



## **Fitness to Practise Publication Policy**

**October 2013**

### **Introduction**

The General Osteopathic Council (GOsC) was established by the *Osteopaths Act 1993* (the Act) to regulate and develop the profession of osteopathy. This document relates to the GOsC's regulatory function and in particular its fitness to practise procedures<sup>1</sup>.

The GOsC is a public body with specific duties under statute. It is expected to be open and transparent in its regulatory proceedings and to comply with its own legislation and other relevant legislation such as the *Human Rights Act 1998*. The purpose of this policy is to ensure that the GOsC meets its obligations to publicise fitness to practise information, while protecting the rights of parties to its proceedings.

It is a general policy and exceptions will be considered and may apply.

### **The requirement to publish**

The GOsC operates open and transparent fitness to practise procedures and it is expected to publish information about registrants' fitness to practise. This allows patients, employers and the public to know whether a registrants' registration is restricted in any way or whether there is a fitness to practise history.

As a public body, the GOsC adheres to the requirements of the *Human Rights Act 1998*. This ensures that registrants receive a fair hearing and includes the provision that hearings are held in public. The Act and the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 also provide for hearings to be held in public.

The Act requires the Professional Conduct Committee (PCC) to publish the:

- names of those registrants in respect of whom it has investigated allegations<sup>2</sup> and found the allegations to be well-founded
- nature of those allegations
- steps (if any) taken by the PCC in respect of the registrants so named.

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<sup>1</sup> Information on the GOsC's fitness to practise procedures is available at:  
[www.osteopathy.org.uk/information/complaints](http://www.osteopathy.org.uk/information/complaints)

<sup>2</sup> Allegations are listed at section 20(1) of the *Osteopaths Act 1993*.

Where the PCC has concluded that the allegation is not well-founded, section 22(14) provides for the PCC to include in its Fitness to Practise Report (see below) for the year in question a statement of that fact if the registrant so requests.

The *Freedom of Information Act 2000* creates a general right of access to all types of recorded information held by public bodies. The GOsC publishes a model publication scheme detailing the information that is readily available from the GOsC. The aim is to make as much information as possible readily available.

## **Methods of Publication**

Fitness to practise information will be published in three main ways:

- The GOsC website [www.osteopathy.org.uk](http://www.osteopathy.org.uk) – this provides easily accessible and up-to-date information. Users can access the Register, Notices of forthcoming PCC hearings and fitness to practise decisions.
- Online Register of osteopaths – users will see reference to certain Orders<sup>3</sup> against the registrant's name, which link to the relevant fitness to practise decision.
- The Fitness to Practise Report<sup>4</sup> – every year the GOsC produces a report on decisions made by the Professional Conduct Committee and any sanctions applied, thereby providing guidance to osteopaths on the high standards of conduct and practice required to maintain their registration.

## **Nature of information to be published, content and timescales**

### **1. Investigating Committee**

The Investigating Committee (IC) considers fitness to practise cases in private and will make a decision as to whether or not there is a case for the registrant to answer. These decisions are made in private and will not be published.

### **Interim Order Hearings**

#### **a. Notice**

Interim Order hearings before the IC are held in private and so a Notice of this hearing will not be published.

#### **b. Decision**

Where an Interim Order is made by the IC, the decision will be published on the GOsC's website within two working days of the decision being made.

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<sup>3</sup> Conditions of Practice Order or Suspension Order

<sup>4</sup> Published under s22(13) of the Act

Elements of the full decision may be removed from the published form where it includes information about the registrant's health or other sensitive information. The decision will remain on the GOsC's website for the duration of the Interim Order.

Where an Interim Order is not made by the IC, no information will be published on the GOsC's website.

## **2. Interim Suspension Orders by the Professional Conduct Committee (PCC) or Health Committee (HC)**

### **Interim Order hearings under Section 24(1)(a) of the Act**

#### a. Notice

A Notice of a PCC Interim Order hearing will be published on the GOsC's website as soon as it is reasonably practicable to do so. The Notice will contain:

- i. the registrant's name, registration number and location
- ii. the date, time and place of hearing
- iii. a statement that it is an Interim Suspension Order hearing.

A Notice of hearing before the HC will not be published on the GOsC's website.

#### b. Decision

Where an Interim Order is made the full decision will be published on the GOsC's website within two working days. Elements of the full decision may be removed from the published form where it includes information about the registrant's health or other sensitive information. The decision will be published for the duration of the Order.

Where an Interim Order is not made, no information will be published, unless the registrant requests publication. In which case, the full decision will be published for 28 days. Elements of the full decision may be removed from the published form where it includes information about the registrant's health or other sensitive information.

