



General
Osteopathic
Council

Fitness to Practise Annual Report 2021-22

**Investigating
Committee**

**Professional
Conduct
Committee**

**Health
Committee**

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1. Updates to Fitness to Practise Procedures in 2021-2022

As part of the General Osteopathic Council's (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.



Remote Hearings Guidance and Protocol

In 2021, we conducted a comprehensive review of our [interim Remote Hearings Protocol](#), which we had introduced in July 2020 to support the work of our fitness to practise (FtP) Committees at remote/virtual hearings. Prior to a public consultation which ran from February to April 2022, we conducted a general review of the interim remote hearings protocol to incorporate feedback, insights and build on the learning we have acquired so far. We developed this understanding from:

- considering the experiences of participants of our remote and blended hearings;
- carefully evaluating the experiences of remote hearings across other jurisdictions;
- conducting a literature review of existing protocols and guidance within other jurisdictions, including the civil and criminal courts, in particular the HMCTS (HM Courts and Tribunal Service) remote hearing evaluation of remote hearings during the COVID-19 pandemic, which was published in December 2021.

The Remote Hearings Guidance and Protocol is separated into two parts, the first part is guidance on the conduct of remote hearings (whether fully or in part). The second part sets out the procedural and logistical arrangements for preparing and attending a remote hearing and covers the process, presentation and management of witnesses. We have also included within the annexe a guide to CaseLines, the secure, purpose-built software for managing evidence review in our remote hearings. This is intended to provide hearing participants with guidance about how to use the basic functions of CaseLines during a hearing.

A summary of the main changes in the draft Remote Hearings Guidance and Protocol includes:

- a new section on identifying in advance cases that should be conducted in person or remotely.
- general updates on the conduct of the hearing and procedure taking account of our experiences of remote hearings and learning.
- a new guide on using CaseLines

Protection of Title section 32 Enforcement Policy Statement

Section 32(1) of the Osteopaths Act 1993 makes it a criminal offence for ‘a person who (whether expressly or by implication) describes himself as an osteopath, osteopathic practitioner, osteopathic physician, osteopathist, osteotherapist, or any other kind of osteopath, is guilty of an offence unless he is a registered osteopath’.

In November 2014, we published a Protecting the Osteopathic title GOsC Enforcement Policy to ensure that both our principles and the approach we take to protect the osteopathic title from unlawful use are clear and transparent.

At the beginning of 2022, we undertook a rapid review of the Enforcement Policy. While we considered the policy remained current, we considered on reviewing the policy that it could be enhanced by, for example, by the provision of case examples of successful prosecutions we have brought in the past and by updating references, most notably, by the inclusion of the amendments made by the Health and Social Care (Safety and Quality) Act 2015 which added the overarching objective of the protection of the public in the exercise of our functions.

We made amendments to the Enforcement Policy which we consider enhances but does not alter our approach.

The key changes include:

- An introduction setting out who the GOsC is together with the range of different ways we work with the public and osteopathic profession to promote patient safety. The purpose of this is to ensure the policy is a ‘stand-alone’ reference document for external stakeholders.

- A reference to our overarching objective as amended by paragraph 3 of the Schedule to the Health and Social Care (Safety and Quality) Act 2015.
- The addition of an appendix to the policy detailing a selection of previous cases where the GOsC has successfully prosecuted offenders.

Insights on Fitness to Practise bulletin

On 2 September 2021, we launched the first in a new series of ‘Insights on Fitness to Practise’ bulletins designed to help demystify our fitness to practise processes, and respond to feedback we have received.

At the end of March 2021, we had hosted the second in a series of webinars. The overall feedback from the webinar had been positive but included further questions about topics that we weren’t able to cover on the night. We carefully reviewed all the comments and feedback we received. In particular, we received a number of requests for specific examples of an actual case, what the process was and the outcome to make it more insightful.

In the first issue of our Insights bulletin, we therefore focused on how a fitness to practise case is handled from receipt of a concern from a complainant up to the conclusion of a case at a hearing. We also looked at a recent case considered by the Professional Conduct Committee (PCC) relating to an allegation of breaching professional boundaries.

Independent Support Service

At the beginning of 2022, we renamed the support service we offer to all participants in our fitness to practise from Victim Support to the Independent Support Service.

