

Office for Students Consultation on Quality and Standards Conditions

Response of the General Osteopathic Council

4 October 2021

About us

Osteopathy is a statutorily regulated health profession in the four UK countries (like physiotherapists at the HCPC and doctors at the GMC) established under the Osteopaths Act 1993. Osteopaths are [allied health professionals in England](#) – contributing to the health workforce in the UK.

The key objective of all statutory regulators is protection of the public. It is illegal to practise as an osteopath in the four UK countries unless you are on the GOsC Register.

In order to undertake this function, there are specific statutory functions set out in the Osteopaths Act 1993 in relation to education, standards, continuing professional development and fitness to practise.

Our statutory education functions enable us to set standards and to quality assure institutions through processes of inspection and data collection and analysis to ensure that standards are met. We also have wide statutory powers to require information from institutions delivering osteopathic education or under whose direction osteopathic education is delivered. Our decisions to recognise qualifications are subject to Privy Council approval. (See s12, 13, 14, 15, 16 and 18 of the Osteopaths At 1993.)

We base recommendations to recognise qualifications by assessing providers against our outcomes for graduates and standards for education and training. These include currently: Governance and management; Course aims and outcomes (mapped to Osteopathic Practice Standards); Curricula; Assessment; Achievement; Teaching and learning; Student progression; Learning resources. From 2022 these domains will be remapped as: Programme design, delivery and assessment; Programme governance, leadership and management; Learning culture; Quality, evaluation, review and assurance; Resources; Students; Clinical experience; Staff support and development and Patients.

The osteopathic education providers operate in a wide variety of contexts and we are experienced in ensuring that our standards are met in these different contexts. This includes universities, further education providers, and independent providers operating with validating or franchising agreements with universities and independent providers operating outside the higher education framework.

Further information about our statutory functions and the way that we operate our risk based quality assurance process is outlines in the slide pack at the Annex.

Key messages in response to this consultation

- We share a joint space in setting standards and quality assuring osteopathic higher education and therefore in terms of delivery of our respective and different statutory responsibilities.
- It is important that we are able to deliver our respective and different statutory responsibilities efficiently and effectively with full information and knowledge.
- There is a challenge of understanding how our statutory responsibilities fit together and how we work together building effective relationships, to ensure that we both have the information that we need to operate our statutory responsibilities.
- We must comply with the principles outlined in the Regulators Code and take steps to understand the implications of our roles on providers and ensure proportionality and streamlining both for ourselves and providers and take actions accordingly.
- We are keen to build effective relationships with the OfS, including understanding how we might share information effectively and we are keen to continue this conversation with the Office for Students and the other health professional regulators.
- Osteopathic education is partly delivered in osteopathic clinics involving real patients. We recognise that the statutory duties of OfS are about the interests of students. We highlight that our statutory duties relate to patient protection (and this is why standards for education are a critical part of our educational function). There may be a tension in relation to these duties in relation to an educational environment which is also a clinical environment with real patients. We request that any information related to the clinical environment or which may impact on patient safety in relation to osteopathic education in the possession of the OfS must be shared with GOsC.
- Section 32 of the Osteopaths Act 1993 provides that '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.' It would therefore be extremely challenging for the OfS to register a provider awarding an osteopathic qualification in the UK that was not also recognised by us. To do so might leave those graduates in breach of s32 if they intend to use that qualification to practise as an osteopath in the UK.

Other

Please note that we have read the privacy notice on the consultation form.

I consent to the OfS processing any personal data I submit in line with the privacy notice outlined above.

Yes, I am happy for my responses to be published

Contact details

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GOsC Consultation Response

Questions relating to proposal 1

Question 1a: Do you agree or disagree with the proposed introduction of ongoing condition B1 and associated changes to the OfS's regulatory framework as set out in Annex A?

Neither agree nor disagree

Question 1b: Please give the reasons for your answer to Question 1a.

We note that condition B1 refers to

'the provider must ensure that the students registered on each **higher education course** receive a high quality academic experience.

B1.3 For the purposes of this condition, a high quality academic experience includes but is not limited to ensuring all of the following:

- a. each **higher education course** is **up-to-date**;
- b. each **higher education course** provides **educational challenge**;
- c. each **higher education course** is **coherent**;
- d. each **higher education course** is **effectively delivered**; and
- e. each **higher education course**, as appropriate to the subject matter of the course, requires students to develop **relevant skills**.'

As the statutory regulator for osteopathic education, we consider that this is also our statutory remit. We have statutory powers to set and quality assure the sector standards in relation to Osteopathic Education leading to registration with us.

We also regulate any osteopathic provider this includes providers who do not offer a higher education award, providers in the further education sector, providers in the higher education sector and independent providers offering awarded validated by other universities. We have statutory powers to appoint visitors and inspect institutions. We are the body that registers osteopaths.

In terms of the operation of this standard, we would request that engagement with an osteopathic provider is extended also to us as the statutory regulator to ensure that we and OfS are able to operate our respective statutory duties effectively.

If visits to the provider are proposed, we consider it essential that the GOsC and OfS consider together how this is done in an environment which involves real patients to ensure patient safety.

