



General  
Osteopathic  
Council

# Consultation on draft guidance on insurance requirements for osteopaths

A consultation on guidance for osteopaths

1 September 2020

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## **About the General Osteopathic Council**

The General Osteopathic Council (GOsC) is the regulator for the osteopathic profession in the UK. Our role is to develop and regulate the profession of osteopathy which we do by setting standards of education, training, conduct and competence and keeping a Register of those who have qualified and met those standards. By law, osteopaths must be registered with us in order to practise in the UK; there are currently around 5,400 osteopaths.

One important aspect of our work is dealing with concerns and complaints about osteopaths. We have legal powers with clear and transparent processes to investigate and deal with osteopaths who may fall short of the standards we have set.

### **The consultation**

In this consultation, we are inviting views on our draft Guidance on insurance requirements for osteopaths. Please note, we ran a public consultation on the draft guidance on Insurance Requirements for Osteopaths from 16 January 2020 until 9 April 2020. Notwithstanding the amount of pre-consultation engagement activity we undertook with internal and external stakeholders at the time, we had anticipated a greater response to the consultation given the centrality and importance of the draft PII guidance to the profession. We concluded that the lockdown had undoubtedly impacted upon this. In the circumstances, to encourage greater stakeholder engagement with the draft guidance, we have decided to run this further period of consultation.

Since the beginning of 2018, the GOsC has opened 19 investigations relating to an alleged failure to maintain adequate professional indemnity insurance (PII).

To address our concerns that osteopaths are placing their patients at risk by practising without appropriate insurance in place, the GOsC has continued to take active measures to raise awareness among registrants about their duty to maintain both PII and public liability insurance, for example,

- a. Standard D1 of the Osteopathic Practice Standards states: 'You must act with honesty and integrity in your professional practice', and the updated guidance now states explicitly that osteopaths 'must have a professional indemnity insurance arrangement which provides appropriate cover in accordance with the requirements of the Osteopaths Act 1993 and the current Professional Indemnity Insurance Rules' (see [osteopathy.org.uk/insurance](https://osteopathy.org.uk/insurance)).

- b. We continue to promote the importance of having adequate and appropriate insurance, including explaining the requirements through our communications. For example, we have published articles on this issue in The Osteopath magazine, featured it on the packaging of the magazine, promoted it every month since January 2018 through our monthly news ebulletin (apart from March 2020 when the country went into lockdown as a result of the pandemic) and via our social media platforms. Articles in The Osteopath magazine include a look at two recent fitness to practise cases concerning PII in the March/April 2020 issue of The Osteopath and a detailed article outlining the difference between PII and public liability insurance and explaining osteopaths' requirements in relation to both which appeared the previous year in the March/April 2019 issue.

The proposed draft Guidance, which appears on page 11 is also part of our ongoing work to raise awareness about insurance requirements for the profession. The purpose of this guidance is to provide a clear overview of the requirements in relation to both PII and public liability insurance for osteopaths. In addition, it addresses the main issues that have arisen in practice at indemnity insurance cases at Professional Conduct Committee (PCC) hearings.

The draft Guidance outlines the provisions within the Osteopaths Act 1993 (as amended) and the General Osteopathic Council (Indemnity Arrangements) Rules Order of Council 2015 as they relate to PII cover. It also sets out the requirements as outlined in the Osteopathic Practice Standards, effective from 1 September 2019.

The intended purpose of the document is to provide clear information about the requirement to have both adequate PII and public liability insurance in place while registered with the GOsC.

In addition, the draft Guidance captures key points derived from feedback we have received from the Professional Standards Authority where 'learning points' were identified to assist the PCC in the approach they take to PII cases. These learning points were published in an article about PII in the February/March 2018 issue of The Osteopath magazine.

Please read the draft Guidance on page 11 before answering the consultation questions below.

## How to respond

The deadline for responses to this consultation is **Tuesday 13 October 2020**.

You can send us your views by responding to our online consultation at: [osteopathy.org.uk/pii-consultation](https://osteopathy.org.uk/pii-consultation) or if you would prefer, you can email your response to: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk).

Alternatively, you may wish to post your response, in which case, please address to:  
Guidance on insurance requirements for osteopaths  
General Osteopathic Council  
Osteopathy House  
176 Tower Bridge Road  
London SE1 3LU

Copies of the draft Guidance, and this consultation response form, are also available on request in other formats by emailing [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk) or by calling 020 7357 6655 x224.

Information in responses, including personal information, may need to be published or disclosed under the access to information regimes (mainly the Freedom of Information Act 2000, the General Data Protection Regulation, the Data Protection Act 2018 and the Environmental Information Regulations 2004). We will publish a report about the consultation and the responses we have received. If you would prefer your name not to be made public, please indicate this when sending us your views.

