

GENERAL OSTEOPATHIC COUNCIL

**The Minutes of the 54th meeting of the General Osteopathic Council held in public on
14 June 2007 commencing at 10.00am at Osteopathy House,
176 Tower Bridge Road, London SE1 3LU.**

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Chairman: Mr Nigel Clarke

Present:

Dr Stephen Barasi	Mr Tim McClune
Mr Martin Booth	Mrs Rachel Pointon
Ms Claire Cheetham	Mr Robin Shepherd
Mr John Chuter (Treasurer)	Mr Paul Sommerfeld
Mrs Fionnuala Cook	Mrs Rosalind Stuart-Menteth
Professor Adrian Eddleston	Dr Andrew Thompson
Mrs Catherine Hamilton-Plant	Miss Fiona Walsh (from 11.50am)
Professor Ian Hughes	Mr John Wilden
Miss Anne Jones	Ms Margaret Wolff

In attendance:

Miss Madeleine Craggs, Chief Executive & Registrar (CE&R)
Mr Vince Cullen, Head of Development
Miss Gillian O'Callaghan, Head of Registration and MIS
Mr Matthew Redford, Head of Finance & Administration
Mr David Simpson, Head of Legal Affairs
Ms Brigid Tucker, Head of Communications

Miss Jane Quinnell, Clerk to Council

PREAMBLE

1. Mr Clarke welcomed Dr Andrew Thompson, the new Education Committee (EdC) appointed member of Council, to his first meeting. Dr Thompson had previously been a co-opted member of the EdC. He also welcomed Mr Nigel Graham, British Osteopathic Association Treasurer, who was an observer at the meeting.

ITEM 26/07: APOLOGIES FOR ABSENCE

2. RECEIVED: apologies for absence from Mr Robert Burge, Mr Andrew Popat, Professor Trudie Roberts and Dr Les Wootton. Miss Fiona Walsh would be late as she was conducting moderation work with one of the osteopathic educational institutions.

ITEM 27/07: ADOPTION OF THE AGENDA

3. ADOPTED: the agenda as drawn.

ITEM 28/07: QUESTIONS FROM OBSERVERS (five minutes)

4. No questions were raised.

ITEM 29/07: MINUTES OF THE PREVIOUS MEETING

5. APPROVED: the minutes of the previous meeting held in public on 13 March 2007. Mr Clarke signed a copy of the minutes.

ITEM 30/07: MATTERS ARISING

6. There were no matters arising from the Minutes of 13 March 2007 not considered elsewhere on the Agenda.

ITEM 31/07: CHAIRMAN'S REPORT

7. RECEIVED: an oral report from the Chairman on matters relating to Council, not considered elsewhere on the Agenda, to include:
- a. Education Committee (EdC) appointed members of Council Members had already been informed of the appointments but for the record, Mr Clarke reported that following the recent recruitment exercise, the EdC had re-appointed Dr Barasi and Ms Wolff and had appointed Dr Thompson to be the EdC appointed members of Council for a five year term from 9 May 2007. Mr Manoj Mehta has not been re-appointed and Mr Clarke gave Council's thanks to Mr Mehta for his contribution to Council since 2002.
 - b. Meeting with Minister of State for Quality, Lord Hunt of Kings Heath OBE The Chairman and Miss Craggs had met with Lord Hunt, at his invitation, and enjoyed productive discussions on the White Paper proposals and their implementation. He took special note of the GOsC's concern over revalidation in the absence of an employer framework. The Minister had been asked to consider reinstating, in the Section 60 Order, the powers of the GOsC to impose conditions on Recognised Qualifications. Arguments were presented for retaining the status quo and Lord Hunt confirmed he would talk further to ministers on this subject. The third major point discussed was the problem of UK trained osteopaths who were not able to register during the transitional period and who now wished to return to practice. It was pointed out that it was an unfair position as EU osteopaths now had the right to apply to practise in the UK. Lord Hunt was sympathetic to the situation and subject to legal advice, would try to assist the GOsC in solving this problem.

