



General
Osteopathic
Council

Fitness to Practise Annual Report 2020-21

The diagram consists of three overlapping circles arranged in a triangular pattern. The top circle is white with a dark blue outline and contains the text 'Investigating Committee'. The bottom-left circle is dark blue with a white outline and contains the text 'Professional Conduct Committee'. The bottom-right circle is white with a dark blue outline and contains the text 'Health Committee'. Small dark blue dots are located at the points where the circles overlap.

**Investigating
Committee**

**Professional
Conduct
Committee**

**Health
Committee**

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This publication is available from our website at: osteopathy.org.uk/fitness-to-practise-annual-report

1. Updates to Fitness to Practise Procedures in 2020-2021

As part of the General Osteopathic Council (GOsC's) programme to continually enhance its fitness to practise processes, this year we have made a number of updates, some of which involved adaptations in light of the COVID-19 pandemic. These updates are set out below.



Interim Remote Hearings Protocol

On 26 March 2020, following government advice on COVID-19 infection control and social distancing, the GOsC postponed all final hearings that had not yet commenced until the beginning of July 2020. Our decision to postpone hearings was in line with the other healthcare regulators and was taken to help protect the health of osteopaths, witnesses, and all parties who were scheduled to attend our hearings at Osteopathy House in London. As transparency remains of fundamental importance in promoting public confidence in our regulatory processes, we developed [an interim Remote Hearings Protocol](#) which was approved by Council in July 2020, to support the work of our FtP committees at remote/virtual hearings. The protocol sets out what to expect and how to participate in remote hearings, covering the whole hearing process, addressing anticipated questions about joining and participating.

Throughout the whole period of lockdown and the threat of continuing restrictions imposed due to the pandemic, we continued to manage urgent hearings remotely, including hearings of interim suspension orders, reviews and some part-heard cases.

We have also been holding some cases as 'blended' or 'hybrid' hearings (some people attend virtually and others are present at Osteopathy House) to ensure that all those involved in FtP hearings can participate in proceedings safely and effectively.

PII Guidance Note

Following a public consultation, in November 2020, we published new guidance on the insurance requirements for osteopaths and those intending to register with the GOsC. The purpose of the guidance is to provide clear information for registrants and those wishing to register with the GOsC about the requirement to have adequate PII and public liability insurance in place while registered with the GOsC. It also addresses the main issues that have arisen in practice at indemnity insurance cases at the Professional Conduct Committee (PCC) over the last five years. [link](#)

Screeners Guidance

One key recommendation from a 2019 independent audit of the initial stages of our investigations was to consolidate our guidance for Screeners.

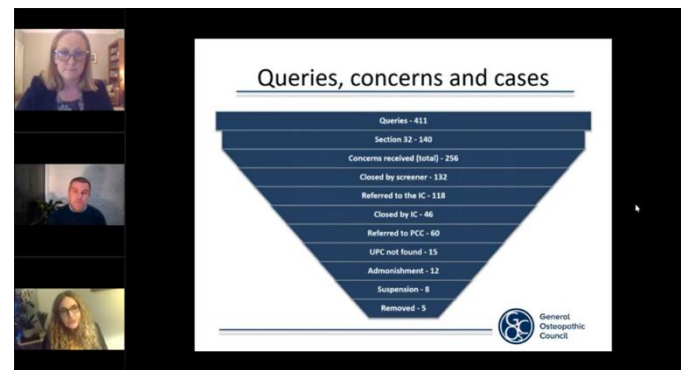
Part of our reform programme over the past five years has included the introduction of the '[Threshold Criteria for Unacceptable Professional Conduct](#)' and '[Initial Closure Procedure](#)' which have brought step changes in our processes in the initial stages of our investigations.