The Independent Support Service is available to all osteopaths and other witnesses going through a fitness to practise investigation.

Going through fitness to practise can be a daunting and uncertain time. The Independent Support Service is operated by Victim Support and is independent

from the General Osteopathic Council. They provide a confidential safe space for people to discuss their feelings about the fitness to practise process and talk through what might be expected of them at each stage.

The support that the Independent Support Service can provide is available throughout the process and for three months afterwards. All individuals involved in a fitness to practise case who feel they would benefit from the service can speak to their contact at the GOsC and ask them to refer them into the service, or alternatively they can self-refer into the service by calling 0300 303 1964. The helpline is open 24/7, 365 days a year, with caseworkers available to provide ongoing support Monday to Friday 8am to 6pm (excluding bank holidays).



Webinars

In September 2021, we continued our series of live Fitness to Practise (FtP) webinars where we share insights on fitness to practise. We welcomed over 100 attendees to this interactive session. Topics focused on FtP hearings and questions ranged from decision making by the PCC, cognitive bias training, the significance of good character of registrants at hearings, and sexual misconduct and professional boundaries cases. The event provided an opportunity for all attendees to ask questions of the panel.

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

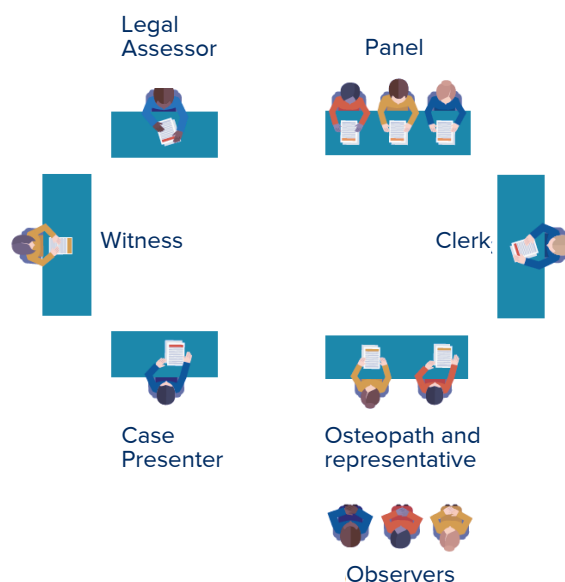
Health Committee

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.