The GOsC is a data controller registered with the Information Commissioner's Office. We use personal data to support our work as the regulatory body for osteopaths. We may share data with third parties to meet our statutory aims and objectives, and when using our powers and meeting our responsibilities under the Osteopaths Act and the associated rules made under the Act. We may use personal data to update the Register, administer and maintain the Register, process complaints, compile statistics and keep stakeholders updated with information about our work.

## Consultation questions

### Draft Guidance on insurance requirements for osteopaths

1. Your name or your organisation if replying on behalf of an organisation (optional)

2. Did you find the draft Guidance clear and informative?

Yes  No

Please provide any suggestions about how the draft Guidance might be made clearer

3. Does the draft Guidance provide a comprehensive overview of the insurance requirements for osteopaths?

Yes  No

Please provide suggestions for what you consider could be added to the Guidance to improve understanding of osteopaths' insurance requirements

4. What is your view on the inclusion of the key learning points in the draft Guidance that have arisen in fitness to practise hearings?

5. Do you have any other comments on the draft Guidance?

6. Do you consider that the approach proposed in this consultation supports our overarching objective of public protection? This includes:

- a. protecting, promoting and maintaining the health, safety and well-being of the public
- b. promoting and maintaining public confidence in the profession of osteopathy
- c. promoting and maintaining proper professional standards and conduct for osteopaths

Yes  No

Please provide additional comments below

As set out above, we are asking some specific questions that we would like responses to, but you are welcome to offer any other comments you wish.

All feedback will be taken into consideration.

### **Diversity questionnaire**

We would like to ask some questions about you. Completing the diversity questionnaire is optional but we would welcome information about our respondents. We ask for this information to help us analyse the consultation responses to help ensure we are not inadvertently discriminating against any particular group. We are also required as an organisation to monitor diversity.

It would be very helpful to us if you would provide this information. You can skip any questions you do not wish to answer.

**Thank you for your response to this consultation**

## Questions about you (optional)

The following questions will help the GOsC in a number of ways, including:

- understanding the demographics of the respondents to this consultation
- enabling the GOsC to prioritise actions to support protected groups as defined by the Equality Act 2010

The information you provide will only be used for the purposes of analysing the consultation responses.

If you do not wish to answer any of the equality and diversity questions, please tick the 'Do not wish to state' box. If you are responding on behalf of an organisation, then please ignore these questions.

### 1. Who you are [please tick one box]

- |                          |  |
|--------------------------|--|
| <input type="checkbox"/> | Osteopath                                      |
| <input type="checkbox"/> | Patient  |
| <input type="checkbox"/> | Member of the public                           |
| <input type="checkbox"/> | Other health professional                      |
| <input type="checkbox"/> | Pre-registration osteopathy education provider |
| <input type="checkbox"/> | Post-registration education provider           |
| <input type="checkbox"/> | Statutory regulatory body                      |
| <input type="checkbox"/> | Public/patient representative                  |

Other, please specify \_\_\_\_\_

### 2. Your Age

- |                          |                      |
|--------------------------|----------------------|
| <input type="checkbox"/> | Under 21             |
| <input type="checkbox"/> | 21-30                |
| <input type="checkbox"/> | 31-40                |
| <input type="checkbox"/> | 41-50                |
| <input type="checkbox"/> | 51-60                |
| <input type="checkbox"/> | 61-70                |
| <input type="checkbox"/> | 71-80                |
| <input type="checkbox"/> | 81-90                |
| <input type="checkbox"/> | 90+                  |
| <input type="checkbox"/> | Do not wish to state |



**3. Your Gender**

- Female
- Male
- Transgender
- Do not wish to state

**4. Disability**

Do you consider yourself disabled\*?                      Yes  No

\*This is being defined as someone who has an impairment, experiences externally imposed barriers or self-identifies as a disabled person.

**5. Ethnic origin**

**Asian or Asian British**

- Bangladeshi
- Indian
- Pakistani

Any other Asian background, please specify \_\_\_\_\_

**Black or Black British**

- African
- Caribbean

Any other Black background, please specify \_\_\_\_\_

**Chinese or any other East Asian ethnic group**

- Chinese
- Caribbean

Any other East Asian background, please specify \_\_\_\_\_

**Mixed Ethnic background**

- White and Asian
- White and Black
- White and Chinese

Any other Mixed ethnic background, please specify \_\_\_\_\_

**White or White British**

- English
- Irish
- Scottish
- Welsh

Any other White background, please specify \_\_\_\_\_

**6. Religion/Belief**

- Buddhist
- Christian
- Hindu
- Jewish
- Muslim
- Sikh
- None
- Prefer not to say

Other, please specify \_\_\_\_\_

**7. Sexual orientation**

- Bisexual
- Gay Woman/Lesbian
- Gay Man
- Heterosexual
- Prefer not to say

Please return this form by email to: [regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk) or by post to:

Draft Guidance on Insurance Requirements for Osteopaths  
General Osteopathic Council  
Osteopathy House  
176 Tower Bridge Road  
London SE1 3LU

Thank you.