Question 1c: Do you have any alternative suggestions to the proposal in Question 1a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 2a: Do you agree or disagree with the proposed introduction of ongoing condition B2 and associated changes to the OfS's regulatory framework as set out in Annex A?

Neither agree nor disagree.

Question 2b: Please give the reasons for your answer to Question 2a.

We note that condition B2 states 'the provider must ensure: a. each cohort of students registered on each higher education course receives resources and support to ensure: i. a high quality academic experience for those students; and ii. those students succeeding in and beyond higher education; and b. effective engagement with each cohort of students to ensure: i. a high quality academic experience for those students; and ii. those students succeeding in and beyond higher education.'

As the statutory regulator for osteopathic education, we consider that this is also our statutory remit. We have statutory powers to set and quality assure the sector standards in relation to Osteopathic Education leading to registration with us.

Please see points in relation to question 1b generally and particularly in relation to evidence gathering, assessment and enforcement.

Question 2c: Do you have any alternative suggestions to the proposal in Question 2a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 3a: Do you agree or disagree with the proposed introduction of ongoing condition B4 and associated changes to the OfS's regulatory framework as set out in Annex A?

Neither agree nor disagree.

Question 3b: Please give the reasons for your answer to Question 3a.

We note that this condition states '

the provider must ensure that:

- a. students are **assessed effectively**;
- b. Each **assessment** is **valid** and **reliable**;
- c. **academic regulations** are designed to ensure that **relevant awards** are **credible**; and
- d. **relevant awards** granted to students are **credible** at the point of being granted and when compared to those granted previously.

As the statutory regulator for osteopathic education, we consider that this is also our statutory remit. We have statutory powers to set and quality assure the sector standards in relation to Osteopathic Education leading to registration with us.

Please see points in relation to question 1b generally and particularly in relation to evidence gathering, assessment and enforcement.

Question 3c: Do you have any alternative suggestions to the proposal in Question 3a? Questions relating to proposal 2

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 4a: Do you agree or disagree with the proposed introduction of ongoing condition B5 and associated changes to the OfS's regulatory framework as set out in Annex B?

Agree in principle – subject to appropriate mechanisms for implementation.

Question 4b: Please give the reasons for your answer to Question 4a.

We note that this condition states 'provider must ensure that, in respect of any relevant awards granted to students who complete a higher education course provided by, or on behalf of, the provider (whether or not the provider is the awarding body): a. any standards set are consistent with any applicable sector-recognised standards; and b. awards are only granted to students whose knowledge and skills are consistent with any applicable sector-recognised standards.'

In our view, this condition is reflective of the law set out in the Osteopaths Act 1993 which sets out that only the General Osteopathic Council can recognise osteopathic qualifications leading to registration with us and ability to lawfully practise as an osteopath.

Please note that s32 of the Osteopaths Act 1993 provides that '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.' It would therefore be extremely challenging for the OfS to register a provider awarding an osteopathic qualification in the UK that was not also recognised by us. To do so might leave those graduates in breach of s32 if they intend to use that qualification to practise as an osteopath in the UK.

Please also see points made in question 1b particularly in relation to evidence gathering, assessment and enforcement.

Question 4c: Do you have any alternative suggestions to the proposal in Question 4a? Questions relating to proposal 3

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 5a: Do you agree or disagree with the proposed introduction of initial condition B7 and associated changes to the OfS's regulatory framework as set out in Annex C?

Neither agree or disagree

Question 5b: Please give the reasons for your answer to Question 5a.

We note that this condition states 'the provider must: a. have credible plans that would enable the provider, if registered, to comply with conditions B1, B2 and B4 from the date of registration; and b. have the capacity and resources necessary to deliver, in practice, those plans.'

We have a similar process of developing and monitoring actions plans in our processes. Please see points in response to question 1b.

Question 5c: Do you have any alternative suggestions to the proposal in Question 5a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 6a: Do you agree or disagree with the proposed introduction of initial condition B8 and associated changes to the OfS's regulatory framework as set out in Annex C?

Question 6b: Please give the reasons for your answer to Question 6a.

We note that this condition states ' the provider must demonstrate, in a **credible** manner, that any standards to be set and/or applied in respect of any **relevant awards** granted to students who complete a **higher education course** provided by, or on behalf of, the provider (if registered), whether or not the provider is the awarding body, are consistent with any applicable **sector-recognised standards**.

Please see responses to q4b in relation to our statutory responsibilities in this area.

Question 6c: Do you have any alternative suggestions to the proposal in Question 6a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Questions relating to proposal 4a

Question 7a: Do you agree or disagree with the approach to information gathering and assessment proposed in paragraphs 85-90 above and as set out in the proposed guidance for initial conditions B7 and B8 in Annex C?

Disagree

Question 7b: Please give the reasons for your answer to Question 7a.

We note that the proposal states 'commission the designated quality body to provide evidence about compliance with the initial conditions for a provider seeking registration'. We disagree with this proposal. We inspect and recognise qualifications awarded by osteopathic educational providers to comparable Standards for those providers which must be in place on order to allow those qualifications to be recognised. We consider that to undertake a separate review looking at similar areas is disproportionate and disregards our own statutory responsibilities and expertise in this area.

