



**General  
Osteopathic  
Council**

## **Draft Guidance on Threshold Criteria for Unacceptable Professional Conduct**

### **Purpose of this document**

1. The purpose of this document is to provide guidance to complainants and registrants, and to the Screeners and Investigating Committee of the General Osteopathic Council (GOsC), about the sorts of matters that the GOsC will investigate under its fitness to practise processes.
2. The fitness to practise processes of the General Osteopathic Council are designed to protect the public. They are not intended to serve as a general complaints resolution process, nor are they designed to resolve disputes between registrants and patients, or between registrants.
3. Investigating allegations properly is a resource-intensive process and the public interest requires that such resources should be used effectively to protect the public and should not be diverted towards investigating matters which do not raise cause for concern.
4. The GOsC considers that this approach is both a proportionate response to the volume of complaints it receives, and is consistent with the principle of "right touch regulation" promoted by the Professional Standards Authority.
5. The GOsC has, in consultation with its stakeholders including public and patient representatives and the Professional Standards Authority, produced "threshold criteria".
6. The threshold criteria set out the types of complaint and allegations which will not usually be progressed under our fitness to practise processes.

### **The threshold criteria**

6. The threshold for whether or not a complaint or allegation is capable of amounting to Unacceptable Professional Conduct was set out by the High Court in the case of *Spencer v the General Osteopathic Council*<sup>1</sup>

"Is the allegation worthy of the moral opprobrium and the publicity which flow from a finding of unacceptable professional conduct?"

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<sup>1</sup> [2012] 1WLR 1307, [2012] EWHC 3147 (Admin), at paragraphs 25 and 28 of the judgment

7. Matters which are not usually capable of amounting to Unacceptable Professional Conduct and which should therefore not generally be referred to the Professional Conduct Committee include:

a. Complaints about note taking and record keeping alone	In the absence of "incompetence or negligence of a high degree"
b. Complaints which do not fall within the statutory grounds of section 20	
c. Vexatious complaints  Including where the complainant:  i. repeatedly fails to identify the precise issues that he or she wishes to complain about;  ii. repeatedly changes the substance of the complaint or continually seeks to raise new issues;  iii. appears to have brought the complaint solely for the purpose of causing annoyance or disruption to the registrant.	
d. Complaints which have been made anonymously <b>and</b> which cannot be otherwise verified	
e. Complaints in which the complainant refuses to participate <b>and</b> in which the allegation cannot otherwise be verified	
f. Complaints which relate to disputes between registrants and patients about fees or the costs of treatment	Provided that there is no allegation of dishonesty or intent to deceive
g. Complaints which:  i. seek to reopen matters which have already been the subject of an employment tribunal process or Civil proceedings;  ii. seek to pre-empt or influence the outcome of other regulatory or civil proceedings;  iii. which lie more properly within the jurisdiction of another regulator (e.g. the Advertising Standards Authority) and which should have been made to that regulator.	

h. Complaints which merely amount to a difference of professional opinion	<p>Provided that :</p> <p>i. the opinion is accepted as proper and responsible by a body of osteopaths skilled in that particular area of practice and who are acting responsibly;</p> <p>and</p> <p>ii. the opinion is reasonably held and is capable of withstanding logical analysis.</p>
i. Complaints which relate to employment disputes	
j. Complaints which relate to contractual disputes, including arrangements for lease of premises and facilities	
<p>k. Complaints relating to business disputes including:</p> <p>i. passing off/similar sounding web domain names or trading names;</p> <p>ii. 'patient poaching';</p> <p>iii. matters arising from the break up of a principal/associate relationship.</p>	Provided that there is no allegation of a breach of patient confidentiality or Data Protection issues.
l. Complaints about a registrant's personal life (including matters arising out of divorce proceedings)	Unless the complaint relates to abusive behavior or violence, or brings the profession into disrepute
m. Complaints which have no public protection implications but which are made simply on the basis that the complainant is aware that the other party to a dispute is a registrant (e.g. boundary disputes between neighbours)	
<p>n. The following motoring offences:</p> <p>i. Parking and penalty charge notice contraventions;</p> <p>ii. Fixed penalty (and conditional offer fixed penalty) motoring offences.</p>	Provided that drugs or alcohol are not involved and there are no potential health issues in relation to the registrant
o. Penalty fares imposed under a public transport penalty fare scheme.	