



General  
Osteopathic  
Council

## **Annex C to Item 13**

# **Consultation on the Fitness to Practise Publication Policy**

[date]

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### About the General Osteopathic Council

The General Osteopathic Council (GOsC) is the regulator for the osteopathic profession in the UK. Our role is to develop and regulate the profession of osteopathy which we do by setting standards of education, training, conduct and competence and keeping a Register of those who have qualified and met those standards. By law, osteopaths must be registered with us in order to practise in the UK; there are currently around 5,400 osteopaths.

One important aspect of our work is dealing with concerns and complaints about osteopaths. We have legal powers with clear and transparent processes to investigate and deal with osteopaths who may fall short of the standards we have set.

### Background

All osteopaths registered with us must be fit to practise. This means that they must have the skills, knowledge, good health and good character to do their job safely and effectively. Fitness to practise hearings are held to decide whether an osteopath's fitness to practise is impaired. Notices of these hearings and the decisions reached at them may be published

The GOsC has a Fitness to Practise Publication Policy (the policy) which has been in place since 2013. The policy focusses on the length of time that notices of decisions should appear on the public website.

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 those involved in its proceedings.

Publicising this information provides valuable information about the standards expected of osteopaths, helps patients to make informed choices and helps to maintain public confidence in the profession. It is consistent with the GOsC's overarching objective of protecting the public as well as our statutory function to set and maintain standards for the profession. Publishing this information also allows us to be open and transparent, in line with our Strategic Plan.

We have three statutory fitness to practise committees:

- [The Investigating Committee \(IC\)](#) carries out the initial scrutiny of concerns about osteopaths, and decides whether the osteopath has a case to answer.
- [The Professional Conduct Committee \(PCC\)](#) hears cases involving criminal convictions or allegations against an osteopath's conduct or competence. If the

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Committee finds the allegation is well founded, it imposes an appropriate and proportionate sanction on the osteopath.

- [The Health Committee \(HC\)](#) considers cases where an osteopath is alleged to be in poor physical or mental health. Appropriate action is taken in the interests of the public and the osteopath.

Any of our fitness to practise committees can impose an Interim Suspension Order (ISO) on an osteopath, if they consider it necessary to protect the public in a case involving serious allegations. An interim suspension order means the osteopath's registration is suspended pending the investigation and outcome of the hearing. During the suspension the osteopath is not legally able to practise osteopathy.

The policy is available on the GOsC website at: [insert link] and will remain in force until this consultation has ended and all responses are considered by Council.

### The consultation

We have conducted a review of the policy and are consulting on a range of issues which we have listed below. We also want to encourage feedback on whether there are any additional areas we need to consider relevant to the publication policy.

#### 1. Publishing written Investigating Committee and Professional Conduct Committee interim suspension order decisions

Currently, we publish the interim suspension order (ISO) decisions from both IC and PCC in full.

The policy distinguishes between the two different types of ISOs that can be imposed by the Professional Conduct Committee (PCC) under section 24(1)(a) and (b) of the Osteopaths Act 1993 (the Act). The first covers the period before the final hearing, the second covers the 28-day appeal period after the hearing concludes.

We are proposing to amend the policy so that GOsC will only publish a summary of the outcome for Professional Conduct Committee and Investigating Committee ISO decisions **before** the final hearing. We will continue to publish in full an ISO imposed by the PCC after the hearing concludes and the sanction has been imposed.

We are proposing these changes because:

- Publishing decisions enables members of the public, including current and future patients, employers and colleagues, to know when there has been concern about an osteopath's fitness to practise.

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- A summary of the ISO decision provides sufficient information of the concerns without risking contamination of any external third party investigations, such as a criminal investigation. This also protects the rights of the registrant in circumstances where no findings of fact have been made against them.

### **2. Publishing final decisions where the registrant is granted voluntary removal**

A registrant is able to request removal from the Register of osteopaths (the Register) at any time. This is a process called voluntary removal. The current policy does not specify whether published decisions involving individuals who request and are granted voluntary removal after their final hearing has concluded are also removed from the website.

We are proposing to amend our policy to make it clear that, where an individual has been granted voluntary removal by the Registrar following a final hearing, the GOsC will continue to publish the Fitness to Practise decision and sanction for the length specified within the publication policy. In summary, this is because:

- Members of the public are still able to see, through our public-facing website, that the former osteopath has faced a professional conduct or professional incompetence hearing.
- Allowing members of the public continued access to this information supports us in maintaining public confidence in the osteopathic profession and upholding proper standards of conduct and competence within the osteopathic profession.

Please read the draft publication policy before answering the consultation questions below.

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## How to respond

The deadline for responses to this consultation is **TBC**.

You can send us your views by responding to our online consultation or if you would prefer, you can email your response to: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk).

Copies of the response form, are also available on request in other formats by emailing [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk)

Information in responses, including personal information, may need to be published or disclosed under the access to information regimes (mainly the Freedom of Information Act 2000, the General Data Protection Regulation, the Data Protection Act 2018 and the Environmental Information Regulations 2004). We will publish a report about the consultation and the responses we have received. If you would prefer your name not to be made public, please indicate this when sending us your views.

The GOsC is a data controller registered with the Information Commissioner's Office. We use personal data to support our work as the regulatory body for osteopaths. We may share data with third parties to meet our statutory aims and objectives, and when using our powers and meeting our responsibilities under the Osteopaths Act and the associated rules made under the Act. We may use personal data to update the Register, administer and maintain the Register, process complaints, compile statistics and keep stakeholders updated with information about our work.

## Consultation questions on the Fitness to Practise Publication Policy

1. Your name or your organisation if replying on behalf of an organisation (optional)

2. Do you agree with our proposal to publish only a summary of the Investigating Committee and Professional Conduct Committee decisions where an interim suspension order is imposed?

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Yes ☐ No ☐

Please provide reasons for your response using the box below:

3. Do you consider publishing a summary of the decision would be sufficient to address our objective to protect the public and provide information that is within the public interest?

4. Do you agree with our proposal that GOsC will continue to publish a Fitness to Practise decision and sanction for the length of time specified within the publication policy, for those individuals who have been granted voluntary removal by the Registrar? Please provide reasons for your response:

5. Do you consider there are any equality and diversity implications for groups or individuals related to this publication policy?

Yes ☐ No ☐

If yes, please explain what could be done to address this?

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6. Do you consider that the approach proposed in this consultation supports our overarching objective of public protection? This includes:
- a) protecting, promoting and maintaining the health, safety and well-being of the public
  - b) promoting and maintaining public confidence in the profession of osteopathy
  - c) promoting and maintaining proper professional standards and conduct for osteopaths

Yes ☐ No ☐

7. Please provide additional comments below. Are there any other areas that the policy should address? If so, please set out what these areas are.

All feedback will be taken into consideration.

### **Diversity questionnaire**

We would like to ask some questions about you. Completing the diversity questionnaire is optional but we would welcome information about our respondents. We ask for this information to help us analyse the consultation responses to help ensure we are not inadvertently discriminating against any particular group. We are also required as an organisation to monitor diversity.

It would be very helpful to us if you would provide this information. You can skip any questions you do not wish to answer.

Please complete the [diversity questionnaire](#)

**Thank you for your response to this consultation**