Whilst all members of the Investigating Committee have received training on these processes, it is essential that the training is augmented by up-to-date, accessible guidance which continues to further support Screeners in their decision-making role. Following a public consultation, we introduced key changes in the new Screeners guidance including:

- a separate section on the application of the initial closure procedure
- generally refreshing the guidance on how to apply and incorporate the threshold criteria
- a section on 'regulatory concerns' and the documents that will be considered by the Screener.
- a separate section on interim orders
- a Screener decision making flowchart
- adding an appendix on the Initial Closure Procedure, the Threshold Criteria for Unacceptable Conduct and an amended template Screener's Report

Webinars

Over the previous year, we have held Fitness to Practise (FtP) live webinars in September 2020 and March 2021, where we shared insights on fitness to practise and sought to demystify our processes for the profession and the public. We were delighted to welcome over 130 attendees at the webinar in March 2021 and 56 in September 2020. The sessions have been interactive, enabling attendees to put questions to the presenters and topics have been wide-ranging, covering the work of the Investigating Committee and Professional Conduct Committee, [what happens at hearings](#) and what the process is like for the patient or witness, including the role of the Victim Support Helpline.



2. Stages of the Fitness to Practise Process

The General Osteopathic Council (GOsC) has a duty under the Osteopaths Act 1993 to investigate concerns about osteopaths.



We receive concerns about osteopaths from a variety of sources, including:

- patients
- members of the public
- employers
- other osteopaths
- referrals from other regulators

Patient concerns continue to be the main source of complaints about osteopaths. Through our fitness to practise processes we have a duty to identify whether a concern about an osteopath is a legitimate matter that needs to be investigated. The fitness to practise procedures are designed to protect the public and are not intended to serve as a general complaints resolution process.

The GOsC has 3 statutory committees:

- The Investigating Committee, which carry out the initial scrutiny of complaints about osteopaths, and decides whether the osteopath has a case to answer.
- The Professional Conduct Committee, which hear cases involving criminal convictions or allegations against an osteopath's conduct or

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

- The Health Committee, which consider 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.

Each committee meeting or hearing is attended by a legal assessor – a legally qualified person who provides the committee with advice on matters of law and procedure.

Any of our fitness to practise committees can impose an interim suspension order on an osteopath, if they feel it is necessary to protect the public in a case involving serious allegations.

An interim suspension order suspends the osteopath's registration pending the investigation and outcome of the hearing.

Screeners

The Regulation Department reviews all the concerns received and conducts an initial risk assessment to ensure there is no immediate risk to public protection. We gather as much information as possible at this initial stage before referring the concern to a 'Screener' (an osteopath member of the GOsC Investigating Committee). As part of our information gathering, we usually seek additional information or clarification from the person raising the concern. If the person raising the concern does not provide the further information within 42 days

of the request, the concern will then be referred to a Screener with a recommendation for closure on the basis that there is insufficient relevant and credible supporting material.

If we do receive the information, the case is passed to the Screener who reviews the concern to determine whether it is capable of amounting to an allegation under the Osteopaths Act. In reaching a decision, the Screener can refer to the '[Threshold Criteria for Unacceptable Professional Conduct](#)' to help decide whether an activity complained about constitutes unacceptable professional conduct, which is 'conduct which falls short of the standard required of an osteopath'.

If the Screener decides that the GOsC has no power to investigate the concern, the matter is referred to a lay Screener to review the documentation and the Screener's decision. If they both agree, the matter can be closed. If they disagree, then the matter is referred to the Investigating Committee.

Investigating Committee

The Investigating Committee, consisting of five members meet in private to consider cases that have been referred to it by a Screener. The Committee considers whether there is a case to answer against the osteopath in question and takes the threshold criteria into account when making its decision.

If the Investigating Committee decides there is no case to answer, the case will be closed.

The Committee may determine that it has insufficient information in order to fairly consider the matter and will adjourn consideration in order to obtain additional information.

If the Committee decides there is a case to answer, a hearing will be arranged before the GOsC's Professional Conduct Committee or, if the matter concerns an osteopath's health, a hearing will be arranged before the Health Committee.