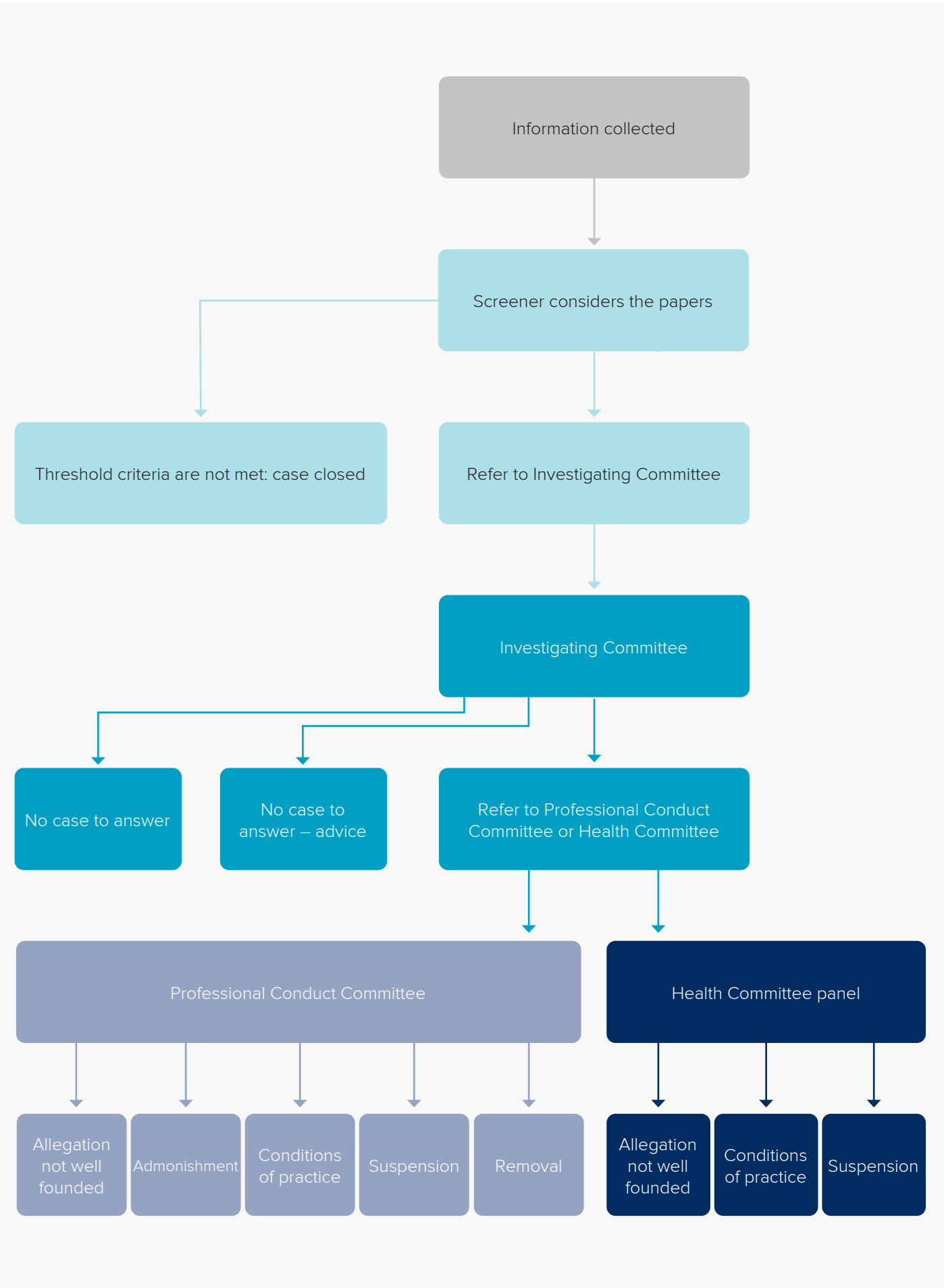
Committee hearings usually take place in private and consist of three members:

- 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 2021-2022

Investigating Committee Decisions

During the 12 months from 1 April 2021 to 31 March 2022, the GOsC's Investigating Committee met 9 times and considered 26 cases. It concluded that 17 of those cases should be heard by the Professional Conduct Committee. In 8 cases it found no case to answer. In one case it found no case to answer but issued advice.

In 2 cases, the complaint was sufficiently serious for the Committee to impose an interim suspension order pending a hearing. In 4 cases, the Investigating Committee did not impose an interim suspension order and in 2 cases the Investigating Committee accepted undertakings from the osteopath.

Health Committee Decisions

There were no substantive cases heard by the Health Committee from 1 April 2021 to 31 April 2022. There was one review hearing where the Committee determined that the suspension should be extended by 12 months.

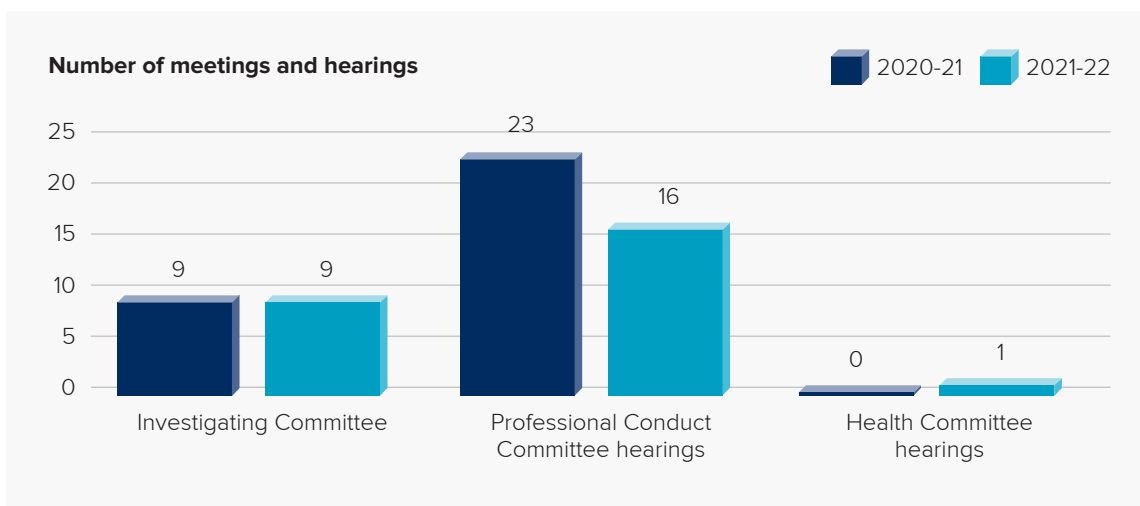
Professional Conduct Committee Decisions

