

# GENERAL OSTEOPATHIC COUNCIL

## The minutes of the 68th meeting of the General Osteopathic Council held in public on Tuesday 13 July.

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**Chair:** Professor Adrian Eddleston

**Present:**

John Chuter	Kenneth McLean
Paula Cook	Robin Shepherd
Jonathan Hearsey	Julie Stone
Professor Ian Hughes	Fiona Walsh
Kim Lavelly	Jenny White

**In attendance:**

Evlynne Gilvarry, Chief Executive & Registrar (CE)  
Fiona Browne, Head of Professional Standards  
Alan Currie, Head of Registration and MIS  
Matthew Redford, Head of Finance & Administration  
Velia Soames, Head of Regulation  
Brigid Tucker, Head of Policy and Communications  
Jane Quinnell, Governance Manager

Marcus Dye, Professional Standards Manager	)	
Kellie Green, Regulation Manager	)	for relevant parts of the meeting
Sarah Eldred, Communications Manager	)	

1. Michael Watson, Chief Executive of the British Osteopathic Association, was welcomed to the meeting as an observer.
2. A video recording of the meeting was made to facilitate the involvement of a Council member currently on a short term leave of absence. Video copies of the meeting would be provided to two other Council members who were absent on the day.

**Apologies**

3. Apologies were received from Geraldine Campbell, Nick Hounsfield and Brian McKenna.

**Questions from observers**

4. Standardised Data Collection Report Mr Watson asked when this report would be available for publication. It was confirmed that the report had only been received by the GOsC in the previous week. The report would be circulated to Council Members for their comments the following week and following that, would be published more widely.
5. Chief Executive's Report and Revalidation Standards and Assessment Group items Mr Watson indicated he had a number of further questions on the minutes and it was agreed that these would be taken under relevant agenda items later in the meeting.

6. Marina Urquhart-Pullen, President-elect of the BOA, had asked the following question at the April Council meeting: 'Whether data collected by KPMG, as part of its work in relation to Revalidation, would be shared with the profession?' The Chair made the following response::

'KPMG need to collect raw data from osteopaths to ensure that the feedback provided on the draft revalidation and as part of the revalidation impact assessment is as comprehensive as possible. This will ensure that the revised revalidation scheme takes on board the views of stakeholders.

Data collected as part of KPMGs work will only be used by KPMG for the production of agreed reports. The data will not be made available in its raw form to GOsC or any other body. The data will be kept on a secure server by KPMG, only for as long as is necessary, until the reports are published. All aspects of the Data Protection Act 1998 will be complied with.

No osteopaths will be identifiable in these reports'.

## **Minutes**

7. The minutes of the public session of the Council held on 14 April 2010 were signed by the Chair

## **Matters arising**

8. Governance documentation The Chief Executive confirmed that members' requests for further consideration of the governance handbook in relation to recording of meetings and chairing of the Audit Committee were in hand, in addition to revisions to the current Conflicts of Interest Policy. The revisions would be circulated electronically to Council members, for approval.
9. Osteopaths' advertising The GOsC was actively monitoring discussion of osteopaths' advertising by members of the public in the blogosphere. There were claims by bloggers that osteopaths were making unverifiable claims for the treatments they offered and it appeared that cranial osteopaths' websites were particularly under scrutiny. In addition to this monitoring, the GOsC continued to advise the provision in editions of the Osteopath and in the newly launched Fitness to Practise e-bulletin, that they should check their publicity for compliance with the Code of Practice and the Advertising Standards Authority Code. Osteopaths' attention had also been drawn to up to date research published by the General Chiropractic Council – *The Effectiveness of Manual Therapies – the UK evidence report*, which could be used to check any claims being made in publicity. The help of the BOA in re-enforcing the advice to osteopaths on this issue was acknowledged. .

## **Chair's report**

10. Recruitment of a new Chief Executive The Chair confirmed that there had been some 70 applicants, from which a shortlist of 6 had been drawn up. Interviews would be on 22 July and the aim was to make an appointment by the end of July.
11. Appraisals The appraisals for all the Council members and the Fitness to Practise Chairs were complete and thanks was offered to all appraisees for their constructive

contributions to the process. A review of this new appraisal scheme would now be undertaken by the Governance Manager using a short feedback questionnaire and with a view to making recommendations for any necessary changes to the scheme.

