

**GENERAL OSTEOPATHIC COUNCIL**

**Minutes of the 55th meeting of the General Osteopathic Council held in public on  
Tuesday 18 September 2007 commencing at 10.00am at Osteopathy House,  
176 Tower Bridge Road, London SE1 3LU.**

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**Chairman:** Mr Nigel Clarke

**Present:**

Mr Martin Booth	Professor Trudie Roberts
Mr Robert Burge	Mr Robin Shepherd
Ms Claire Cheetham	Mr Paul Sommerfeld
Mr John Chuter (Treasurer)	Mrs Rosalind Stuart-Menteth
Mrs Fionnuala Cook	Dr Andrew Thompson
Professor Adrian Eddleston	Miss Fiona Walsh
Mrs Catherine Hamilton-Plant	Mr John Wilden
Professor Ian Hughes	Ms Margaret Wolff
Mr Tim McClune	Dr Leslie Wootton
Mrs Rachel Pointon	

**ITEM 26/07: APOLOGIES FOR ABSENCE**

1. RECEIVED: apologies for absence from Dr Stephen Barasi, Miss Anne Jones and Mr Andrew Popat. Council wished Miss Jones and Mr Popat a speedy recover as they were both unwell.

**ITEM 27/07: ADOPTION OF THE AGENDA**

2. ADOPTED: the Agenda as drawn subject to taking Item 37(Pub)/07 at 11.00 when an architect's presentation would take place.

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

3. There were no Observers present.

**ITEM 29/07: MINUTES OF THE PREVIOUS MEETING\*\***

4. APPROVED: the minutes of the previous meeting held in public on 14 June 2007. Mr Clarke signed a copy of the minutes.

#### **ITEM 30/07: MATTERS ARISING**

5. There were no matters arising from the Minutes of 14 June 2007 not considered elsewhere on the Agenda.

#### **ITEM 31/07: CHAIRMAN'S REPORT**

6. RECEIVED: an oral report from the Chairman on matters relating to Council, not considered elsewhere on the Agenda, to include:
  - a. Presidents/Chairmen of Health Regulatory Bodies Dinner The Presidents and Chairmen of the healthcare regulatory bodies take turns in hosting dinners to discuss matters of mutual interest. The Chairman hosted a dinner on 19 June 2007. He invited Anne Watts, the Chairman of the Appointments Commission as a guest. Matters relating to the White Paper and the First Section 60 Order on the appointment of Councils' members, job specifications/skills matches and staggering appointments were discussed.
  - b. Registration Certificates F&GPC met in July and agreed an A4 certificate would replace the A3 certificate for new graduates and that they would have a valid from/valid to date on them. A public protection concern had been raised about osteopaths who came off the Register and then did not return their original A3 certificates which did not have a valid to date on them. Council was content with this decision.

#### **ITEM 32/07: DRAFT ANNUAL REPORT AND ACCOUNTS**

7. RECEIVED: the audited draft Report and the Accounts for the period from 1 April 2006 to 31 March 2007, the accompanying notes to these accounts, the Reserve's Position and the Management letter from the Auditors, Buzzacott. The Treasurer highlighted various points from the Accounts and the Management letter. The draft Report was being finalised.
8. APPROVED: the Accounts and AGREED: that the Report would be finalised and signed by the Chairman and Treasurer, out of Council.

#### **ITEM 33/07: GOsC STRATEGY DAY – 17 SEPTEMBER 2007**

9. It had been planned to ratify decisions made at the previous day's Strategy Event but more work and discussions were required. An update was given on the White Paper and the Section 60 Orders. The Council for Healthcare Regulatory Excellence (CHRE), which would sit on all the working groups, was of the view that the Department of Health (DH) had insufficient capacity to drive the process properly and had written to the DH, supported by the CE&Rs of the Regulatory Bodies (RBs), to this effect. The Governance Working Group was to be chaired by Niall Dickson, Chief Executive of the King's Fund. He had met with the CE&Rs of the regulatory bodies individually and a meeting was planned.

