

Possible expert evidence scenarios: examples

Scenario	How might be handled	Comments
1. Osteopath acting within an area that another non-osteopathic professional may be able to provide evidence (eg colonic hydrotherapy)	1. Expert osteopath witness, with no detailed knowledge of colonic hydrotherapy, but able to research this appropriately and offer an opinion based on the application of the OPS	If the expert is an expert in osteopathic practice and implementation of the OPS, but not familiar with the approach in question, their views as a witness may be challenged, even if the issue does not rest upon the particular approach per se, but on the implementation of OPS.
	2. Expert evidence sought from colonic hydrotherapist (see http://www.colonic-association.org/)	Depends on the credibility of the profession as well as the individual witness. Someone may have expertise in an approach for which there is no scientific basis or evidence whatsoever, for example.
	3. Expert medical evidence – for example, that a particular approach was unsafe, inappropriate or was subject to undisclosed risks	May be scientifically robust and reflect medical opinion, but opinions may vary on some approaches for which the evidence base is less developed, for example, cranial osteopathy.
2. Case relates to the use of acupuncture/dry needling by an osteopath	1. If relates to acupuncture/needling, then an expert in that modality – if an osteopath, one who is able to demonstrate their expertise through training, practice, CPD, maybe registration with another professional body	Depending on the modality in question, this may be challenging – acupuncture/needling is common for osteopaths, but other modalities are less so.
3. Osteopath providing treatment in a novel or new area where there are no experts, either because it is new (though safe) or controversial	1. Expert medical evidence may be able to comment on the scientific basis for and safety of a particular technique. 2. Or is it damaging to the reputation of the profession?	For some highly novel approaches, it may be difficult to find an appropriate expert. Depends on the nature of the complaint – is it that the approach was novel or not based in any evidence, or that the patient was unaware of this, and of any potential benefits and risks?