12. 15 September 2010 Away Day Planning for this was well under way. Two facilitators from the Kings Fund had been briefed and they would work with the Chief Executive and the Chair in designing a programme for the day. The event would be held at Osteopathy House.

### **Chief Executive's report**

13. WHO Osteopathic Benchmark publication The launch, due to take place on 5 July, had been abruptly postponed. The reasons were very unclear but there was some suggestion that the text originally agreed by the organisations, including the GOsC, which funded the project, had been substantially changed without consultation. The Chief Executive was attempting to find out more information and would keep the Council informed.
14. Vetting and Barring Scheme The Home Secretary had announced that the scheme would be reviewed and this was welcomed by all involved. The scope of the review was still unknown. Meanwhile, as the legislation establishing the scheme remained in place and imposed duties on the GOsC, discussions with the ISA aimed at agreeing a memorandum of understanding on information sharing, are continuing
15. Department of Health The Chief Executive's reported that the Department of Health ministers were currently considering a range of policy approaches to health regulation, e.g. future of the CHRE, legislation, revalidation. Some announcements were expected before the summer recess and others in the Autumn.

### **Stakeholder engagement report**

16. The Council received a report summarising the GOsC's stakeholder engagement activity during the period April to June 2010. The Head of Policy and Communications highlighted various activities:
  - a. E-bulletins Two new electronic communications had been launched – the 'GOsC news' e-bulletin which was produced monthly (three editions to date) and the Fitness to Practise e-bulletin which would be quarterly – the second edition was currently in preparation. Feedback in relation to both e-bulletins had been positive. The tracking reports on registrants' use of the news e-bulletin showed that of the three quarters of the profession who have email addresses, about a quarter did not open the email. The Council discussed ways in which readership could be improved and agreed that the issue should be considered by the newly established Engagement with the Profession Working Group (Item 10).
  - b. Regional Communications Network The Executive had offered to attend regional meetings to discuss regulatory issues of significance e.g. revalidation. A number of invitations had already been taken up and others were in the pipeline.

### **Equality and Diversity**

17. The Head of Regulation presented an update on progress made by each department of the GOsC in implementing the Action Plan annexed to the GOsC's Equality Scheme. The

Equality Scheme will be further updated in the Spring of 2011, to take account of the Equality Act 2010 which expands the public sector equality duties. Training had been provided to staff on the new Equality Act and would also be provided to all members of the Governance structure in due course.

18. Members were cautioned against drawing any definitive conclusions about the findings of a review of the Fitness to Practise cases considered in 2009-10 to see whether there were any trends relating to equality issues; the numbers were too small. Other regulators with larger caseloads have conducted similar reviews and the Head of Regulation will consider whether anything can be learnt from any publically available data in this area.

## **COMMUNICATIONS**

### **Development of the GOsC Public and Patient engagement strategy**

19. The Head of Policy and Communications presented the paper which asked the Council to consider a set of fundamental principles of Patient and Public Involvement (PPI) in the context of osteopathic regulation as a basis for developing a GOsC PPI Strategy with reference to the activities featured in the Corporate Plan 2010-2013. Council members Geraldine Campbell and Jenny White were thanked for their help in shaping principles set out in the paper. Following discussion, it was accepted that the principles offered a basis for the development of PPI approaches in relation to specific activities identified in the Corporate Plan 2010 - 2013.
20. **Agreed** the fundamental principles as set out in the paper as a basis for developing a GOsC PPI Strategy with reference to the activities featured in the Corporate Plan 2010-2013

