

GENERAL OSTEOPATHIC COUNCIL

Investigating Committee

Policy on disclosing a registrant's response to the complainant

Agreed by the Investigating Committee on 18 January 2010

This policy will take effect from 1 March 2010

1. There will be a presumption that the complainant will be sent a copy of the registrant's response for comment. In the following circumstances, that presumption may not apply:
 - Where the respondent (or his/her solicitors) has requested that the GOsC refrain from sending his/her response to the complainant and has provided or reveals a compelling reason for doing so, for example:
 - Where the response reveals matters of a personal or confidential nature which are not relevant to the case.
 - Where the response reveals matters of a personal or confidential nature relevant to the case which it is however not necessary for the complainant to see (for example, there is reference to the physical or mental health of the registrant, or other sensitive personal information which would reasonably be kept confidential).
 - Where there is a risk that the complainant may use the registrant's response for an improper purpose (for example, for some personal campaign or vendetta).
 - Where there are details that reveal the identity of a 'whistleblower' (that is, someone who raises a concern about a particular practice at their work).
 - Any other compelling matter which causes staff concern.
2. Staff should seek advice initially from the Regulation Manager or Head of Regulation, who may if necessary, refer the matter to the Investigating Committee for an answer. A decision may be taken not to send the response to the complainant at all or to send it but with relevant sections redacted.
3. It is important at the beginning of the process that people who raise concerns are very clear about the role and potential outcomes of the fitness to practise process. Complainants should be informed that the purpose of commenting on the registrant's statement is primarily to correct matters of fact and that they should not use any information contained in the response for an improper purpose.

4. Registrants should also be informed at the start of the process that their response will be shown to the complainant and may be given guidance as to what it is appropriate to include in their response or what to provide on a separate sheet, for example:

Main response:

- A chronological summary of the main facts and principal issues related to the case and/or complaint
- A response on each aspect of the complaint
- Any supporting documents that are thought relevant to the complaint, such as opinions or copies of instructions.
- Avoiding material which heightens emotions or personalises the issues.

Separate sheet:

- Personal or medical information that relates to the osteopath or a third party (i.e. not the complainant)
- Identification and contact details of third parties that may need to be kept confidential.