



Policy and Education Committee

15 June 2021

GOsC Position about protection of title and osteopathic practice, and the involvement of osteopaths in osteopathic education and training

Classification	Public
Purpose	For discussion
Issue	The extent to which we can protect the public from unregistered osteopaths in our current framework.
Recommendation	To consider and provide feedback on the issues outlined.
Financial and resourcing implications	None.
Equality and diversity implications	We are not aware of any issues that impact on osteopaths in relation to this paper directly. However, as we increase our data on protected characteristics of registrants, we will be able to explore whether there are any unintended consequences of our position for osteopaths leaving the Register.
Communications implications	We propose publish our position at the Annex setting out our current stance with regards to protection of title and osteopathic practice, and the involvement of osteopaths in osteopathic education and training .
Annex	Statement on protection of title and osteopathic practice, and the involvement of osteopaths in osteopathic education and training.
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Key messages from the paper

- We've been receiving enquiries about how unregistered 'osteopaths' might describe themselves and what they can do.
- We have been responding to those queries in accordance with our current policies our factual position is not currently published in an accessible way.
- We welcome any comments and feedback from the committee on our position at the Annex, prior to publication, and whether there is anything else we might say or do.

Background

1. Recently, we have received a number of queries about how unregistered 'osteopaths' might describe themselves, how they are able to present their osteopathic qualifications to students and others and what they are allowed to do (including teaching). Typically, these unregistered osteopaths were either registered with us and have since resigned as they have retired from clinical practice, or they are internationally based osteopaths practising or registered outside the UK who have never been registered with us. We also have queries about individuals performing or offering training in 'osteopathic techniques' who are not and never were osteopaths."
2. This paper attempts to outline the issues and our current position.
3. The Committee are invited to consider the issues and provide feedback.

Discussion

The issues

4. Only osteopaths who are registered with us are permitted to call themselves an osteopath in the UK. However, the legislation refers to the title of osteopath and not to any form of practice.
5. There is no defined scope of practice for osteopathy in the UK beyond the standards set out in the [Osteopathic Practice Standards](#) (working within the limits of one's competence, keeping up to date etc). The [NHS website](#) lists some 'osteopathic techniques' including 'massage – to release and relax muscles stretching stiff joints; articulation – where your joints are moved through their natural range of motion; high-velocity thrusts – short, sharp movements to the spine, which normally produce a clicking noise similar to cracking your knuckles'. But these techniques are not reserved only to osteopaths and may be undertaken by others who are not registered osteopaths.
6. Most osteopaths would have an understanding of 'osteopathic techniques' related to what they learned as an undergraduate, and through postgraduate development with other osteopaths. For many it's not so much the technique that's important, but the reasoning behind it, which ties in closely to osteopathic identity. So, while there are some differences between typical osteopathic

techniques, and typical chiropractic techniques, there is no actual definition of these, nor limitation on them being employed by each profession or others. So, there is no legislation or guidance and not an enforceable view in relation to 'osteopathic techniques'. Further, the [NCOR summary](#) of the research for certain osteopathic treatments 'comes from a number of healthcare professions, including osteopathy, chiropractic, physiotherapy and medicine.' It is potentially difficult, therefore, to reserve techniques solely to practising osteopaths.

7. We have had queries about what unregistered osteopaths can or can't do. Examples include:
 - Unregistered osteopaths, either practising or registered outside the UK, teaching on undergraduate, postgraduate or osteopathic or CPD courses or facilitating CPD or study groups.
 - Unregistered osteopaths / individuals practising on or with patients but using an adjunctive therapy, for example, cranio-sacral therapy (perhaps referring to their osteopathic qualification or training).
8. We have had feedback from some stakeholders that osteopaths who are retired and not registered with us are often regarded as highly experienced and a great loss to the profession should they not be able to teach.
9. On the other hand, the Council for Healthcare Regulatory Excellence, now the Professional Standards Authority published [Protecting the public from unregistered practitioners Tackling misuse of protected title](#) in 2010 which makes clear that 'Patients and the public recognise health professional titles because they indicate competence and fitness to practise. There is a risk to patient safety and public protection when unqualified people pass themselves off as registered professionals. Health professional regulators have a duty to ensure protection for patients and the public, and tackling title misuse is an important part of this.'
10. We have set out our current position at the annex in relation to protection of title and osteopathic practice and osteopathic education and training. This position informs our response to ethical and other queries.
11. In summary, if someone is not registered with us and they are expressly or by implication describing themselves as an osteopath, they are at risk of action under s32 of the Osteopaths Act 1993 and at risk of committing an offence and potentially also there may also be a risk in relation to the Advertising Standards Authority remit.
12. If we consider that there are issues with regards to public protection or patient safety, we will take steps to make these issues known to the individual or provider and to other regulatory and professional bodies as appropriate.
13. In osteopathic education, training and practise, we expect that registered osteopaths are responsible for clinically supervising students and patients.