#### c. Notice on the Register

Where a registrant is subject to an Interim Order, a note indicating this will appear against their name on the Register. This note will link to the full fitness to practise decision and remain on the Register for the duration of the Order.

### **Interim Orders under section 24(1)(b) of the Act**

Interim Orders under this section of the Act will usually be made at the conclusion of the substantive hearing. The decision and reasons for it will, therefore, be contained in

the substantive decision and published in accordance with the policy on substantive hearings set out below.

### **3. Professional Conduct Committee (PCC) substantive hearings and decisions**

Hearings before the PCC are generally held in public and the Notice of hearing and decision made at these hearings will be published as follows:

a. Notice

A Notice of hearing will be published on the GOSC’s website at least 28 days before the date of the hearing. The Notice will contain the:

- i. registrant’s name, registration number and location
- ii. date, time and place of hearing
- iii. allegation.

b. Decision

Allegation well-founded (proved) – the PCC’s full decision will be published on the GOSC’s website within two working days. Elements of the full decision may be removed from the published form where it includes information about the registrant’s health, other sensitive information or evidence that was heard in private. The full decision will remain on the GOSC website for the relevant period (set out in the table below) from the date of the PCC decision.

<b>Sanction</b>	<b>Length of publication</b>
Admonishment	Six months
Conditions of Practice Orders	Duration of the Order plus one year
Suspension	Duration of the Order plus two years
Removal	Five years

c. Notice on the Register

Where a registrant is subject to a Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the Register. This note will link to the PCC’s full decision and remain on the Register for the duration of the Order.

Decisions to admonish or remove the registrant from the Register will not appear on the Register.

d. Fitness to Practise Report

A report about the case will be included in the relevant annual Fitness to Practise Report, which is published on the GOsC website and made available in hard copy on request. The report will include:

- the registrant's name and registration number
- the allegation
- a summary of the findings made
- the sanction imposed.

Allegation not well-founded (not proved) – the full PCC decision will be published on the GOsC website and in the Fitness to Practise Report, if the registrant requests it. In the absence of a specific request for publication from the registrant, no information will be published.

#### **4. Health Committee (HC) substantive hearings and decisions**

Hearings before the HC are held in private, unless the HC considers that it is appropriate to hold the hearing or any part of it in public. Information relating solely to the health of the registrant is treated as confidential and will not be published.

a. Notice

A Notice of hearing before the HC will not be published on the GOsC's website.

b. Decision

Where the HC concludes that a registrant's fitness to practise is seriously impaired because of their physical and/or mental condition, a removed version of the decision will be published on the GOsC website showing only any restrictions on the registrant's practise. This decision will be published whilst the restrictions remain in place.

c. Notice on the Register

Where a registrant is subject to a Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the Register. This note will link to the published HC's decision.

## SUMMARY

The table below provides a summary of the information that will be published and the timescale and location of publication.

Information	Timescale	Location
<b>Interim Order Hearings</b>		
Investigating Committee decision to impose an Interim Order	Published within two working days of the decision and for the duration of the Order	Website Register
Notice of a Professional Conduct Committee Interim Order hearing (s24(1)(a) of the Act)	As soon as practicable and to the conclusion of the hearing	Website
Professional Conduct decision to impose an Interim Order	Published within two working days of the decision and for the duration of the Order	Website Register
Health Committee decision to impose an Interim Order	Published within two working days of the decision and for the duration of the Order	Website Register
<b>Substantive Hearings</b>		
Notice of a Professional Conduct Committee hearing	At least 28 days before the hearing date and to the conclusion of the hearing	Website
Professional Conduct Committee decision that an allegation was well-founded (proved)	Published within two working days of the decision for the following period: <ul style="list-style-type: none"> <li>• Admonished – six months</li> <li>• Conditions of Practice – duration of Order plus one year</li> <li>• Suspension – duration of the Order plus two years or</li> <li>• Removal – five years</li> </ul>	Website Fitness to Practise Report Register <sup>5</sup>
Health Committee decision that a registrant’s fitness to practise is seriously impaired	Published within two working days of the decision and whilst restrictions remain in place	Website Register

<sup>5</sup> If the registrant is subject to a Conditions of Practice Order or a Suspension Order

## **FURTHER INFORMATION**

For further information about the GOsC's fitness to practise procedures, please go to our website at: [www.osteopathy.org.uk/information/complaints](http://www.osteopathy.org.uk/information/complaints) or contact the GOsC Regulation Department at: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk) or 020 7357 6655 x224

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