10. Members then discussed the Strategy Day generally. With the slipping timescales, members questioned which decisions actually needed making now and which could wait but more certainty was required as the current lay members' terms ended in May 2008. It could take between 12-18 months for new lay appointments to Council. The obvious position would be to extend the terms of the lay positions but no answer on this suggestion had been forthcoming from the DH. The Fitness to Practise Committees' current co-optees' terms of office would also be coming to an end in 2008. With the time slippages to the S.60 Orders, it was possibly more prudent and productive to deal with issues as they arose, rather than trying to second guess the DH with outcomes. The White Paper Working Group should be called to meet as and when needed. Some members felt that the GOsC should be more proactive but it was generally acknowledged that the whole process was very political and to ally the GOsC with the other regulators had advantages. It was important to know when to act and with whom so as to have the maximum amount of impact. A close watch should therefore be kept on events.
11. The matter of elected members versus appointed members was raised again. The Chairman said that the ministerial view was that healthcare regulation was, unfortunately, tainted by election and that there would be no going back on this decision. There was therefore little mileage in debating it further.
12. AGREED: that a note would be produced by the CE&R suggesting what matters may still be negotiable for the first S.60 Order.
13. With regards to revalidation, members re-emphasised that it must be appropriate to the GOsC and the profession ie cost effective, not onerous and targeted. The GOsC would need to decide what methods were reliable for it but pooling resources with the Health Professions Council (HPC) and the General Chiropractic Council (GCC) could be helpful and useful. Members agreed that the whole of Council should contribute to the debate on the issue of revalidation which would also assist Mr Cullen.
14. Some members were disappointed that there had not been time on the Strategy Day to consider other pressing issues but it was agreed that the debates around the restructuring of the Council committees at the Strategy Day was useful.
15. AGREED: that the Strategy Day had, by necessity, focused members' attention on to the immediate priorities. A dedicated time at the next Council meeting would, however, be set aside for further, more wide ranging, un-facilitated discussion.

#### **ITEM 34/07: FINANCIAL MATTERS**

16. CONSIDERED: the Management Accounts Highlights Report for the four months to 31 July 2007. The Treasurer advised that the Report showed the finance to be as he expected with expenditure slightly behind budget. Invested funds were kept under constant review and the increase in reserves was comparable with the previous year's growth. Any mortgage required for the OH refurbishment works would be considered by F&GP first and then brought to Council for a decision, if this were the way forward.

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

17. RECEIVED: an update on matters completed and an Exception Report on those not yet done, as forecast in the 2007/08 Business Plan. £20k had been credited to the general funds as the British Osteopathic Association did not now want to share production of the general osteopathic information leaflets.

### **ITEM 36/07: GOsC RISK REGISTER**

18. CONSIDERED: the Risk Register, as amended by the Education and Communications Committees. Miss Craggs confirmed that she would also be carrying out the duties of the Head of Legal Affairs until an appointment was made.

### **ITEM 37/07: CAPITAL WORKS TO OSTEOPATHY HOUSE (OH)**

19. CONSIDERED: a proposal for an upgrade to Osteopathy House to incorporate a lift, rationalise existing space and make provision for the osteopathic archive. Mr Nazar Sayigh from Glas Architects, commissioned to carry out the initial feasibility study, made a presentation and answered questions. The presentation covered:
- a. the arguments over moving or staying during the work, or moving permanently.
  - b. the lift giving disabled access but no determination yet into fire issues/fire secure areas and egress.
  - c. not planning to go right to the external plot line as the parapet wall belonged to the railways and a party wall agreement would then be required.
  - d. 'breakout room' on ground floor next to re-modelled Council Chamber.
  - e. new entrance way/pressure lock front doors and reception area.
  - f. the wall facing the railway line having an exiting planning permission for GOsC signage.
20. Members therefore needed to consider whether the current premises were 'fit for purpose and if not, whether there should be a move from, or refurbishment to, OH. Also the process for taking the proposals forward.
21. Members then discussed the matter. Mr Sayigh advised that the Quantity Surveyor had been asked to be cautious with his figures and they did not include an extra floor above that planned. Also, the finish to all the works would be a 'reasonable' finish. Members were concerned about the proposed 'window wall' at the back of the Council Chamber and keeping the Council chamber light. Screen flexibility to split the Council Chamber might be useful as not all meetings used the whole of the room. A break out room (sound-proofed), adjacent to the Council Chamber was considered very useful for Fitness to Practise hearings.
22. Mr Chuter, on behalf of the F&GP, was not so much concerned about the refurbishment which was required for OH but about the archive space. He was unsure whether enough thought had been put into this and whether it was fully understood what was actually required, particularly whether the space would be large enough. Perhaps an archive expert should be employed to look at the project and what was required?
23. AGREED: that OH was not, in its current state, fit for purpose; that refurbishment of OH was

the preferred option and that the matter (further proposals based on the above discussions and budgets) should be taken forward by the Fitness and General Purposes Committee.