Professional Conduct Committee

The Professional Conduct Committee consists of three members where the chair must be lay. A legal assessor is also present to assist the Committee on any legal matters that may arise during a hearing.

Hearings are usually held in public and members of the public can attend. However, depending on the nature of the case, there may be occasions when part or all of the hearing must be held in private for example, where the hearing involves matters to do with the osteopath's health or private life.

When considering a case, the Committee's decision-making process is in three stages:

1. Findings of fact

The Committee will consider whether it finds the facts alleged against an osteopath proved. Some of the facts may be admitted by the osteopath and other facts may be in dispute. The Committee will consider the disputed facts and decide whether it is more likely than not that they happened. This is known as the 'balance of probabilities'.

If the Committee does not find any of the facts proved, the case will be concluded. Where it finds some or all of the facts proved, the hearing will proceed to the next stage.

2. Finding on allegation

Once the findings of fact have been announced, both parties (the GOsC's case presenter and the osteopath) will be invited to make submissions on unacceptable professional conduct or professional incompetence or whether a criminal conviction is material (seen as relevant) to the practice of osteopathy. This is a matter for the Committee judgement and is not a matter of proof.

The Committee will hear and consider the submissions and will retire in private to consider its findings. When a decision has been reached, the Chair will announce the Committee's decision.

3. Sanctions

If the Committee determines that the facts amount to unacceptable professional conduct or professional incompetence, or that a criminal conviction is material to the practice of osteopathy, it will then hear any additional submissions by both parties regarding the allegations. It will also take account of submissions made by each party on the sanction to impose.

The Committee will consider the evidence in private and decide which sanction to impose. Once it has reached a decision, the Chair will announce the sanction.

If the Committee finds an allegation against an osteopath is well founded, it must impose one of the following four sanctions on the osteopath:

- admonishment
- imposition of conditions on the osteopath's practice
- suspension from the Register
- removal from the Register

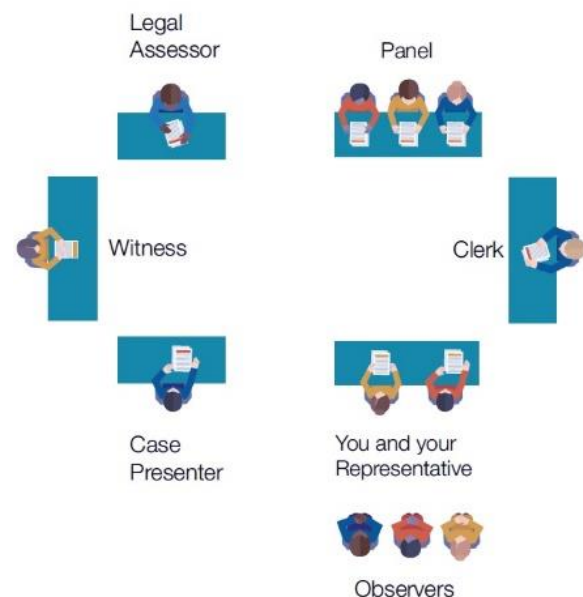
Health Committee

The Health Committee can only impose conditions of practice or a suspension in cases where it finds that the osteopath's fitness to practise is seriously impaired because of their physical or mental condition.