From 1 April 2021 to 31 March 2022 the Professional Conduct Committee made a final decision in 13 cases, of which 11 related to unacceptable professional conduct and 2 related to criminal convictions. 2 of these cases involved the same osteopath (ie were heard jointly).

The Committee removed 3 osteopaths from the Register.

2 osteopaths were suspended from practice.

Conditions of practice were imposed on 2 osteopaths and 2 osteopaths were admonished by the Committee. No findings were made against the osteopaths concerned in 4 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.

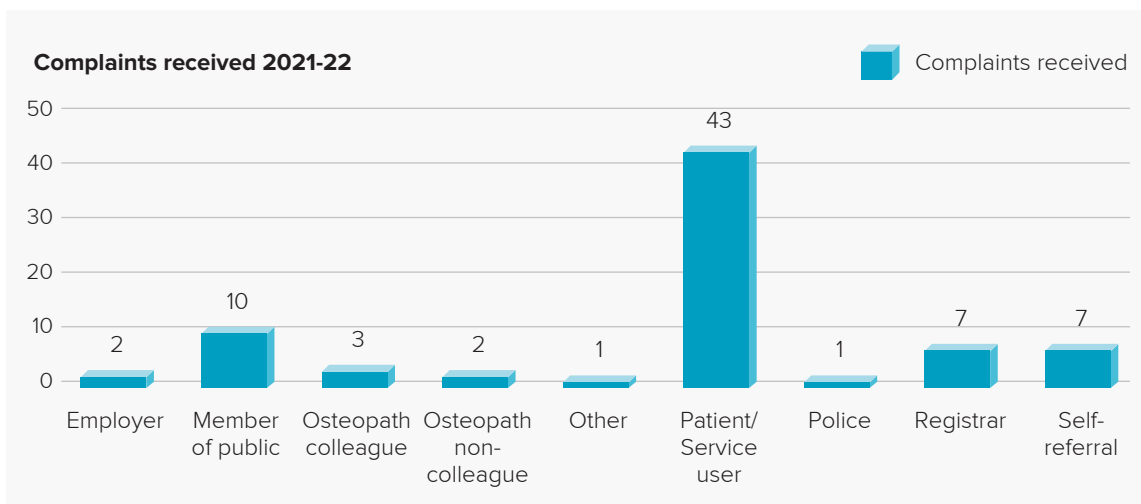
The table below shows how many interim suspension order (ISO) hearings took place, the number of ISOs imposed and the number of undertakings, from April 2021 to March 2022.

Committee	Number of ISOs applied for	Number of ISOs imposed	Number of undertakings
Investigating Committee ISOs applied for	8	2	2
Professional Conduct Committee ISOs applied for	3	3	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 2021 to March 2022.

Committee	Median time from receipt of complaint to decision
Investigating Committee	27 weeks (target = 26 weeks)
Professional Conduct Committee	65 weeks (target = 52 weeks)

4. Professional Conduct Committee decisions 2021-2022

The table below covers substantive hearings concluded by the Professional Conduct Committee during the period 1 April 2021 to 31 March 2022.

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
Susan Hingorani (2377)	23 June 2021	Patient/Service User	Conditions of practice order	Ms Hingorani saw Patient A on 29 November 2019. During this appointment: Ms Hingorani, prior to applying treatment, failed to conduct an adequate osteopathic evaluation of Patient A in relation to obtaining valid consent and Patient A's treatment plan; Ms Hingorani requested Patient A's mother assist with some aspects of treatment which was unsafe and unprofessional.
Nicholas Jones (8954)	5 August 2021	Self-Referral	Removal	On 10 July 2020, at Oxfordshire Magistrates Court, Mr Jones had been convicted of three criminal offences. Between 4 December 2019 and 7 December 2019, Mr Jones's conduct amounted to the harassment of Person A. Between 5 and 7 (Continued on next page)