ITEM 32/07: WHITE PAPER: TRUST, ASSURANCE AND SAFETY, THE REGULATION OF HEALTH PROFESSIONALS IN THE 21ST CENTURY

The impact of the first draft Section 60 Order

8. **CONSIDERED:** the impact of the first draft Section 60 Order. Members were reminded that S60 Orders were the secondary legislation, under the Health Act 1999, which allowed for changes to the primary legislation of healthcare and associated professions. The S60 Orders would, in the main, implement the proposals from the White Paper. These Orders could pass through Parliament quickly and be relatively unchallenged so any changes to the draft Orders needed to be negotiated before the Orders were tabled in Parliament.
9. Mr Simpson introduced the paper which he felt was self-explanatory, with paragraph 18 setting out the possible ramifications of the Order. This was the first of several Section 60 Orders which were due to cover different subjects and be phased in over the next few years. This first Order, predominantly on governance, was due to be in force by the Spring of 2008 but it was felt that a transitional period would also be required. If everything went to plan, the Adjudication S60 Order would be in force in 2009 and the Revalidation S60 Order in 2010. These orders would also deal with other residual matters. The White Paper Working Group (WP WG), to meet after the Council meeting, would discuss and deal with points brought up at the ensuing discussions around this the first draft S60 Order. Members discussed the first draft S60 Order.
10. Members had agreed by majority vote, following receipt of a round robin consultation, out of Council, to reduce the number of Council members. They were also keen to ensure parity of lay/professional members. The outcome of this consultation is attached to an Annex to these minutes. Because other, controlling, legislation would not, immediately, allow for parity, a lay majority would need to be in place initially.
11. The position around Investigating Committee (IC) in the draft S60 Order appeared to reflect the intent of the White Paper in that the IC should be completely independent of the GOsC. There was some confusion over parts of the draft Order where it appeared that 'election' was referred to, when there were to be no more elected members of Councils. Mr Simpson had contacted the Department of Health (DH) about this oversight. Mr Clarke reported that he understood that the General Optical Council was to avail itself of the General Medical Council's new Fitness to Practise arrangements ie the newly established independent Adjudicatory Authority. Members generally felt that the GOsC should wait and see what costs and processes were involved.
12. One Council member was concerned about the removal of elected members from Council and wanted the WP WG to consider it carefully at its meeting. Mr Clarke reminded members that there had been a public perception of professions 'looking after their own' and these were to counter this. Professional members of Council would now have to apply, through the Appointments Commission (ApC), for a place on the GOsC. The GOsC would work with the ApC to set up the criteria for the appointment of both lay and professional members of Council. It may be that osteopaths could be encouraged to apply by other osteopaths. Members who had experience of the ApC explained that the ApC took great pains to have well balanced selection panels and there would probably be an osteopath on the panel. The changes involving the new selection would be affecting all healthcare regulatory bodies not just the GOsC. Another member commented that he had attended a recent meeting of his local society of osteopaths and that attendees had not seemed upset at the loss of elected professional members.

13. Miss Craggs reported that the view of the Chief Executives & Registrars of the healthcare regulatory bodies was that reduction in size of the Council would likely be phased, because the ApC may not have the capacity to appoint members to nine Councils at a common start date.

Professional Regulation Reforms: Implementation Conference – 5 June 2007

14. Mr Clarke and Mr Simpson attended this Conference, organised by Government on 5 June 2007. It was an introductory conference to the proposals in the White Paper and to what would be happening next. They attended four of the working groups, during the day, on governance, extending professional regulation, tackling concerns locally and tackling concerns nationally. The working group on extending professional regulation dealt mainly with the Health Professions Council and the regulation of those healthcare professions not currently regulated. The tackling concerns groups were mainly NHS/Primary Care focused (local) and General Medical Council focused (national). Thoughts of using one big pool of Fitness to Practise panel members were considered along with whether the processes would be adversarial or inquisitorial. The cost effectiveness, or not, of one big panel was not addressed. There was talk of reference groups being attached to the working groups and delegates all agreed that better communication between the various groups was an imperative, as communication between the various groups during the original Foster Review has been poor.
15. Members were pleased to know that Lord Hunt had made reassuring comments of his recognition that it was the professional regulators which had the knowledge to make things work. This was the first conference of more to be arranged.