## Guidance note: insurance requirements for osteopaths

Effective: [date]

### Introduction

1. This guidance provides information about the insurance requirements for osteopaths and those intending to register as osteopaths with the General Osteopathic Council.
2. The legal requirement for osteopaths to have an appropriate level of indemnity cover is set out in section 37 of the Osteopaths Act 1993. This requirement is linked to an osteopaths' registration and is therefore required even where an osteopath does not intend to see patients or for periods where they are on holiday or have been unwell.
3. The fundamental purpose of insurance is to protect and assure patients and the public in the event of a claim. It ensures that an osteopath is indemnified against liabilities incurred while registered.
4. Osteopaths are personally accountable for their practice and it is their responsibility to ensure that their insurance provider is aware of and understands the requirements of the GOsC professional indemnity insurance rules to ensure the insurance cover they have taken out is valid.

### Fitness to practise

5. If an osteopath does not renew their professional indemnity insurance or fails to have the required cover and yet continues to be registered, the GOsC has a duty to investigate the matter under our fitness to practise procedures.
6. An osteopath continuing to practise while knowing they do not have insurance, could face an additional allegation of lack of integrity or dishonesty.

### Key points

7. Practising without indemnity insurance calls into question an osteopath's commitment to patient safety.
8. It is important that patients can recover any compensation they might be entitled to in the event of a successful claim.
9. An osteopath's failure to have insurance is not an 'administrative' failure, it is serious and can potentially have wider consequences for the wider public interest including maintaining proper professional standards of conduct and maintaining public confidence in the profession.
10. A failure to have appropriate indemnity insurance should not be regarded as less serious by a Professional Conduct Committee solely because an osteopath has not seen patients.

## Professional indemnity insurance

11. Professional indemnity insurance protects an osteopath against claims for compensation.
12. It provides cover for damage or injury caused during their work as an osteopath, for example if a patient suffers harm as a result of treatment that the osteopath carried out on them.
13. An osteopath must have the minimum cover of £5 million.
14. Osteopaths have a legal requirement to advise the GOsC immediately if they have ceased to practice and/or changed insurer.
15. Osteopaths should check the current Professional Indemnity Insurance Rules at: [legislation.gov.uk/uksi/2015/693/schedule/made](http://legislation.gov.uk/uksi/2015/693/schedule/made)
16. Osteopaths must have cover in respect of any claim that may arise at any time, even if they have since ceased to practise and/or changed provider.
17. Professional indemnity insurance is a legal requirement of the Osteopaths Act 1993.
18. It is also a requirement of the Osteopathic Practice Standards (OPS)  
**Theme D: Professionalism, specifically:**

**D1.3:** You must have a professional indemnity insurance arrangement which provides appropriate cover in accordance with the requirements of the Osteopaths Act 1993 and the current Professional Indemnity Insurance Rules.

**D4.5:** You should inform your professional indemnity insurers immediately if you receive a complaint.

## Public liability insurance

19. Public liability insurance protects an osteopath against claims for compensation.
20. It provides cover for damage caused at an osteopath's place of work, **outside of their work as an osteopath**. For example, if a patient makes a claim for an injury sustained by falling over in an osteopath's waiting room, this would be covered by the osteopath's public liability insurance arrangement. A professional indemnity insurance policy would not cover this because the injury did not happen during the osteopath's work as an osteopath.
21. There is no fixed amount for this cover. An osteopath will need to discuss the range of policies available and an appropriate amount of cover with an insurance broker based on where and how they work.
22. Some insurers offer combined policies providing cover for both public liability and professional indemnity. If an osteopath decides to purchase a combined policy, it is their responsibility to check that the professional indemnity cover meets all the requirements set out in the GOsC Indemnity Insurance Rules (see [osteopathy.org.uk/insurance](http://osteopathy.org.uk/insurance)).
23. It is a requirement of the Osteopathic Practice Standards (OPS) **Theme C: Safety and quality in practice, specifically:**  
**C5.3:** You must have adequate public liability insurance.