



**Policy and Education Committee**  
**14 October 2020**  
**Draft Screeners Guidance**

<b>Classification</b>	Public
<b>Purpose</b>	For discussion
<b>Issue</b>	This paper invites the Committee to consider draft Screeners Guidance. The guidance has been substantially updated and modified to enable Screeners to make consistent, fair and proportionate decisions.
<b>Recommendation</b>	To consider the draft Screeners Guidance and recommend it to Council for consultation.
<b>Financial and resourcing implications</b>	Within existing budget.
<b>Equality and diversity implications</b>	Ongoing monitoring of equality and diversity trends forms part of the Regulation department's quality assurance framework.
<b>Communications implications</b>	Views from the members of the Investigating Committee have been sought and taken into account. A public consultation will also be required to be undertaken.
<b>Annex A</b>	Draft Screeners Guidance
<b>Author</b>	Sheleen McCormack

## Background

1. The Regulation department reviews all concerns received and conduct an initial risk assessment to ensure there is no immediate risk to public protection. We gather as much information as possible at this initial stage before referring the concern to a 'Screener' (an osteopath member of the GOsC Investigating Committee). As part of our information gathering, we usually seek additional information or clarification from the person raising the concern. If the person raising the concern does not provide the further information within 42 days of the request, the papers will then be referred to a Screener with a recommendation for closure under the Initial Closure Procedure on the basis that there is insufficient relevant and credible supporting material.
2. If we do receive the information, the case is passed to the Screener who reviews the concern to determine whether it is capable of amounting to an allegation under the Osteopaths Act 1993.
3. In reaching a decision, the Screener can refer to 'Threshold Criteria' to help decide whether an activity complained about constitutes unacceptable professional conduct, which is 'conduct which falls short of the standard required of a registered osteopath'.
4. If the Screener decides that the GOsC has no power to investigate the concern against the osteopath, the matter is referred to a Lay Screener to review the documentation and the Screener's decision. If they both agree, the matter can be closed. If they disagree, then the matter is referred to the Investigating Committee.
5. An independent audit of the initial stages of our investigations took place over July/August 2019. In summary, the audit reviewed 20% of all concerns/cases closed at the different decision points during the initial stages of the GOsC fitness to practise processes, up to and including, Investigating Committee decisions.
6. The audit focused on the decisions of Screeners and the Investigating Committee in relation to concerns/cases that were closed under the initial closure procedure/threshold criteria with no case to answer. The key finding that emerged from the review related to the adequacy of reasons given in screening decisions where concerns were closed under the Initial Closure Procedure. However, the auditor also recommended that comprehensive, consolidated Guidance for Screeners be produced.
7. As a consequence of the auditor's recommendation we incorporated this into our Business Plan for 2020-21, which states that we will, 'Update and consolidate the guidance to Screeners'.

## Discussion

8. At the start of lockdown, on 26 March 2020, we decided to temporarily pause the progress of the Screeners Guidance as originally planned. Public protection took precedence as we concentrated on triage of concerns and risk management activity, prioritising high-risk investigations and interim order and review cases.
9. Over a short period of time, we have adapted to the many challenges thrown up by the pandemic and in the process have transformed many of our FtP core activities at an unprecedented pace. Most notably, this can be seen through our activity around holding hearings remotely. We developed a Remote Hearings Protocol and provided training to all members of the Professional Conduct Committee in June 2020, prior to restarting our substantive hearings at the beginning of July 2020.
10. Part of our reform programme over the past five years has included the introduction of the Threshold Criteria and Initial Closure Procedure. The introduction of these initiatives brought step changes in our processes in the initial stages of our investigations. Whilst all members of the Investigating Committee have received training on these processes, it is essential that the training is augmented by up-to-date, accessible guidance which continues to support Screeners in their decision-making role.
11. The key changes in the draft Screener guidance include:
  - A separate section on the application of the initial closure procedure
  - Generally refreshing the guidance on applying the threshold criteria
  - A section on 'regulatory concerns' and the documents that will be considered by the Screener
  - A separate section on interim orders
  - A Screener decision making flowchart
  - Added appendices on the Initial Closure Procedure, the Threshold Criteria and an amended Screener's Report
12. We do not plan to consult on either the Initial Closure Procedure or the Threshold Criteria, as both documents have been approved by Council in 2015 and 2016, and are publicly available<sup>1</sup>. These guidance documents have been included in this paper for completeness.
13. As part of our pre-consultation engagement plan, a first draft of consolidated Guidance for Screeners was prepared for consideration by the Investigating Committee at a training day which took place on 21 February 2020 and feedback we received has been incorporated in the current draft.

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<sup>1</sup> <https://www.osteopathy.org.uk/news-and-resources/document-library/fitness-to-practise/threshold-criteria-for-upc/> ; <https://www.osteopathy.org.uk/news-and-resources/document-library/fitness-to-practise/initial-closure-procedure/>

14. Following consideration of the feedback from the Committee, we intend to seek the approval of Council to publish the draft guidance for consultation.

**Recommendation:** to consider the draft Screeners Guidance and recommend it to Council for consultation.