ITEM 33/07:GOSC CORPORATE PLAN (STRATEGIC OBJECTIVES)

16. CONSIDERED: a paper to assist with thinking towards a new, updated Corporate Plan in the light of the above White Paper. The Council was moving into a new environment with the White Paper proposals and a new Chief Executive & Registrar (CE&R) to be appointed shortly. The Strategic Priorities had not been considered formally since the end of 2005 and needed to be re-focussed. Miss Craggs asked members for initial comments for the WP WG to consider for the planned Strategy Day on 17 September 2007. It was hoped that the new CE&R appointee would be available to attend the Strategy Day. A starting point might be to look at the exact role of a regulatory body and to assess how Council would meet its remit. The new five year Corporate Plan was very important because it encompassed the next government review in 2011, which would again consider the number of healthcare regulatory bodies.
17. Members wondered whether the Strategy Day would be an opportunity to include patient representation. Members then agreed that whilst communication, to the profession and public, of the work that Council was carrying out around the White Paper proposals and its Strategic Objectives was very important, this was not the right occasion.

ACTION: Members were asked to feed all thoughts and ideas, for the WP WG and the Strategy Day, to Miss Craggs.

ITEM 34/07: FINANCIAL MATTERS

18. CONSIDERED: a Review of the Financial Year End Position 2006/07. The Financial Audit had been completed in May and preliminary feedback was good. The Finance & General Purposes

Committee (F&GP) would be considering the audited accounts and the Audit Committee would be considering the Post Audit Report (Management Letter), at their meetings in July, for commendation to Council at its September 2007 meeting. The Council Report was currently in development for approval at the September Council meeting. Messrs Buzzacott, the financial auditors, had completed five years of service and six financial audits. The Audit Committee would, therefore, be considering a tendering process for financial auditors at its meeting in July.

ITEM 35/07: 2006/07 BUSINESS PLAN EXCEPTION REPORT

19. RECEIVED: an update on matters completed and an Exception Report on those not yet done, as forecast in the 2007/08 Business Plan. The Senior Manager Team was broadly on target in delivering Council's objectives and there were no questions.

ITEM 36/07: 10TH ANNIVERSARY EVENT

20. CONSIDERED: an outline of the income and expenditure and associated matters for the above event in readiness for full consideration by the Finance & General Purposes Committee at its meeting on 4 July 2007. The paper aimed to give reassurance to members that the event, to 'market the profession' and show its successes, was on track. The Queen Elizabeth II Conference Centre in Westminster (conferences) and the Royal Lancaster Hotel in Bayswater (social event) were to be secured as the venues. The paper provided a Gantt chart showing concept, development and delivery of the event and a brief provided for the appointed Event Manager. The milestones, to date, had all been met. F&GP would be considering the detailed financial figures at its July 2007 meeting and would report back to Council, out of Council, if there were any problems. The Head of Registration was producing data on a breakdown of graduation dates of registrants to target the event as a reunion event for osteopaths. The GOsC's first Chairman, Mr Simon Fielding, was to be asked to speak at the event. There was a sliding scale of fees for attendance at the Event; £120 for one day, £200 for two days and £280 for three days. The social event would cost £50 per ticket. There would be concessionary rates for students and it was hoped that some sponsorship might reduce the overall costs and maybe the attendance fees. The conference would attract Continuing Professional Development (CPD) hours and the Head of Development would be considering how much might be claimable. The major challenge now was to encourage osteopaths to attend the Event. Members of The Forum for Osteopathic Regulation in Europe (FORE) would be a target audience. A list of potential sponsors who have helped the GOsC in the past had been drawn up. Insurance, in the event of cancellation of the Event, was being investigated. A small 'take away' gift for attendees and a memory stick containing details of the Event proceedings, were being investigated.
21. Members asked whether any of the Osteopathic Educational Institutions or the British Osteopathic Association (BOA) might be able to assist with sponsorship. It was confirmed that the BOA Council had recently met and that the BOA was not in a position to offer financial help.

ITEM 37/07: COUNCIL FOR HEALTHCARE REGULATORY EXCELLENCE (CHRE)

22. NOTED: the minutes of CHRE's meetings of 11 January and 14 March 2007. It was confirmed that following the Director, Mr Sandy Forrest's move back to Scotland, Mr Harry Cayton, the 'patients' champion' at the Department of Health, had been appointed as his successor. Additionally, the Chair of CHRE had resigned and CHRE was currently advertising for a new Chair. With regard to the January 2007 minutes (paragraphs 6.4-6.6 covering the growing importance of the European dimension in the work of healthcare regulation), this work was to be

re-started once the new CE of CHRE was in place.

