**Consultation on Draft**

**Screeners Guidance**

A consultation on guidance for screeners

2 December 2020

*or with an interest, in fitness to practise hearings*

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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 revised and updated [draft
Screeners Guidance](https://www.osteopathy.org.uk/news-and-resources/document-library/consultations/draft-screeners-guidance-2020/) only. The Initial Closure Procedure and the Threshold Criteria guidance included as part of the annex are for reference only.

The Regulation department reviews all concerns received and conducts 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’, this initial screener is 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 this further information within 42 days of the request, the concern 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.

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. In reaching a decision, the screener can refer to the ‘threshold criteria’ to help decide whether an activity complained about constitutes ‘unacceptable professional conduct’. Unacceptable professional conduct, is defined as ‘conduct which falls short of the standard required of an osteopath’. Screeners are able to close concerns under the threshold criteria where they decide the matter is not capable of amounting to unacceptable professional conduct.

Where a screener decides that the GOsC has no power to investigate the concern under the threshold criteria, the matter is referred to a lay screener to review both the documentation and the screener’s decision. If the lay screener agrees with the decision of the osteopath screener, the matter can be closed. If they disagree, then the matter is referred to the Investigating Committee.

Part of our reform programme over the past five years has included the introduction of the Threshold Criteria and Initial Closure Procedure which are included in the annex of the consultation. 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 consolidated by up-to-date, accessible guidance which continues to support screeners in their decision-making role.

Please note with reference to the use of the male gender within the guidance, both the Osteopaths Act and the Investigating Committee Rules employ gender specific language, and this cannot be changed. However, we have ensured that wherever possible gender-neutral terminology has been used and this is in line with current parliamentary counsel drafting guidance.

**A summary of the main changes in the draft Screeners Guidance includes:**

* a separate section on the application of the Initial Closure Procedure
* a general refresh of the guidance on applying the Threshold Criteria
* a section on ‘regulatory concerns’ and the documents that will considered by
the screener
* a separate section on interim orders
* a screener decision making flowchart
* appendices added on the Initial Closure Procedure, the Threshold Criteria and an amended enhanced Screener’s report template.

The purpose of these changes is to further enhance transparency and consistency in the approach to be taken by screeners at the initial stages of our fitness to practice processes.

**We are not consulting at this point on either the Initial Closure Procedure or the Threshold Criteria**. The Initial Closure Procedure and the Threshold Criteria are both available at: [osteopathy.org.uk/standards/complaints/guidance-practice-notes-and-policies](https://www.osteopathy.org.uk/standards/complaints/guidance-practice-notes-and-policies/)

Please read the [draft Screener Guidance](https://www.osteopathy.org.uk/news-and-resources/document-library/consultations/draft-screeners-guidance-2020/) before answering the consultation questions below.

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# **How to respond**

The deadline for responses to this consultation is Tuesday 2 March 2021.

You can send us your views by:

* responding to our [online consultation](https://www.osteopathy.org.uk/forms/draft-screener-guidance-consultation/)
* emailing your [responses to the consultation](#_Consultation_questions) question to: regulation@osteopathy.org.uk or
* calling 020 73576655 x224

Copies of the draft Screeners Guidance, and this consultation response form, are also available on request in other formats by emailing: regulation@osteopathy.org.uk

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 Screeners Guidance**

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

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1. Did you find the draft Screeners Guidance clear and accessible?

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| --- | --- | --- | --- | --- |
| Yes |  |  | No |  |

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

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1. The draft Screeners template report has been designed to support screeners in providing adequate reasons for their decisions.

Do you think the draft template report has the potential to improve the adequacy of screeners written reasons?

|  |  |  |  |  |
| --- | --- | --- | --- | --- |
| Yes |  |  | No |  |

Please provide suggestions for what you consider could be added/amended to the draft Screeners template report

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1. Do you think the draft Screeners Guidance would be helpful to screeners on the application of:

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| * The Initial Closure Policy:
 | Yes |  |  | No |  |

|  |  |  |  |  |  |
| --- | --- | --- | --- | --- | --- |
| * The Threshold Criteria:
 | Yes |  |  | No |  |

1. Do you consider that the approach proposed in this consultation supports our overarching objective of public protection? This includes:
2. protecting, promoting and maintaining the health, safety and well-being of the public
3. promoting and maintaining public confidence in the profession of osteopathy
4. promoting and maintaining proper professional standards and conduct for osteopaths

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| --- | --- | --- | --- | --- |
| Yes |  |  | No |  |

Please provide additional comments below

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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.

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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.

Please complete the [diversity questionnaire](https://www.osteopathy.org.uk/news-and-resources/document-library/consultations/gosc-consultation-on-draft-screeners-guidance-equality-and/)

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