24. Mr Sayigh was thanked for his input.

**ITEM 38/07: NATIONAL COUNCIL FOR OSTEOPATHIC RESEARCH (NCOR) – STANDARDISED DATA COLLECTION TOOL FOR OSTEOPATHY PROJECT**

25. CONSIDERED: the contents of the first phase report (0 to 6 months) of the NCOR Standardised Data Collection (SDC) Tool for Osteopathy Project and the release of funds for the second phase of the project (7 to 9 months). The ground work for the first phase appeared to be on schedule, as per the contract, and the work was moving towards the second phase to finalise the national tool test with a consensus group. It was hoped that the next report would be available for the December Council meeting. There had been problems with some of the research hubs which were not working entirely independently but it was hoped that the work with the SDC project would bring them on.
26. AGREED: to the release of funds for the second phase (7-9 months).

**ITEM 39/07: ‘WORKFORCE’ PLANNING (JOB OPPORTUNITIES FOR NEW OSTEOPATHIC GRADUATES)**

27. CONSIDERED: whether it was the business of the Regulator to instigate a ‘workforce’ planning process and what could be done about concerns over job opportunities for new graduates. Mrs Pointon led on this item as she had asked for it to be brought to Council’s attention. A note of her input and the ensuing discussion is annexed to these Minutes.
28. AGREED: that this was not a matter directly under the remit of Council, but that it should remain aware of the situation so as to monitor its potential impact on osteopathic practice. The concerns expressed would also be brought to the attention of the OEIs and the British Osteopathic Association.
29. Mrs Pointon was thanked for bringing the matter to Council’s attention and for the research she carried out in order to present the matter.

**ITEM 40/07: MEMBERS’ REMUNERATION**

30. CONSIDERED: the recommendation from the Remuneration Committee on Council Members and members co-opted to committees’ remuneration.
31. AGREED: to adopt Remuneration Committee’s recommendation of one fee per meeting. However, it will remain up to individual Members to claim less for shorter meetings if they felt this appropriate. Consultancy fees were increased from £30 to £35 per hour.

*14.07 Professor Hughes left the meeting.*

**ITEM 41/07: COUNCIL FOR HEALTHCARE REGULATORY EXCELLENCE (CHRE)**

32. NOTED: the various items as follows:

- a. CHRE Council meetings The Minutes of the previous meeting held on 13 June 2007 were not yet available and subsequent CHRE meetings had been held in private.
- b. New Chief Executive Mr Harry Cayton, previously National Director for Patients and the Public (the 'patient champion') at the Department of Health had been appointed as the new Chief Executive.
- c. Chair of CHRE CHRE was re-advertising for its Chair.
- d. GOsC Representation on CHRE It was proposed under the White Paper that the Chairmen and Presidents of the regulatory bodies should no longer sit on the CHRE Council as profession representatives. Although Mr Clarke's chairmanship of GOsC was coming to an end in December, members asked him to continue to sit on CHRE as its representative until the legislation changed.

AGREED: that Mr Clarke would continue to sit on CHRE as the GOsC representative until the current legislation changed.

### **MATTERS TO NOTE/REPORT**

#### **ITEM 42/07: 10<sup>TH</sup> ANNIVERSARY EVENT**

33. RECEIVED: an oral update on current position with *Advancing Osteopathy 2008* some five months away. The event was in the promotion phase with 'early bird' discounts being advertised. A conference micro website, via the O zone and the public website was being established with links to the BOA and NCOR. Work was progressing on promoting the event to overseas osteopaths. The Gala Dinner was being promoted to the OEIs and the regional societies. It was possible that the occasion would be used to make some awards and members were asked for possible contributions on this. The external conference company, Vista, was taking forward sponsorship and conference opportunities. Assurance was sort that the event was within budget and it was confirmed that it was.