### **Working Group to develop a strategy for engagement on regulatory issues with the profession**

21. The Council was invited to approve the establishment of a working group to advise on the development of a strategy for engagement with the osteopathic profession on the regulatory activities included in the Corporate Plan 2010-12 and to approve terms of reference.
22. At the suggestion of Geraldine Campbell (who had submitted a note to the Chairman on this issue), the terms of reference of the working group would be amended to clarify that advice on engagement strategies would specifically relate to issues on which the Council was required to make decisions. A second amendment would provide that the working group undertake some 'benchmarking' to enable performance to be measured. A concern was expressed that the working group was expected to complete its work within 6 months. The Chairman stated that it was appropriate that the Council should retain responsibility for oversight of this area and the role of the working group was to develop a strategy to assist the Council in this area.
23. Robin Shepherd, who had been identified as the Chair of the working group confirmed that as he had stepped down from active involvement in the project to establish a Royal Society of Osteopaths, there was no risk of conflict.
24. **Approved** the establishment of the Working Group with Robin Shepherd as Chair. The terms of reference would be amended to reflect the discussions and members interested

in joining the group were invited to apply to Mr Shepherd and the Chair of Council, identifying their suitability for the role.

## **FINANCE/ GOVERNANCE/SECRETARIAT**

### **Finance & General Purposes Committee (F&GP)**

25. The Treasurer presented the minutes of the F&GP Committee's meeting of 24 June 2010. He highlighted the key points from the presentation from Newton Investment Management (NIM), the advisors who had recently been appointed to assist the GOsC in developing an investment strategy. The Committee would consider a detailed investment strategy and a timeframe for implementation, at its meeting in November and a report would be made to the February 2011 Council meeting. Council **approved** the next steps in the investment strategy, as set out above.
26. With regard to accountability and governance, the Key Performance Indicators' (KPI) data had been uploaded onto the members' area of the GOsC website. Council members were encouraged to view it and submit any suggestions for how the data might be presented and how frequently. The F&GP Committee would keep the KPI data under review.

### **Finance & General Purposes Committee Annual Review – 2009-2010**

27. The Treasurer presented a review of the work of the F&GP Committee 2009-2010. An additional term of reference was required to be added to the Committee's current terms. The Council **agreed** that the F&GP Committee would now, in addition to its current terms, review the GOsC's reserves policy on an annual basis and make recommendations to the Council as required.

### **Financial Matters**

28. The Council **noted** the recommendation from the F&GP Committee that the audited accounts be incorporated into the Annual Report 2009-2010 and signed off by the Council when it met on 15 September 2010. The Council discussed key risk issues highlighted in the Key Issues Memorandum prepared by Grant Thornton and noted the steps that would be taken to remove or minimise those risks in the future. The Council **approved** proposed amendments to the budget for 2010-2011 (recruitment costs for the new Chief Executive & Registrar, the development of a competency framework for the GOsC staff and the temporary staff costs), which had been recommended by the F&GP Committee.

## Remuneration Committee

29. Minutes of last meeting The Council received a copy of the minutes of the last meeting of the Remuneration Committee held on 22 June 2010 and noted the appointment of David Prince as the external lay member to fill the outstanding vacancy.
30. Remuneration/expenses for members of the governance structure The Council was invited to consider a range of options put forward by the Remuneration Committee following its review of remuneration and expenses for Council and Committee members. Members were reminded of Cumberlege Connections' review of remuneration in 2008 and its recommendation that the Senior Salaries Review Board reports be used as a benchmark considered when reviewing remuneration. Following discussion members were invited to indicate their preferred options in writing, given the sensitivity of the issue. Accordingly a vote was taken on the following:

**Option A** - Increase remuneration by 2% for Council & Committee Members

**Option B** - In addition to option A, increase Council Member annual fees to the median of the market

**Option C** - No change

<u>Result</u>	Option A	5 votes
	Option B	3 votes
	Option C	3 votes

33. Members accepted that this was not a majority vote but that Option A attracted the highest number of votes with the balance of the votes being split over the other two options.
34. **Agreed** Option A (2% increase) would be accepted and the increase would be back dated to 1 April 2010. Also **agreed** the Remuneration Committee's recommendations, to take effect from 13 July 2010, in respect of expenses as follows:
- subsistence for evening meal would increase to £30
  - allowance for staying with friends and family would be reduced by £10 to £30
  - allowance for overnight accommodation within London would be adjusted to read 'up to a maximum' of £150.
  - members would be required to provide a full justification for claiming first class rail travel and would be guided to buy tickets as far in advance as possible to achieve savings.
35. Responsibility allowance for chair of Fitness to Practise Policy Committee Julie Stone, Chair of the Fitness to Practise Policy Committee, left the meeting for discussion on this item. The Council was invited to approve the recommendation of the Remuneration Committee that the Chair of the Fitness to Practise Policy Committee receive a responsibility allowance.
36. During the discussion it was noted that existing policy in relation to responsibility allowances for chair was not completely clear and it was important to remedy this before