We noted that we have discussed these issues at length at in the last two to three years with OfS in relation to our GOsC / QAA visits which were at the time undertaken by the QAA against the Quality Code and that these were not considered as equivalent reviews by the OfS.

We would welcome further dialogue to ensure that we can meet our respective statutory duties in the same space efficiently and proportionately.

Question 7c: Do you have any alternative suggestions to the proposal in Question 7a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Questions relating to proposal 4b

Question 8a: Do you agree or disagree with the approach to information gathering as part of an investigation proposed in paragraphs 91-98 above and as set out in the proposed guidance for conditions B1, B2, B4 and B5 in Annexes A and B?

Agree to the extent that the approach is flexible and involves discussion with other bodies. But in relation to the appointment of the designated quality body. We disagree.

Question 8b: Please give the reasons for your answer to Question 8a.

We note that this proposal states 'operate a flexible risk-based approach to evidence gathering and investigation for registered providers'.

However, we don't consider that sufficient regard is paid to the statutory duties of others in that same space. Please see our points in relation to questions 1b, 5b and 7b above.

We welcome the opportunity for further dialogue with OfS on these proposals.

Question 8c: Do you have any alternative suggestions to the proposal in Question 8a? Questions relating to proposal 4c

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Question 9a: Do you agree or disagree with the approach to taking account of a provider's compliance history for the purpose of determining eligibility for other benefits of OfS registration proposed in paragraphs 103-126 above and as set out in the proposed guidance for conditions B1, B2, B4 and B5 in Annexes A and B?

Agree in principle subject to appropriate mechanisms for implementation.

Question 9b: Please give the reasons for your answer to Question 9a.

We note that this proposal states 'take account of a provider's compliance history in relation to the quality and standards conditions for the purpose of determining eligibility for other benefits of OfS registration.'

Where the proposals impact on an osteopathic educational institution we should be involved in those discussions to the extent that the issue impacts on patient safety and / or whether or not the institution is able to award a recognised qualification leading to registration with us.

Question 9c: Do you have any alternative suggestions to the proposal in Question 9a?

The important issue is how we are able to deliver our statutory duties efficiently and effectively operating in the same space. We consider this requires further discussion with OfS.

Questions relating to proposal 5

Question 10a: Do you agree or disagree that the OfS should use its role as EQA provider to inform assessments of condition B4?

Neither agree nor disagree

Question 10b: Please give the reasons for your answer to Question 10a.

We note that proposal 5 states: 'the OfS will use its role as the body responsible for External Quality Assurance for integrated higher and degree apprenticeships to inform its judgements about condition B4.'

As we do not have any osteopathic apprenticeship qualifications we have no comments to make on these issues.

Question 10c: Do you have any alternative suggestions to the proposal in Question 10a?

No comments

Questions relating to all proposals

Question 11: Do you have any comments about the proposed implementation of the proposals in this consultation?

Please see comments above. We have had no discussions with OfS about how these proposals will work in practice in the osteopathic educational sector and so beyond what we have already said, we do not have enough information to comment further on important issues of implementation.

Question 12: Do you have any comments about any unintended consequences of these proposals, for example for particular types of provider or for any particular types of student?

Please see comments above. Also, it will be important to ensure that competence standards are necessary so as not to unfairly exclude applicants / groups of students.

Question 13: Do you have any comments about the potential impact of these proposals on individuals on the basis of their protected characteristics?

Please see comments above.

Question 14: Do you have any other comments about the proposals?

Our key messages to OfS are:

- We share a joint space in setting standards and quality assuring osteopathic higher education and therefore in terms of delivery of our respective and different statutory responsibilities.
- It is important that we are able to deliver our respective and different statutory responsibilities efficiently and effectively with full information and knowledge/
- There is a challenge of understanding how our statutory responsibilities fit together and how we work together building effective relationships, to ensure that we both have the information that we need to operate our statutory responsibilities.
- We must comply with the principles outlined in the Regulators Code and take steps to understand the implications of our roles on providers and ensure proportionality and streamlining both for ourselves and providers and take actions accordingly.

- We are keen to build effective relationships with the OfS, including understanding how we might share information effectively and we are keen to continue this conversation with the Office for Students and the other health professional regulators.
- Osteopathic education is partly delivered in osteopathic clinics involving real patients. We recognise that the statutory duties of OfS are about the interests of students. We highlight that our statutory duties relate to patient protection (and this is why standards for education are a critical part of our educational function). There may be a tension in relation to these duties in relation to a educational environment which is also a clinical environment with real patients. We request that any information related to the clinical environment or which may impact on patient safety in relation to osteopathic education in the possession of the OfS must be shared with GOsC.
- Section 32 of the Osteopaths Act 1993 provides that '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.' It would therefore be extremely challenging for the OfS to register a provider awarding an osteopathic qualification in the UK that was not also recognised by us. To do so might leave those graduates in breach of s32 if they intend to use that qualification to practise as an osteopath in the UK.