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<p>December 2019, Mr Jones sent Person A emails which he knew or ought to have known would cause Patient A harassment, alarm and/or distress. Mr Jones failed to stop sending such emails.</p> <p>On 15 June 2020, Mr Jones intimidated Person A after knowing or believing that Person A was a witness in proceedings. Mr Jones continually called Person A, which intimidated, and was intended to intimidate Person A. This caused the course of justice to be obstructed, perverted or interfered with.</p> <p>On 15 June 2020, Mr Jones continually made unwanted phone calls to Person A which amounted to harassment. Mr Jones knew or ought to have known his conduct amounted to the harassment of Person A.</p> <p>For the offences set out above, Mr Jones was committed to prison for 20 weeks, suspended for two years; subject to a Rehabilitation Activity Requirement for the duration of the supervision period of two years; and subject to a Restraining Order until further order.</p> <p>The offences were materially relevant to Mr Jones's fitness to practise osteopathy.</p>
Nicholas Jones (8954)	5 August 2021	Self-Referral	Removal	<p>Between or around 14 May 2019 and 29 May 2019, Mr Jones provided treatment to Person A at Bodymaster Clinic.</p> <p>On 6 June 2019, Mr Jones sent an email to Person A from his work email address in which he made statements, including:</p> <ul style="list-style-type: none"> • 'Hope you had a good trip, you managed to do some fun things and the weather was good!' <p>(Continued on next page)</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<ul style="list-style-type: none"> • ‘I’m back from Scotland now, which was fun if not quite wet’ • ‘I was wondering maybe putting the treatment to one side for a bit whether you fancied joining me for a brief paddle boarding session on my local stretch near Wallingford? There aren’t too many board lovers to go with in Oxford after all. No problem if not’ <p>By engaging in such conduct, Mr Jones had the intent of initiating a personal relationship with Person A.</p> <p>In or around June 2019 Mr Jones entered into a non-professional personal relationship with Person A; and/or engaged in a sexual relationship with Person A. Mr Jones’s conduct was sexually motivated.</p> <p>During November 2019, Mr Jones committed an offence of harassment. He accepted a police caution on 29 November 2019.</p>
Stefano Farfariello (10066)	12 November 2021	Patient/Service User	Conditions of practice order	<p>Mr Farfariello saw Patient A on 13 November 2020.</p> <p>During this appointment, Mr Farfariello:</p> <ul style="list-style-type: none"> • removed a towel Patient A used to cover her, exposing her breasts • failed to respect Patient A’s dignity and modesty by keeping Patient A undressed whilst he showed her breathing exercises. <p>Mr Farfariello’s conduct was inappropriate; transgressed professional boundaries and was not clinically justified.</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Oliver Curties (5302)	19 November 2021	Patient/Service User	Removal	<p>Mr Curties saw Patient A at a series of appointments between 2016 and 2020.</p> <p>Mr Curties met with Patient A during swimming sessions on more than one occasion where he:</p> <ul style="list-style-type: none"> • touched her foot on one occasion • suggested meeting Patient A in a non-therapeutic capacity which included stating that he could come to Ireland with her and texting Patient A 'so you're free then' in the context of his staying alone in a hotel <p>During the appointments, Mr Curties discussed aspects of Patient A's personal life with her including her fear of death and body dysmorphia and/or her body image.</p> <p>During one or more of the appointments with Patient A, Mr Curties:</p> <ul style="list-style-type: none"> • touched Patient A in the area of her: <ul style="list-style-type: none"> - stomach - groin - upper chest area • put his hand over Patient A's hand when it was resting on her stomach • asked Patient A to remove her top • asked Patient A to bend over • tucked Patient A's top into her sports bra <p>During one or more of the appointments, and while standing very close to Patient A, Mr Curties:</p> <ul style="list-style-type: none"> • remarked 'you need to relax' or words to that effect • asked 'how are you really?' or words to that effect • touched and/or moved Patient A's hair • put his hand beneath Patient A's top and touched her skin including her stomach <p>(Continued on next page)</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<p>During the penultimate and/or one of the final appointments with Patient A, Mr Curties used a massage tool:</p> <ul style="list-style-type: none"> • on Patient A's calf • on the area between Patient A's legs • while also touching Patient A's inside thigh area with his thumb <p>Mr Curties also:</p> <ul style="list-style-type: none"> • pushed Patient A's legs apart • asked Patient A to indicate how hard she wanted it to be or words to that effect • asked Patient A to indicate if it felt weird or words to that effect <p>During the final appointment with Patient A, Mr Curties:</p> <ul style="list-style-type: none"> • told Patient A 'clothes off' or words to that effect • told Patient A she should consider an open marriage or words to that effect • kissed Patient A on her mouth twice <p>Following the final appointment with Patient A, Mr Curties sent a series of SMS messages to Patient A in a non-professional capacity including:</p> <ul style="list-style-type: none"> • to ask her how she was feeling or words to that effect • stating 'you came to see me on a professional level and I was unprofessional' <p>Mr Curties's actions was a breach of professional boundaries, not in the best interests of Patient A and were sexually motivated.</p>
Neil Corcoran (8200)	23 November 2021	Patient/Service User	Suspension for a period of 3 months	<p>Mr Corcoran provided osteopathic treatment to Patient A on four occasions between 21 July and 5 August 2020.</p> <p>On 5 August 2020, Mr Corcoran sent an email to Patient A, in which he made the following statements:</p> <p>(Continued on next page)</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
				<ul style="list-style-type: none"> • ‘As unprofessional as it sounds, I was wondering if you’d maybe like to meet up at some point whilst your spending time in Birmingham as I’m around quite a bit or whenever I’m in London in the near future doing CPD’ • ‘I hope asking this has [sic] offended anyone else and certainly hope it wouldn’t change anything between us, take it as a compliment, please’ <p>Mr Corcoran’s conduct was inappropriate; failed to establish and maintain clear professional boundaries; and abused his professional standing and position of trust as an osteopath.</p>
Bozena Dobrowolska (1535)	13 January 2022	Self-Referral	Admonishment	<p>Ms Dobrowolska was registered and practised as an osteopath from 8 May 2020 to 4 March 2021 without professional indemnity insurance cover.</p> <p>Ms Dobrowolska knew that in holding herself out to the public as an osteopath, she was required to hold professional indemnity insurance.</p> <p>Ms Dobrowolska:</p> <ul style="list-style-type: none"> • treated patients, including Patient A and/or Patient B and/or Patient C and/or Patient D, face to face, despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risk • had telephone consultations with patients including Patient F, and/or Patient G, and/or Patient H, despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risk. <p>Ms Dobrowolska’s conduct was misleading.</p>