agreeing any further allowances. It was **agreed** that a paper would be brought back before the Council in October which would set out the rationale for responsibility allowances and the criteria to be applied in deciding the award of such allowances. It should also show what proportion of the annual fee of the Chair of the Council equated to an allowance for chairing the Remuneration Committee.

37. Remuneration Committee's annual report for 2009-2010 The Chair of the Council presented the Committee's annual review activities in 2009/10. It was agreed that the reference, in the report, to a Reward and Remuneration 'policy' should be amended to say 'strategy' as it did not have the status of a policy, being guidance only to the Remuneration Committee.

### **Council for the Regulation of Healthcare Professionals (CHRE) – 2009/2010 Performance Review Report**

38. The Chief Executive presented a paper which asked the Council to note the CHRE's Performance review report 2009/10 – *Enhancing public protection through improved regulation – July 2010* which has been presented to Parliament and laid before the Scottish Parliament, the Northern Ireland Assembly and the National Assembly for Wales. The Report confirmed that the GOsC was meeting its statutory duties and highlighted a number of examples of good practice.

### **INTERNATIONAL AFFAIRS**

#### **Presentation on international promotion of regulation**

39. The Council received a briefing, from the Communications Manager, on the GOsC's work on international promotion of regulation. The GOsC's key activities in this area are:
- a. Integrating the GOsC into the EU Internal Market Information system.
  - b. Working on the development of a CEN European Standard on osteopathy.
  - c. Developing and agreeing EFO/FORE merger proposals.
  - d. Contributing to draft European scope of osteopathic practice.
  - e. Drafting a strategy on reciprocal registration arrangements with Australia and New Zealand
  - f. Playing an active part as board member of the Osteopathic International Alliance.
40. The Communications Manager was thanked for the extensive programme of work carried out in relation to international promotion of regulation of osteopathy.

### **PROFESSIONAL STANDARDS**

#### **Education Committee (EdC)**

41. The Chair of the Committee presented the minutes of the meeting of 15 June 2010. With regard to lay observers, he confirmed that, subject to the views of Leeds Metropolitan University about the involvement of a lay observer in discussions in September about its recognised qualification (RQ) status, the practice would either be discontinued immediately or after the September Committee meeting which would include the Leeds Metropolitan University RQ discussions.

#### **Revalidation**

42. Revalidation Standards and Assessment Group The Council **noted** the update on the progress made in the development of the Revalidation Assessment criteria and other related matters. The Head of Professional Standards confirmed the co-option of Dr John Patterson and Ms Caroline Penn as members of the assessment experts team. The Chair of the Council reported Geraldine Campbell's concern that one patient/public representative on the Assessment Expert Virtual Reference Group was not enough and the importance of capturing the possibly different perspectives of patients and non-patient members of the public. The Head of Professional Standards confirmed she would address this issue in consultation with Ms Campbell.
43. Revalidation Evaluation and Impact Assessment progress report The Council received an update from the Head of Professional Standards and Louise Scott-Worrell from KPMG on progress in evaluating and undertaking the impact assessment of the draft revalidation scheme. Work on two reports (*How osteopaths practise?* (Report A) and *Work undertaken by other regulators to outline cost, benefits and risks?* (Report B) was progressing well. Focus groups used to compile information for Report A would cover both urban and rural areas. KPMG would use stratified, geographically weighted random samples and, to avoid survey fatigue, separate samples would be used for the two surveys envisaged in the Autumn. Osteopath Council members would be consulted on the final questions before the survey began and statistics on the level of survey returns would be produced. Notifications about the surveys would be made on the **o** zone and *The Osteopath* and osteopaths and others would have an opportunity, via a dedicated KPMG email to air their views, concerns and suggestions for revalidation. Work on Report B had commenced with interviews with the HPC, the GMC, the GOC, the GPC/RPSGC already undertaken; a meeting with the BOA was also planned. Report B would be completed for the October Council meeting.