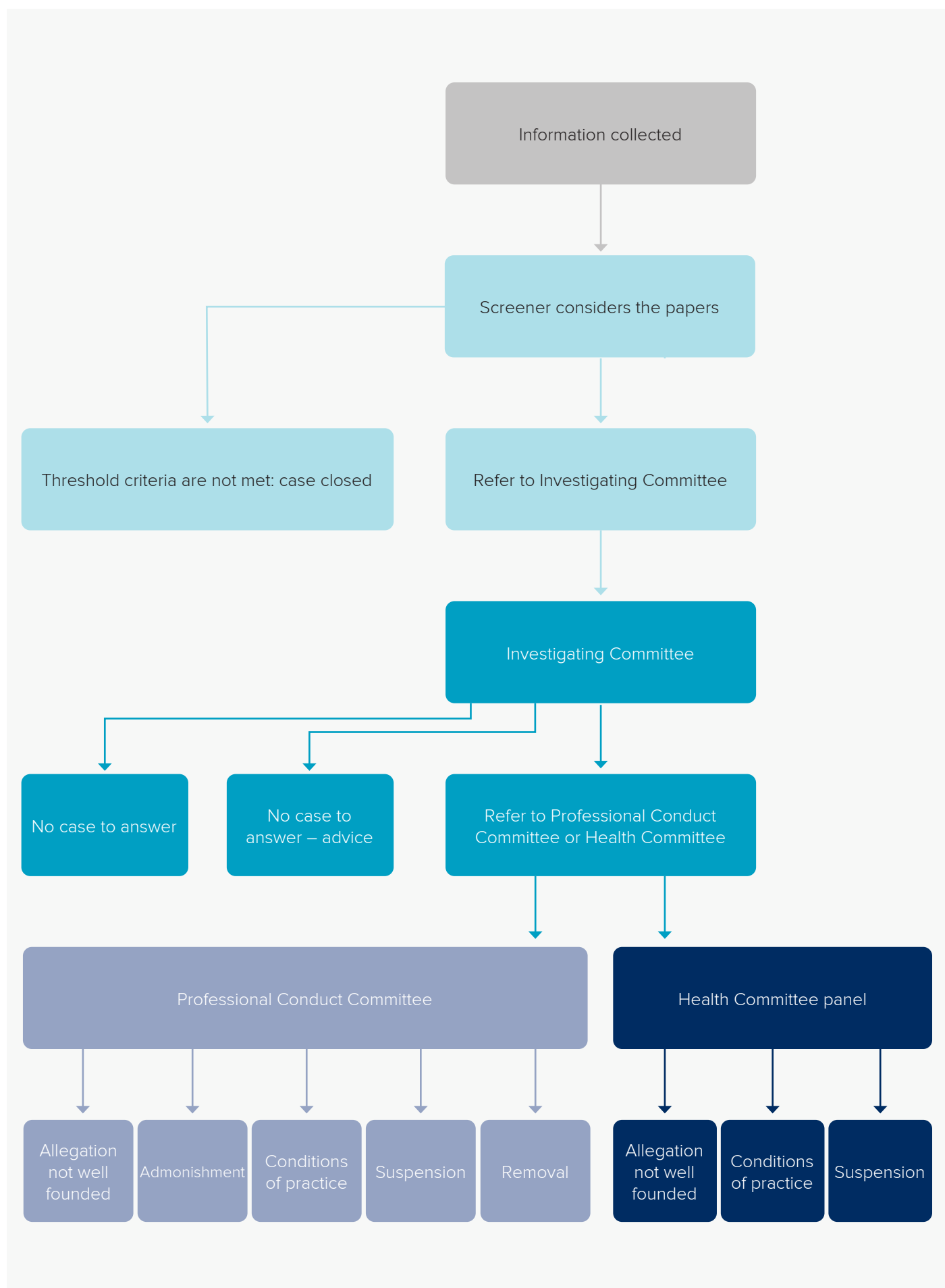
Committee hearings usually take place in private and consist of three members:

- lay Chair
- osteopath
- lay member

A legal assessor and a medical assessor are also present to assist the Committee on any legal and medical matters that may arise during a hearing.



Example of how a hearing room is set up



3. Investigations and Hearings 2020-2021

Investigating Committee Decisions

During the 12 months from 1 April 2020 to 31 March 2021, the GOsC's Investigating Committee met 9 times and considered 41 cases. It concluded that 18 of those cases should be heard by the Professional Conduct Committee. In 20 cases it found no case to answer. In one case it found no case to answer but issued advice and in 2 cases the outcome was adjournment.

