by other healthcare regulators, but it would be useful to obtain more information on the potential impact on patients who are often vulnerable by nature of the allegation considered in an ISO hearing.</p>
<b>Is there data relating to people with any/each of the protected characteristics?<sup>1</sup></b>
EDI information is collected from registrants on a voluntary basis at the outset of investigations.
<b>Where can we get this information and who can help?</b>
<ul style="list-style-type: none"> <li>• Registrants</li> <li>• Patients / Complainants</li> <li>• Third parties (such as the police, courts etc)</li> <li>• Defence and legal stakeholders</li> </ul>

<sup>1</sup> 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.

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### 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.**

We prepared a discussion paper in February 2022 which we shared with all FtP panellists and legal assessors inviting views on these areas. We also encouraged feedback on whether there are any additional areas we need to consider relevant to the publication policy. We also presented the discussion paper to the Policy and Education Committee in March 2022 and an amended version of the discussion paper to Council in May 2022.

We also plan to run a 3-month public consultation amended FtP publication policy following its consideration by Council at a meeting in November 2022.

### 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 policy. We have FtP data collected around concerns made against osteopaths.

**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?**

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### 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?**

Please see above. We conducted a review of FtP information published by other healthcare regulators, but it would be useful to obtain more information on the potential impact on patients who are often vulnerable by nature of the allegation considered in an ISO hearing.

**Are there any implications in relation to each/any of the different forms of discrimination defined by the Equality Act?**

No

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<b>What practical changes will help to reduce any adverse impact on particular groups?</b>
N/A

<b>What could be done to improve the promotion of equality within the policy?</b>
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### Step 5 – making a decision

<b>Summarise your findings and give an overview of whether the policy will meet the GOsC's objectives in relation to equality.</b>
We have added a section within the guidance stating the GOsC's commitment to and policy on EDI.
<b>What practical actions do you recommend to reduce, justify or remove any adverse/negative impact?</b>
N/A
<b>What practical actions do you recommend to include or increase potential positive impact?</b>
<p>Reviewing feedback received from the public consultation and incorporating this within the draft policy.</p> <p>Encouraging feedback and suggestions for improvement from all key external stakeholders such as membership bodies.</p> <p>Encouraging feedback from complainants and registrants and members of the public to ensure their voices not only continues to be heard but is actively engaged in improvements</p>

### Step 6 – monitoring, evaluation and review

<b>How will you monitor the impact/effectiveness of the policy/activity?</b>
GOsC must take account of the rights of registrants and others involved in proceedings and assess the risk of harm that may arise from the disclosure or non-disclosure of information disclosed in the published determination. We must also act proportionately and transparently. We will review feedback garnered from our public consultation to assess whether there are any other areas we need to address in relation to the publication of FtP outcomes
<b>What is the impact of the policy/activity over time?</b>
N/A

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<b>Where/how will this EIA be published and updated?</b>
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

<b>Please detail any actions that need to be taken as a result of this EIA</b>		
<b>Action</b>	<b>Owner</b>	<b>Date</b>