

**General Osteopathic Council
Professional Conduct Committee**

Informal procedure for consultation with the parties on draft conditions when the PCC has decided to impose a Conditions of Practice Order

This informal procedure has been adopted following consultation with the GOsC to assist the PCC to comply with the Indicative Sanctions Guidance¹ and Conditions of Practice Order Guidance² when deciding the specific conditions to be imposed in an Order. The procedure provides for consultation on proposed conditions not on the imposition of a Conditions of Practice Order which the PCC has already decided following submissions by the parties at the sanctions and mitigation stage. It will be noted that there is no place for negotiation in this process as this is seen not to be consistent with the PCC's independent adjudication role and responsibility at the sanction stage. Instead it provides an ordered process which allows the parties to comment on proposed conditions if they so wish and the PCC to take account of those comments in its decision. In this way different perspectives are brought to bear in the public interest.

The Procedure is:

1. In open session the Chair of the PCC will announce that the Committee has decided to impose a Conditions of Practice Order and will give its reasons for doing so at a later point after it has decided the precise conditions to be included in the Order. A written draft of the PCC's proposed conditions will be shared with the parties whose representatives will be invited to consider them and consult as necessary prior to making any comments upon them to the Committee. The Committee will then go into private session.
2. The parties are expected to ensure that this consideration is achieved within a reasonable period of time and it is open to the Committee to set a time by which the parties must be ready to make their comments. Any submissions the parties may wish to make should be in the form of proposed amendments or additions to the conditions proposed by the PCC. These should take particular account of the guidance in paragraph 39 of the Indicative Sanctions Guidance
3. Any submissions on the conditions proposed by the Committee will be made by the parties' representatives in open session. The Committee is able to ask any questions on the submissions it thinks necessary. The parties' submissions are to be brief and may include points for the Committee to consider in private session as well as substantive comment on the Committee's proposed conditions. Submissions may not include comment, direct or indirect, on the Committee's decision to impose a Conditions of Practice Order.
4. Having heard the submissions of the parties, the Committee will withdraw into private session to determine the specific conditions to be included in the Order.
5. In open session the Chair will then announce the Committee's decision to impose a Conditions of Practice Order including the specific conditions that it has decided together with its reasons.

¹ Third Edition October 2013.

² October 2013.

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Necessary discretion will remain with the PCC to vary elements of this procedure to ensure the public interest is upheld in the particular circumstances of each case, for example where it may be necessary to ensure conclusion of the hearing without adjournment to a future date. However, it is expected that the spirit of the procedure will be applied even where its precise letter is varied.

Professional Conduct Committee
February 2014