In 1 case, the complaint was sufficiently serious for the Committee to impose an interim suspension order pending a hearing. In a second case, the Investigating Committee did not impose an interim suspension order but accepted undertakings from the osteopath.

Health Committee Decisions

There were no substantive cases heard by the Health Committee from 1 April 2020 to 31 April 2021. There was one review hearing where the Committee determined that the suspension should be extended by 12 months.

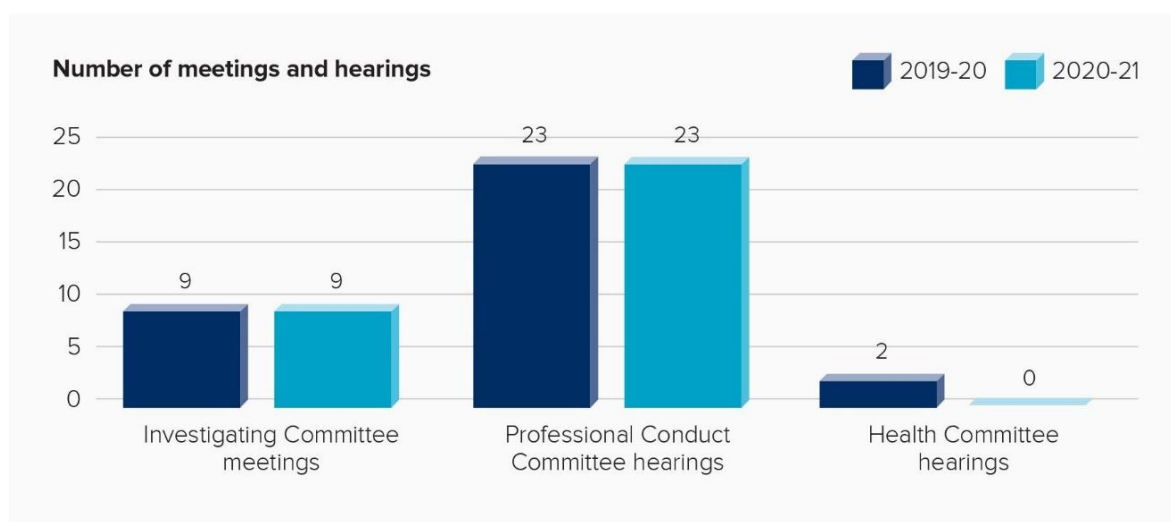
Professional Conduct Committee Decisions

From 1 April 2020 to 31 March 2021 the Professional Conduct Committee made a final decision in 23 cases, of which 21 related to unacceptable professional conduct and 2 related to criminal convictions. 2 of these cases relating to unacceptable professional conduct involved the same osteopath (ie were heard jointly) and another 2 cases, relating to unacceptable professional conduct, related to another osteopath.

The Committee removed 4 osteopaths from the Register.

1 osteopath was suspended from practice.

Conditions of practice were imposed on 1 osteopath and 8 osteopaths were admonished by the Committee. No findings were made against the osteopaths concerned in 8 cases and these were closed with no further action.



Interim Suspension Order Hearings

The Investigating Committee, Professional Conduct Committee and Health Committee can impose a suspension order on a registrant for an interim period if there is a real risk to members of the public.