#### **ITEM 43/07: REPORT FROM SENIOR MANAGEMENT TEAM (SMT)**

34. NOTED: the written reports from members of the Senior Management Team, with highlights/additional information as follows
  - a. White Paper The profession is kept up to date with progress on the White Paper proposals through regular articles in *The Osteopath* and email updates. The Head of Development had written a piece about revalidation which went out with the Continuing Professional Development Guidelines.

- b. Osteopathy Benchmark Statement This was published on 10 September 2007 and was available on the Quality Assurance Agency (QAA) website at <http://www.qaa.ac.uk/academicinfrastructure/benchmark/statements/Osteopathy07.asp>.

**ITEM 44/07: COUNCIL AND COMMITTEE MEETING SCHEDULE FOR 2008-09**

35. APPROVED: the proposed meeting schedules of Council and its committees for April 2008 to March 2009.

**ITEM 45/07: EDUCATION COMMITTEE (EdC)**

36. RECEIVE: the unconfirmed minutes of EdC's meeting held on 17 July 2007.

**ITEM 46/07: INVESTIGATING COMMITTEE (IC)**

37. RECEIVED: an oral report from the Chairman of the Committee on the IC meetings held on 26 June, 18 July and 12 September 2007. 11 cases had been considered in total. The cases concerned allegations of unacceptable professional conduct and/or professional incompetence and one allegation that the osteopath's ability to practise was seriously impaired because of a medical condition. . In five of the cases, the Committee found a case for the osteopath to answer and the matters were referred to the Professional Conduct Committee. The Committee next meets on 14 November 2007.

**ITEM 47/07: PROFESSIONAL CONDUCT COMMITTEE (PCC)**

38. RECEIVED: an oral report from the Chairman of the Committee on the cases that it has heard since the last report to Council on 14 June 2007 and of its meeting of 4 July 2007:
  - a. Iain Chapman On 25 June 2007 the Committee reconvened to conclude its consideration of the case and found Mr Chapman guilty of professional incompetence. A Conditions of Practice Order was imposed.
  - b. Moishe Lewis The Committee met on 30 July 2007 to consider whether it was necessary to order that an interim suspension order be put on Mr Moishe Lewis' registration and decided it was. Mr Lewis was also the subject of another complaint regarding his renewal of registration. The Committee found Mr Lewis guilty of unacceptable professional conduct and by way of sanction imposed a three month suspension from the Register.
  - c. John Perrot The Committee considered interim suspension in the case of Mr Perrott on 3 July 2007. The Council had been notified of allegations of unacceptable professional conduct. The Committee found it necessary to impose an interim order.
  - d. Steven Jones On 7 September 2007 the Committee considered the case of Mr Jones who was convicted of administering a substance with intent to stupefy/overpower a person to allow sexual activity involving that person. Mr Jones had been sentenced to 18 months imprisonment; ordered to remain on the Sex Offenders Register for 10 years; and remain subject to a Sexual Offences Prevention Order until further order under section 104 and 106 of the Sexual Offences Act 2003. The Committee considered whether the above conviction of a criminal offence was of material relevance to Mr

Jones fitness to practise. Mr Jones registration had been suspended on an interim basis previously. The Committee noted the conviction against Mr Jones and found that the conviction had material relevance to his fitness to practise as an osteopath. By way of sanction the Committee found it necessary to erase Mr Jones from the Register.

**ITEM 48/07: AUDIT COMMITTEE (AC)**

39. RECEIVED: an oral report from the Chairman of the Committee, of AC's meeting held on 16 July 2007. AC had approved the Auditor's Management Letter. AC had also discussed the tender for external auditors and had agreed that it was sensible, for consistency purposes, to defer the appointment, with the change of CE&R and Chairman, for one year. The Internal Auditors had commenced on their plan of work.
40. Reviewed Terms of Reference of the Audit Committee These had been reviewed by AC at its last meeting and were put before Council for approval. Professor Hughes offered that some of the wording needed some improvement.
41. AGREED: to accepted the review Terms of Reference subject to clarifying the wording around Professor Hughes' concern.

**ITEM 49/07: COMMUNICATIONS COMMITTEE (CC)**

42. RECEIVED: the unconfirmed minutes and an oral report from the Chairman of the Committee, of CC's meeting held on 18 July 2007. In respect of the registrants' website, since 1 August 2007, there had been more than 2000 hits on The O Zone. These included osteopaths updating their registration information. *Advancing Osteopathy 2008* was being promoted on The O Zone website. There was a Regional Communications Network meeting on 1 November 2007.

