



**Policy and Education Committee**  
**9 March 2022**  
**Discussion Paper on FtP Publication Policy**

<b>Classification</b>	Public
<b>Purpose</b>	For discussion
<b>Issue</b>	This paper invites members of the Committee to consider the discussion paper on the GOsC FtP publication policy relating to publishing interim order determinations of the FtP Committees.
<b>Recommendation(s)</b>	To consider the attached discussion paper on the FtP Publication Policy.
<b>Financial and resourcing implications</b>	Within existing budget
<b>Equality and diversity implications</b>	Ongoing monitoring of equality and diversity trends will form part of the Regulation department's future quality assurance framework.
<b>Communications implications</b>	A public consultation will also be required to be undertaken.
<b>Annex</b>	A: Discussion Paper on FtP Publication Policy B: GOsC Fitness to Practise Publication Policy (2013)
<b>Author</b>	Sheleen McCormack

## Key messages from paper

- The GOsC has a Fitness to Practise Publication Policy which has been in place since 2013. The policy focusses on the length of time that notices of decisions should appear on the public website.
- The policy provides that Investigating Committee (IC) decisions to impose an Interim Suspension Order (ISO) should be publicised and a note of the suspension should be made against the registrant's entry on the online register.
- The policy states that Professional Conduct Committee (PCC) ISO decisions should be published and a note of the interim suspension should be made against the registrant's entry on the register.
- The policy distinguishes between the two different types of ISOs that can be imposed by the Professional Conduct Committee
- The publication of FtP decisions will generally be in the public interest. Publishing decisions enables members of the public, including current and future patients, employers and colleagues, to know when there has been concern about an osteopath's fitness to practise.
- A discussion paper has been prepared for the committee to consider the approach to publishing ISO determinations.

## Background

1. The GOsC publishes PCC decisions in three places:
  - In the Fitness to Practise Annual Report published in accordance with section 22(13) of the Osteopaths Act
  - On the online register next to the registrant's name;
  - In notices of decisions available on the public website.
2. The current GOsC fitness to practise publication policy (the policy) was approved by Council in October 2013, following a period of public consultation. The policy focusses on the length of time that notices of decisions should appear on the public website. It did not propose to make any changes with regard to the Fitness to Practise Annual Report or the online Register. The former is a public record of the work of the GOsC required by Parliament. The latter is a list of osteopaths who are fit to practise and reflects a registrant's current registration status.
3. The development of the current policy was influenced by the Professional Standards Authority (PSA) project in 2010 to review the information published by healthcare regulators on their Registers. The PSA encouraged regulators to make

information about a registrant's current and past fitness to practise history available to the public. It said this:

*'the benefits and disadvantages of making fitness to practise sanctions that are no longer in force available to the public are finely balanced. We accept that the purpose of the fitness to practise process is not to punish a health professional, and that a professional with an expired sanction has been judged to be fit to practise. However, in line with the principle of regulators operating transparently, we have given more weight to the rights of patients than those of professionals. Information that is already available should be made as accessible as possible. We recommend that regulators who do not currently publish fitness to practise histories should begin to take a proportionate approach to making this information available against a register entry.'*

4. The policy provides that Investigating Committee (IC) decisions to impose an Interim Suspension Order (ISO) should be publicised and a note of the suspension should be made against the registrant's entry on the online register. If the IC decided not to impose the Interim Order, then that decision should not be publicised.
5. The policy states that Health Committee (HC) decisions to suspend or impose conditions should be published but not the reasons for that decision. If the HC decides that the registrant's ability to practise is not impaired, the decision should not be publicised at all.
6. The policy distinguishes between the two different types of ISOs that can be imposed by the Professional Conduct Committee (PCC) under section 24(1)(a) and (b) of the Osteopaths Act 1993 (the Act). Namely, the former covers the period before the final hearing, the latter, the 28 day appeal period after the hearing concludes.
7. For ISO's imposed before the final hearing, the PCC's full decision is published. The policy also provides for redactions of information that was heard in private to be made to the PCC's publicised written decision.

## **Discussion**

8. The publication of FtP decisions will generally be in the public interest. Publishing decisions enables members of the public, including current and future patients, employers and colleagues, to know when there has been concern about an osteopath's fitness to practise. If there are current restrictions on an osteopath's practice, e.g. conditions, then it enables those same members of the public to know of the restrictions and to know whether the osteopath is complying with them.
9. A discussion paper has been prepared for the committee to consider the approach to publishing ISO determinations.

10. The discussion paper highlights three options for consideration being:

- Continue with the current approach to publishing ISO determinations.
- Only publish the fact of the ISO (or undertakings) together with the update to the register entry for the duration of the order.
- Publish a summary of the ISO (containing a broad outline of the nature of the concerns by the IC or PCC).

In considering the above options, should the approach differ depending on whether it is the IC or PCC ISO decision?

11. We would welcome feedback from the committee to inform any subsequent discussion with Council.

**Recommendation:** To consider the attached discussion paper on the FtP Publication Policy.