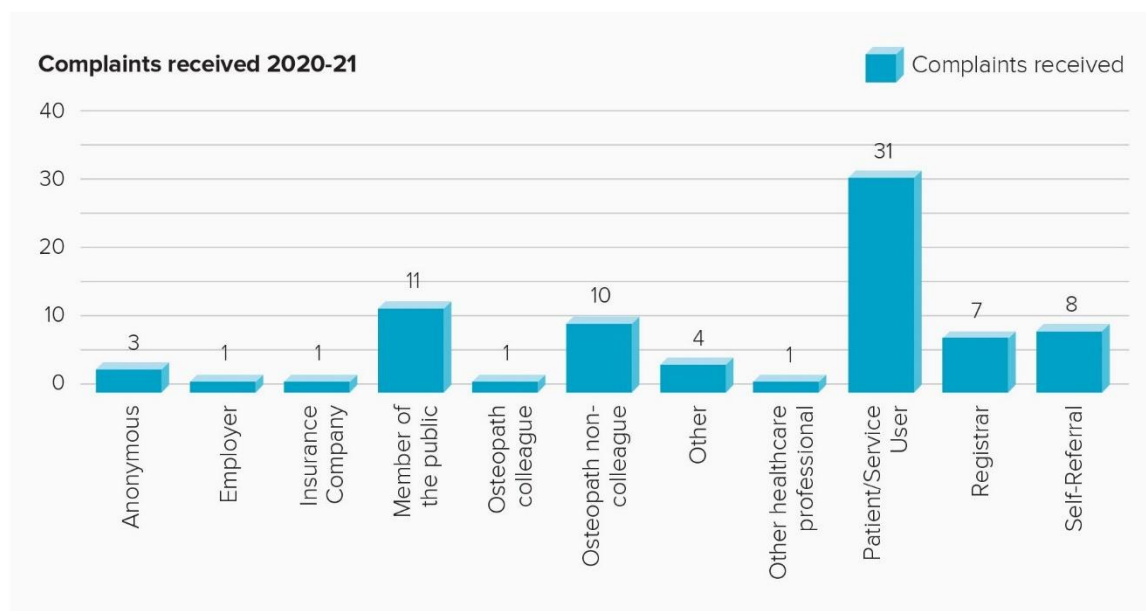
The table below shows how many interim suspension order (ISO) hearings took place, the number of ISOs imposed and the number of undertakings, from April 2020 to March 2021.

Committee	Number of ISOs applied for	Number of ISOs imposed	Number of undertakings
Investigating Committee ISOs applied for	5	1	1
Professional Conduct Committee ISOs applied for	1	1	0
Health Committee ISOs applied for	0	0	0

Who Raises Concerns?

The GOSC receives concerns from a variety of sources. The highest number of concerns come from patients or those who have engaged the services of the osteopath. The GOSC also receives concerns from colleagues and employers.

In some cases, concerns come to the attention of the GOSC without an identifiable complainant. In these circumstances, the GOSC's Registrar becomes the complainant.



How Quickly Do We Process Concerns?

The table below shows the time taken for cases to be heard, from April 2020 to March 2021.

Committee	Median time from receipt of complaint to decision
Investigating Committee	26 weeks (target = 26 weeks)
Professional Conduct Committee	66 weeks (target = 52 weeks)

4. Professional Conduct Committee Decisions 2020-2021

The table below covers substantive hearings concluded by the Professional Conduct Committee during the period 1 April 2020 to 31 March 2021.

This report is produced in accordance with the Osteopaths Act 1993, Section 22(13) and (14), which requires the Committee to publish a report setting out the names of those osteopaths in respect of whom it has investigated allegations and found the allegations to be well founded. Issues involving osteopaths' fitness to practise are an integral part of the GOsC's duty to

regulate the profession and thereby protect the public and the profession's reputation. The information contained in this report provides a valuable resource to osteopaths on the high standards of conduct and proficiency required to maintain registration as an osteopath.