### **Standard of Proficiency/Code of Practice**

44. The Council received an update on revision of the Standard of Proficiency and the Code of Practice. Having previously decided, for reasons of clarity and ease of reference for the user, that the Standard and the Code should be incorporated into a single document, the Council considered two possible formats for the incorporated document – one structured around the domains that would be used for the purposes of revalidation and one using a narrative structure. Preliminary consultation with members of the Council, the Education Committee and the Code of Practice Working Group led to a recommendation being made to Council that it approve for consultation the version structured around domains to be used for revalidation.
45. Following discussion the Council **agreed** that the document at Annex A – the one structured around the domains that would be used for the purposes of revalidation should be published for consultation with the profession, the public and other stakeholders subject to correction of a number of identified drafting errors.

### **Student Fitness to Practise**

46. The Council **noted** the progress of work on developing a GOsC Student Fitness to Practise Policy. Guidance was being drawn up by the Working Group established to deal with this issue. In addition, it was proposed to appoint an expert in equality and diversity to help shape the guidance for the Osteopathic Educational Institutions. It was noted that the Working Group's terms of reference number 4 would benefit from further clarity. The Head of Professional Standards undertook to review the wording of this.



## **RESEARCH STRATEGY**

### **Research Strategy Working Group (RSWG)**

47. The Chair of the Council, as Chair of the RSWG, presented the minutes of the Working Group's meeting of 13 May 2010. He confirmed that the Data Collection Research Report had just been received and time was needed to allow for a thorough review of it before it was published. He also highlighted the work being carried out by NCOR on developing an Audit Handbook for osteopaths.
48. Julie Stone indicated her wish to step down as a member of the Steering Group for the GOsC Adverse Events Project as her involvement with this group might conflict with her role as a GOsC Council member – this was **agreed** by the Council.

### **National Council for Osteopathic Research (NCOR)**

49. The Head of Policy and Communications reported on a meeting of NCOR on 7 May 2010 where it had considered the implications of the GOsC's proposed withdrawal of funding in 2012. All stakeholders considered that NCOR had an important role to play and should continue. A small working group, comprising representatives from the GOsC, the BOA, 2 OEIs and a trustee of the Osteopathic Education Federation was established to consider NCOR's future funding. This group had subsequently met and progress had been made in identifying NCOR's role with regard to advocacy, research development, leadership in research development, the economies of scale between the OEIs, research ethics and as an information resource. The group felt that NCOR needed a five year financial commitment with a review at three years. The group considered widening funding sources and also looked at where NCOR could be located. A second meeting would look at the financial implications in detail. The Treasurer cautioned that any funding from the GOsC should strictly relate to the statutory objective.

### **International Journal of Osteopathic Medicine (IJOM)**

50. The Council considered a recommendation from the Research Strategy Working Group (RSWG) to revise the basis on which the GOsC provides *The International Journal of Osteopathic Medicine* to its registrants. The recommendation to provide IJOM electronically would mean better value for money with access, electronically, to a bigger range of research journals as follows:
  - a. *Journal of Bodywork & Movement Therapies*
  - b. *Manual Therapy*
  - c. *The Spine Journal*
  - d. *Medicine*
  - e. *Journal of Manipulative and Physiological Therapeutics*
  - f. *Clinical Biomechanics*
51. **Agreed** to endorse the recommendation of the RSWG to continue provision of the *International Journal of Osteopathic Medicine* under the revised terms of the 3-year outline contract proposed by the publisher Elsevier and to delegate to the RSWG the task of finalising the detail of this agreement. Provision for feedback on the uptake and usage of IJOM online and the other journals would be built in to the agreement to ensure the

Council could gauge whether the new way of providing the journal was value for money.