Next steps

14. The Committee are invited to consider and provide feedback on the matters outlined in this paper including our statement at the annex and any other regulatory activities we might consider to ensure the protection of the public.

15. We will consider publishing our position statement in an accessible form so that there is clarity about the principles informing the ethical advice that we provide on particular circumstances and cases.

Recommendation: To consider and provide feedback on the issues outlined.

GOsC Position about protection of title and osteopathic practice, and the involvement of osteopaths in osteopathic education and training

The regulatory framework

1. The General Osteopathic Council has a duty to 'develop... and regulate the profession of osteopathy'. 'The over-arching objective of the General Council in exercising its functions is the protection of the public.' And 'the pursuit of the following objectives—
 - (a) to protect, promote and maintain the health, safety and well-being of the public;
 - (b) to promote and maintain public confidence in the profession of osteopathy;
 - and
 - (c) to promote and maintain proper professional standards and conduct for members of that profession.] (See s1 Osteopaths Act 1993)
2. We hold the register of osteopaths and we ensure that only those who meet our standards are entered onto the register. Further information is available [here](#). (See s3 Osteopaths Act 1993)
3. Osteopaths are required to meet our Osteopathic Standards and to undertake continuing professional development. (See s13, 17, 19 of the Osteopaths Act 1993)
4. 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.'
5. Our approach to protecting the title of osteopath is based in public protection and is set out in our Protecting the Osteopathic Title, GOsC Enforcement Policy (2014). It will take into account the 'public interest' and the need to be 'fair, independent and objective' among other things. Decisions are made on the facts of the case. Ultimately, however, convictions are a matter for the courts.
6. The Advertising Standards Authority also has a remit in relation to advertising. Their [guidance](#) about Osteomyology states 'Therapists should not mislead about their status or training.' And 'Only Chiropractic practitioners who are registered with the General Chiropractic Council (GCC) may call themselves Chiropractors and, similarly, only Osteopathic practitioners registered with the General Osteopathic Council (GOsC) may call themselves Osteopaths.'

Our current position

Practise

Annex to 3

7. The purpose of registration is 'protection of the public.' Osteopaths on the register are required to meet our standards and keep up to date. People who are not on our register are not required to meet our standards.
8. If a person describes themselves as an osteopath, they must be registered with the General Osteopathic Council. Such a description could be express or implied. Section 32 of the Osteopath's 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.'
9. It is a matter, ultimately, for the courts to determine in all the circumstances of the individual case, whether someone is describing themselves as an osteopath. The answer is likely to depend on the exact circumstances, the expectations of anyone observing the circumstances and perhaps also any employing contract, liability and indemnity insurance and a view about whether someone is holding themselves out as an osteopath or not. It follows, therefore, that it is difficult for definitive guidance to be provided.

Education

Postgraduate education or continuing professional development

10. We do not regulate postgraduate education or CPD provision under the Osteopaths Act 1993.
11. In considering whether someone is describing themselves as an osteopath, the following questions may be helpful to consider:
 - Status: On what basis do attendees understand the individual to be there? If it is by virtue of an osteopathic qualification or as an osteopath with associated professional obligations, it is possible that this could be interpreted by some as someone holding themselves out to be an osteopath. Or is it clear that the individual is not an osteopath, and not subject to those professional obligations because the individual is not on the GOsC register?
 - Content of teaching: The context of the sessions needs to be considered should an unregistered osteopath be teaching. For example, there could be a difference between teaching osteopathic approaches to treatment by virtue of osteopathic experience and, for example, research methods or audit
 - Who is clinically responsible for ensuring the safety of students and any patients in the situation? If there is clinical contact or oversight of clinical contact involving, for example, the taking of a case history, performing an appropriate examination, development of a differential diagnosis and the application of a treatment perhaps - rather than academic teaching, we would expect a registered osteopath or registered health professional to be clinically responsible to protect patients.

Annex to 3

- Clarity of insurance. What is the insurance position and in what capacity? We would expect that any insurers would be clear that the individual is not registered with GOsC and is not an osteopath and not subject to the professional obligations discussed above.

12. We would encourage all providers treating patients to take account of patient safety and public protection.

Undergraduate and pre-registration education

13. The Osteopaths Act 1993 enables us to 'recognise qualifications' and so we have a greater ability to specify requirements for undergraduate and pre-registration education and we do not need to rely only s32 to ensure patient safety and that registered osteopaths are required in clinical and practical educational environments.

14. In undergraduate or pre-registration education, we recognise that other health professionals and experts may contribute to an osteopathic course, for example anatomy, professionalism and ethics. However, it is essential that a registered osteopath has clinical responsibility for patients and students. We state in our draft Standards for Education and Training that 'Those teaching practical osteopathic skills and theory, or acting as clinical or practice educators, must be registered with the General Osteopathic Council'