**ITEM 50/07: FINANCE & GENERAL PURPOSES COMMITTEE (F&GP)**

43. RECEIVED: the unconfirmed minutes of the Committee, of F&GP's meeting held on 4 July 2007.

**ITEM 51/07: PRACTICE & ETHICS COMMITTEE (P&E)**

44. RECEIVED: an oral report from the Chairman of the Committee, of P&E's meeting held on 22 August 2007. P&E considered its Terms of Reference and its Business Plan.



**ITEM 52/07: ANY OTHER BUSINESS**

45. Section 32 Committee Lobbying will be taken forward in Scotland to get the Section 32 offence on the Police Database so that S32 offences can be reported to the police and taken forward by the Procurator Fiscal.
46. Mr Simpson, the Head of Legal Affairs Following Mr Simpson's resignation, to move to other employment, Council thanked him for the work he had carried out on behalf of the GOsC over the last three years.

**ITEM 53/07: QUESTIONS FROM OBSERVERS (five minutes)**

47. Mr Nigel Graham, Treasurer of the British Osteopathic Association:
  - a. Critical Cs Project The F&GP minutes of its meeting on 4 July 2007 referred to ending the project and speaking with the BOA about possibly taking it forward. The Critical Cs Project had come about following deficiencies highlighted from Fitness to Practise cases. It was set up and rolled out across the UK. It was now felt that the GOsC had met its remit and it was a Continuing Professional Development matter or for an entrepreneurial osteopath/organisation to take up.
  - b. Pension Costs from the Accounts Mr Graham asked, in relation to Note 3 of the accounts, about the increase in pensions costs. The CE&R was able to advise him that an adjustment was made in this year, to take account of the fact that staff had not received a pension contribution in the first five years of the GOsC's existence. Next year's accounts would show a reduction in this figure.

**ITEM 54/07: DATE OF NEXT MEETING**

48. NOTED: the date of the next Council meeting on Tuesday 4 December 2007 to be followed by the Reception for Miss Craggs to celebrate her work and to mark her retirement from the GOsC.

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Chairman

4 December 2007

## **‘WORKFORCE’ PLANNING (JOB OPPORTUNITIES FOR NEW OSTEOPATHIC GRADUATES) – DISCUSSIONS**

1. Concern had been raised to her that newly qualified osteopaths were not able to find employment or work full time and some were leaving the profession. She confirmed that she had surveyed 21 osteopaths of both sexes (qualified over the last two years) from all over the UK (although there were no osteopaths meeting this criteria in Northern Ireland. On average, London and SE osteopaths were working 32 hours a week and seeing 20 patients per week. Osteopaths in the north and north west were seeing more patients. Most osteopaths surveyed were earning the sort of money they had expected and did not think they had been misled by the Osteopathic Educational Institutions about the work. Some of the osteopaths in the SE, however, were undertaking other work to make ends meet. The Registration Department does not currently compile data on reasons why osteopaths leave the Register. Members discussed the matter.
2. Mrs Stuart-Menteth had talked to members of the Scottish Osteopathic Society about the situation and only one admitted to considering resigning because of lack of work although he admitted he did not want to treat patients under another job name. Overall, members felt that it was not appropriate for the Regulator to instigate work force planning. Osteopaths were working in a competitive situation where market forces applied. Members asked if it were possible to have statistics on graduating osteopaths who did not register with the GOsC. Currently, the GOsC only received details of the number of graduating students and did not have the capacity to follow up on the reasons for the shortfall to the Register. Ms Wolff said that the Osteopathic Educational Institutions (OEIs) with Higher Education Funding Council funding had to make a return on graduating students to the Higher Education Statistics Agency and that this might contain some useful data.
3. The GOsC collects certain data at its Annual Reviews which could be useful. Members felt that it might become a GOsC concern if osteopathic graduates did not register because they could not afford to and then practised under another banner it could impact on patients’ safety suggested that it should more rightly be a concern for the British Osteopathic Association and the OEIs. OEIs might need to be persuaded to carry out more business training during the training of osteopathic students so they were fully equipped to go out into the workforce on graduation.