## **Adverse Events Project**

52. The Council received a presentation from Dr Janine Leach, leader of the project, and Brenda Mullinger, researcher, on the findings of the research project entitled *Complaints and claims against osteopaths: a baseline study of the frequency of complaints 2004-2008 and a qualitative exploration of patients' complaints* which it had funded.
53. A discussion ensued on alternative means of resolving complaints against osteopaths. Members cautioned that users should be involved in any development work aimed at establishing any form of mediation or conciliation service. The Chief Executive of the BOA confirmed that his organisation has a conciliation advice service for osteopaths and is considering a mediation service as well as a way of reducing the legal costs of fitness to practise processes. .
54. Dr Leach and Brenda Mullinger were thanked for their presentation and it was **agreed** that the report would now be prepared for publication and its findings would be considered in detail by the Education and Fitness to Practise Policy Committees.

## **REGULATION**

### **Fitness to Practise Committees' Reports**

56. Investigating Committee (IC) The Chair of the IC presented a report. The cases considered by the IC since the last report to Council again raised a wide range of issues including communication, competence, record keeping, and consent; also sexual boundaries, alleged pressure to have further treatment, and a conviction for driving when alcohol level over the limit. Due to an increase in the number of complaints, a further meeting of the IC had been scheduled for August 2010. The GOsC's targets for dealing with cases at the initial stages were being met except for one case where the complainant had expanded the complaint with a new allegation. Training was planned to give an update on recent regulatory law and other relevant case law and training on interim suspensions. Appraisals of IC panelists were due to be completed by August.
57. Professional Conduct Committee (PCC) The Council noted the summary of the four cases, including confirmation that two of the cases were part heard. The Regulation Department continued to schedule hearings at a rate of two a month, including July and August, to work through the backlog referred to previously which is now close to removed.
58. A member of the Scrutiny Department of the CHRE would provide training to the PCC on:
  - What a good determination looks like from the CHRE's point of view, and
  - How the CHRE goes about assessing cases which they may appeal under their section 29 powers.
59. Changes to procedure previously identified were to be considered by the newly established Fitness to Practise Policy Committee. A previous debate about whether bundles should be sent out in advance of hearings had been concluded and it had been decided that they should not be sent out in advance. A request that the GOsC consider the preparation of guidance for expert witnesses retained by the Council was repeated.

## **Fitness to Practise Policy Committee**

60. The Head of Regulation updated the Council on the establishment of the Fitness to Practise Policy Committee. The Committee's members were confirmed as:
- Julie Stone (Chair)
  - Jonathan Hearsey
  - Ian Hughes
  - Fiona Walsh
  - Jenny White.
61. The Council's previous recommendation that the Terms of Reference be amended to require the Committee to consult with the chairs of the PCC and IC on matters of fitness to practise policy was noted in the amended Terms of Reference. The Committee was due to meet in September.

## **RISK MONITORING**

### **Audit Committee**

62. **Noted** the minutes of the Audit Committee's meeting of 29 June 2010 where the Key Issues Memorandum from Grant Thornton, following completion of the financial audit 2009-2010, was the main item of business.

### **Audit Committee's Annual Report 2009-2010**

63. **Noted** the Audit Committee's Annual Report on its decision and activities during 2009-2010. Nigel Clarke has now stepped down as chair of the Committee, having served an extended tenure following the establishment of the new governance structure in April 2009. Jane Hern, Registrar at the Royal College of Veterinary Surgeons and a member of the GOsC Audit Committee since 2006, would now take over as chair of the Committee. The two vacancies on the committee would be filled as soon as reasonably practicable.

### **Any other business**

64. Changes to Committee membership During the Chair's appraisals of the Council Members, a couple of changes were identified to committees' membership:
- a. Nick Hounsfield would step down from Education Committee to become a member of the Finance & General Purposes Committee
  - b. Fiona Walsh would step down from the F&GP Committee to become a member of the Education Committee.
65. Dates for next year's Council and Committee meetings The Governance Manager would circulate proposed dates for 2011-2012 meetings shortly for agreement by Council members.
66. Professional Standards Department The Council thanked staff in the Professional Standards Department for managing a demanding workload whilst the Head of Professional Standards was on jury duty.

### **Questions from observers**

67. There was none.

### **Date of next meeting**

68. 15 September 2010 – Away Day (private)  
14 October 2010 – Council meeting.