Substantive Hearings

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Benjamin Sayer (9124)	24 August 2020	osteopath	Suspension for a period of 6 months	<p>Mr Sayer treated Patient A between November 2018 and January 2019. During this period, Mr Sayer:</p> <ul style="list-style-type: none"> communicated with Patient A using his personal mobile number, instead of contacting her via the practice's patient contact system entered into non-professional personal relationship with Patient A failed to hand Patient A's treatment over to a colleague until after he had entered into a non-professional personal. <p>Mr Sayers' conduct set out above was sexually motivated</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Rosanna Wood (7651)	9 November 2020	Registrar	Admonishment	<p>Miss Wood was registered and practised as an osteopath from 3 September 2018 to 11 September 2019 without professional indemnity insurance cover. Miss Wood failed to immediately inform the GOsC that her insurance had lapsed. Miss Wood knew that in holding herself out to the public as an osteopath, she was required to hold professional indemnity insurance.</p> <p>Miss Wood treated patients despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risks.</p> <p>Miss Woods' conduct was misleading and lacked integrity.</p>
Zain Jawaid (9547)	12 November 2020	Patient/service user	Admonishment	<p>Mr Jawaid provided osteopathic treatment to Patient A on 19 and 24 July 2019.</p> <p>Mr Jawaid's conduct towards Patient A was inappropriate and his treatment was not clinically justified and he failed to obtain Patient A's valid consent.</p>
Tari MacDonald (2575)	27 November 2020	Registrar	Admonishment	<p>Mr MacDonald was suspended from the Register for a period of 18 months on 30 August 2019.</p> <p>On a date/s unknown after 30 August 2019, Mr MacDonald disseminated, or caused to be disseminated, a document to patients which made the following statements relating to a previous Professional Conduct Committee hearing against him:</p> <ul style="list-style-type: none"> the "whole reporting" of the hearing had been "totally inaccurate" there was "no burden of proof"

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<ul style="list-style-type: none"> the case was decided on “49% to 51%” the actual findings against him were based on: (i) “inadequate note keeping... if my treatment of a particular patient contains the same procedures I always just record the date”; (ii) “a kiss on the cheek to say goodbye... This is a breach (sic) of sexual boundaries”; (iii) “Two practitioners’ summaries of what they claimed the sounds were”. <p>Mr MacDonald’s conduct above was misleading and demonstrated a lack of integrity.</p>
Christopher Willis (8950)	3 December 2020	Registrar	Removal	<p>Mr Willis has been practising as an osteopath from 15 June 2018, without professional indemnity insurance cover. Mr Willis failed to immediately inform the GOsC that his insurance was no longer in force.</p> <p>Since 19 September 2018, Mr Willis failed to provide proof of his current professional indemnity cover to the GOsC, despite this being requested.</p> <p>Mr Willis knew that in holding himself out to the public as an osteopath, he was required to hold professional indemnity insurance.</p> <p>Mr Willis treated patients despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risk.</p> <p>Mr Willis’ conduct was misleading and lacked integrity.</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Julian Cooper (4146)	21 January 2021	Registrar	Removal	<p>Mr Cooper has been practising as an osteopath between 1 September 2015 until 30 September 2019 without professional indemnity insurance cover. Between 20 May 2016 and 15 May 2019, when renewing his registration, Mr Cooper falsely stated to the GOsC that he had current indemnity insurance cover.</p> <p>Mr Cooper knew that in holding himself out to the public as an osteopath, he was required to hold professional indemnity insurance.</p> <p>Mr Cooper treated patients despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risks.</p> <p>Mr Cooper's conduct was misleading and lacked integrity.</p>
Matthew Walker (9136)	3 February 2021	Self-referral	Admonishment	<p>Mr Walker has been practising as an osteopath from 30 June 2019 to 9 January 2020 without professional indemnity insurance cover.</p> <p>Mr Walker failed to immediately inform the GOsC that his insurance lapsed.</p> <p>Mr Walker knew that in holding himself out to the public as an osteopath, he was required to hold professional indemnity insurance.</p> <p>Mr Walker treated patients despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risks.</p> <p>Mr Walkers' conduct was misleading and lacked integrity.</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Salah Said (6013)	23 February 2021	Registrar	Removal	<p>The Committee found 4(a), 4(b) and 4(c) in relation to particular 3 Schedule A (i) not proved; and 4(a) and 4(c) in relation to particular 3 Schedule A (ii) not proved.</p> <p>Mr Said treated Patient A on 22 May 2017.</p> <p>At the appointment, Mr Said:</p> <ul style="list-style-type: none"> placed one or both hands inside Patient A's underwear touched and/or massaged Patient A's clitoris and or/the surrounding area sniffed his fingers after he removed his hand from Patient A's underwear. <p>Mr Said's conduct towards Patient A was not clinically justified, breached professional and sexual boundaries and was sexually motivated.</p> <p>The Committee found particular 3 and Schedule B not proved, 4(a), 4(b) and 4 (c) in relation to 2(a) and particular 3 with Schedule B not proved.</p> <p>Mr Said treated Patient B on two unknown dates in May and/or June 2015.</p> <p>At appointment 1, Mr Said:</p> <ul style="list-style-type: none"> asked and/or indicated that Patient B should remove her clothes and lay on a treatment table locked the door to the treatment room and/or indicated that he was doing so told Patient B that she could take her knickers off if it made her more comfortable or words to that effect.