23. A CHRE meeting had taken place on 13 June 2007. Lord Hunt had attended. Matters considered included the need for a Code of Conduct for CHRE members and the role of CHRE, post White Paper. Once the legislation around the White Paper proposals was brought into force, the Chairs and Presidents of the regulatory bodies would no longer be eligible to be CHRE Council members. There would then be professional representation not regulatory representation and it would be for the GOsC to decide how the professional representation should be made.

ITEM 38/07: CAPITAL WORKS TO OSTEOPATHY HOUSE

24. NOTED: as part of the agreed planned refurbishment, the costs of £40k for the installation of air conditioning at Osteopathy House.
25. CONSIDERED: a proposal for an extension to Osteopathy House to house an osteopathic archive. Widespread concern had come from the profession about establishing an archive. Currently, information is held at various locations and it was considered that a central repository would be preferable, for conservation purposes and, for students and researchers wishing to access the information. General feed back was that an archive held at Osteopathy House would be better as it would be perceived as neutral territory and open to all. Members cautioned that the amount of space allocated to the archive should be considered very carefully, as often more is required than originally planned. The Osteopathic Educational Institutions had been approached about donation and permanent loaning of the archive materials and were receptive to the idea. A more detailed paper would be presented at the F&GP July 2007 meeting. The Treasurer was expecting costed options to include the option of housing the osteopathic archive elsewhere.
26. Members asked that, when considering structural adaption to the building, disabled access to the first and second floors be included in any feasibility study.

ITEM 39/07: REPORT FROM SENIOR MANAGEMENT TEAM (SMT)

27. NOTED: the written reports from members of the Senior Management Team, with highlights/additional information as follows:
- a. Letter from the Chief Executives of the UK Healthcare Regulators to Mr Nick Clarke, Head of Health and Social Care Regulation, Dept. of Health (DH) (17 May 2007)
Members were referred particularly to this letter which voiced the concerns of the Chief Executives that the DH might not have fully appreciated the complexity of implementing the White Paper proposals. It urged the need for appropriate project management and planning.
 - b. Senior Management Planning Day (12 June 2007) This meeting was a continuation of the earlier meeting in March 2007. It predominantly focussed on revisiting resources and consequent budgets in connection with the changing environment from the White Paper, for the F&GP Committee meeting at the beginning of July.
 - c. Osteopathy Benchmarking Project Following a recent meeting, some re-drafting had been completed and it was hoped to have the document finalised by the end of June to be published in September 2007.

- d. Outstanding Recognised Qualification Renewals Members were pleased to see that, following extensive discussions with the DH and the presentation of legal opinion, the outstanding RQs had been approved, with conditions, virtually as agreed originally by Council. Members expressed disquiet that, whilst the outcome was that required, much cost and disruption had been incurred.
- e. CE&R Recruitment Interviews of those shortlisted were due to take place the following day. There had been 62 applications which the recruitment consultancy had 'long listed' to 16. The Selection Panel had then shortlisted these down to six with two reserves. One of the six had dropped out and had been replaced by one of the reserves. If no appointment could be made after the initial interviews, psychometric testing and second interviews would be arranged. The Selection Panel was pleased to report that the six candidates were of a very high calibre.
- f. Section 32 Committee Report Two cases were report:
 - i. Paul Kitson had been charged with two counts of unlawfully describing himself as an osteopath in the osteopaths' sections of the 2006/07 Yellow Pages. He had been aware that he was not entitled to describe himself as an osteopathy since January 2001 but he continued to suggest that his practice was an osteopathic practice. He was fined £1,000 on each charge and ordered to pay costs of over £1,400.
 - ii. Malcolm Down had given his business card to a member of the public which illegally described him as an 'osteopath'. The GOsC has no record of Mr Down ever applying for registration. Prosecution was brought following a complaint from a member of the public. He pleaded guilty to one charge of breaching Section 32 and was fined £1,000 and ordered to pay costs of over £600.

Miss Walsh arrived for the meeting.

- g. Registration – removal of osteopaths from the Register The 37 removals consisted of retirements, resignations and non-payment of fees, of which some were overseas registrants and some had not provided evidence of insurance.