Osteopath	Date of decision	Source of complaint	Outcome	Summary
Lloyd Tilney (8530)	9 February 2022	Patient/Service User	Admonishment	<p>Mr Tilney administered acupuncture to Patient A at 2 appointments. At the second appointment, Mr Tilney:</p> <ul style="list-style-type: none"> • inserted the acupuncture needle into Patient A's left buttock through their clothing; and/or • caused unnecessary pain to Patient A when inserting the needle; and/or • failed to explain the risks of treatment to Patient A. <p>Mr Tilney failed to keep comprehensive records of the treatment he undertook with Patient A during both appointments with Patient A.</p> <p>Mr Tilney's conduct was inappropriate and was not clinically justified.</p>
Rajesh Bahbra (1698)	15 February 2022	Registrar	Suspension for a period of 9 months	<p>On 17 March 2020, at Surrey Magistrates' Court, Mr Bahbra was convicted of two counts of driving a motor vehicle under the influence of cocaine above the specified limit on 5 September 2019.</p> <p>The offences were materially relevant to Mr Bahbra's fitness to practise osteopathy.</p>

Review Hearings

Osteopath	Date of review	Order requiring review	Outcome of review
Benjamin Sayer (9124)	23 July 2021	Suspension order	The suspension order to lapse on expiry
Rajesh Bahbra (1698)	6 September 2021	Suspension order	The suspension order was extended further by a period of 12 months
Neil Corcoran (8200)	7 March 2022	Suspension order	The suspension order was extended further by a period of 4 months
Jonathan Nunn (932)	28 March 2022	Conditions of practice order	The order of conditions should be varied and extended for a further period of 4 months



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The GOsC is a charity registered in England and Wales (1172749)