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<ul style="list-style-type: none"> while Patient B was lying naked on the treatment table: <ol style="list-style-type: none"> stood behind her placed one or more of his hands to the front of her body repeatedly pulled her backwards towards him repeatedly thrust his body towards her told and/or required Patient B to walk around the treatment table while undressed. <p>Mr Said's conduct towards Patient B was not clinically justified, breached professional and sexual boundaries and was sexually motivated.</p>
Jonathan Nunn (932)	16 March 2021	Patient/service user	Conditions of practice order	<p>Mr Nunn treated Patient A between 15 January and 5 March 2014.</p> <p>During Patient A's appointments, Mr Nunn:</p> <ul style="list-style-type: none"> failed to obtain valid consent before applying an osteopathic technique contrary to Patient A's instructions not to use such a technique commented on Patient A's appearance words to the effect "You've got plenty of padding there" in reference to Patient A's breasts kissed Patient A's toes. <p>By his conduct above, Mr Nunn transgressed professional boundaries</p> <p>Mr Nunn treated Patient B between 12 August 2019 and 16 September 2019.</p> <p>During Patient B's appointments, Mr Nunn:</p> <ul style="list-style-type: none"> failed to obtain valid consent before applying an osteopathic technique to her neck

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<ul style="list-style-type: none"> made inappropriate comments, including “I don’t really need to do this by the way, I just wanted to hold your hand” and “I love feet, I really love feet, I’m a bit of a pedi – file” kissed Patient B’s forehead hugged Patient B. <p>Mr Nunn did not communicate with Patient B in an appropriate and/or professional manner.</p> <p>Mr Nunn’s conduct transgressed professional boundaries.</p>
Jason Gaffney (5358)	23 March 2021	Patient/service user	Admonishment	<p>Mr Gaffney treated Patient A on or around 8 December 2006.</p> <p>During this appointment, Mr Gaffney:</p> <ul style="list-style-type: none"> failed to obtain valid consent failed to respect Patient A’s dignity and modesty in that: <ol style="list-style-type: none"> he remained in the room and near to Patient A as she undressed and/or dressed unfastening Patient A’s bra without her consent treated Patient A while her breasts were exposed failing to offer Patient A a cover-up. <p>Mr Gaffney’s conduct as set out above transgressed professional boundaries.</p> <p>Mr Gaffney treated Patient B on or around 15 November 2015.</p> <p>During this appointment, Mr Gaffney failed to obtain valid consent</p>

Review Hearings

Osteopaths	Date of review	Order requiring review	Outcome of review
Christian Bates (2913)	05 May 2020	Suspension order	The suspension order to lapse on expiry
Paul Robinson (1514)	07 September 2020	Conditions of practise order	The condition order to lapse on expiry
Dinash Gaur (1581)	06 October 2020	Suspension order	The suspension order to lapse on expiry
Tari MacDonald (2575)	24 March 2021	Suspension order	The suspension order to lapse on expiry



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