ITEM 40/07: COMMITTEE CONSTITUTION

- 28. CONSIDERED: committee constitution following the resignation of Mr Bryan McIlwraith and the appointment of Dr Andrew Thompson.

AGREED: the revised constitution at Annex A of the paper.

ITEM 41/07: COUNCIL AND COMMITTEE MEETING SCHEDULE FOR 2008-09

- 29. RECEIVED: the proposed meeting schedules of Council and its committees for April 2008 to March 2009. Members were asked to report any problems to the Clerk to the Council. A finalised schedule will be put to Council at its September 2007 meeting for approval.

ITEM 42/07: EDUCATION COMMITTEE (EdC)

30. RECEIVED: the minutes of the EdC meeting of 22 February 2007 (these were not available for the last Council on 13 March 2007) and NOTED: that the meeting scheduled for 10 May 2007 had been cancelled, due to lack of substantive business. There were no questions.

ITEM 43/07: INVESTIGATING COMMITTEE (IC)

31. RECEIVED: an oral report from the Chairman of the Committee on the IC meeting held on 25 April 2007. Five cases were considered. In four cases, the osteopaths faced allegations of professional incompetence and/or unacceptable professional conduct. In three of these cases, a case to answer was found and the matter referred to the Professional Conduct Committee. In the other matter the Committee found no case to answer. In the fifth case, the osteopath faced allegations that his/her ability to practise was seriously impaired because of an apparent medical condition. The Committee found no case to answer. The Committee also sat on 17 May 2007 to consider whether it was necessary, in two separate cases, to impose an interim suspension order. Both cases had been brought to the office's attention via the police and both cases involve allegations of inappropriate conduct during consultation. Having considered the evidence, the Committee found it necessary, in both cases, to order the Registrar to impose an interim suspension order, for the maximum period of two months.

ITEM 44/07: PROFESSIONAL CONDUCT COMMITTEE (PCC)

32. RECEIVED: an oral report from the Chairman of the Committee on the cases that it has heard since the last report to Council on 13 March 2007.
- a. Donald Moody On 14 March 2007, the Committee resumed its consideration of the case of Mr Moody. Mr Moody faced charges relating to three appointments with his patient SW in September 2005. It was not possible to complete the case and the Committee had reconvened on 19 April 2007. Having considered the evidence, the Committee found Mr Moody guilty of professional incompetence and ordered that he be removed from the Register. Mr Moody has subsequently lodged an appeal against this decision.
- b. Iain Chapman The Committee met on 29 & 30 May 2007 to consider the case of Mr Chapman. Mr Chapman faced allegations of unacceptable professional conduct and/or professional incompetence concerning the treatment of his patient SR in February 2006. It was not possible to complete the case and the Committee therefore reconvenes on 25 June 2007 to conclude matters.

ITEM 45/07: PRACTICE & ETHICS COMMITTEE (P&E)

33. The minutes were not yet written so RECEIVED: an oral report from the Chairman of the Committee, of P&E's meeting held on 25 April 2007. P&E had received a briefing from the CE&R on the White Paper proposals and members had discussed the Business Plan. The work that the GOsC had been doing with the Nursing and Midwifery Council (NMC) on treating pregnant women was ongoing and the GOsC was awaiting input from the NMC. A complaints handling leaflet was due for publication. An additional P&E meeting had been scheduled for August 2007.

ITEM 46/07: ANY OTHER BUSINESS

34. France Members were reminded of the recent events in France where government had agreed that osteopaths would be recognised but that restrictions were being placed on the treatment of children amongst other things. This had been raised at a recent FORE meeting but problems with divisions between the French organizations and them not working together was making the issue difficult to resolve.
35. Revalidation It was now being recognised outside of the GOsC that the revalidation process would have to be proportionate and appropriate to osteopaths. It would take a great deal of work from all stakeholders but the Government had now recognised that it could not rush revalidation. The DH additionally realised that over 50% of registrants from the healthcare regulatory bodies were not employed by the NHS.

ITEM 47/07: QUESTIONS FROM OBSERVERS (five minutes)

36. No questions were raised.

ITEM 48/07: DATE OF NEXT MEETING

37. NOTED: the addition of a Private Strategy Day on 17 September 2007m to commence at 11.30am, and the date of the next Council meeting on Tuesday 18 September 2007.

Chairman

18 September 2007