



Guidance for osteopaths

Fitness to practise – Complaints procedure

INTRODUCTION

This guidance is designed to tell osteopaths about our fitness-to-practise procedures.

We hope you find this information helpful, but it is for general guidance only and cannot cover all circumstances that may arise. It is not a substitute for any legal advice or advice from your professional indemnity insurers.

WHEN DO WE INVESTIGATE?

Maintaining patient safety and public confidence in the osteopathic profession means that we must investigate and consider complaints about osteopaths' conduct, competence or health.

Concerns are referred to us from many different sources, including members of the public, employers, other osteopaths and the police. We may also become aware of a concern in other ways, such as through the media or the publication of a report. We have a duty under the Osteopaths Act to investigate concerns about osteopaths and to identify whether a concern is legitimate and needs to be investigated. Concerns may fall within one of a number of categories (called allegations) as defined by law, including:

- conduct has fallen short of the standard required;
- professional incompetence;
- conviction of a criminal offence; and
- serious impairment because of physical or mental health.

WHAT HAPPENS WHEN WE RECEIVE AN ENQUIRY OR CONCERN ABOUT AN OSTEOPATH?

We carry out an initial assessment, called a triage, of every concern we receive to help us decide whether it falls into one or more of the categories set out above. We then assign a caseworker from our Regulation Team to your case.

For each new concern, we try to gather information (if it has not already been provided) which is detailed enough to allow a screener to reach a reasonable opinion on whether or not the concern is capable of amounting to an allegation. (A screener is an osteopath member of our Investigating Committee.) This usually means asking the complainant (the person who raised the concern) or someone else to provide further information. However, how we carry out our investigation will depend on the nature of the concern. For example, we may need to get an expert report if the concern is about your clinical practice, or an assessment by one of our medical assessors about your health. We will show you the evidence and information we receive.

Sometimes, we will also ask you for some input before we pass the papers to the screener.

If the screener decides that we have no power to investigate the concern against you, we will tell the complainant and close the case. We will give the screener a guidance document to help them make their decision.

HOW LONG WILL THE INVESTIGATION TAKE?

This will depend on how serious the concern (or concerns) is and how quickly we can get the information we need. We set performance indicators (initial targets), which gives us up to 42 days to get enough information or evidence which we then give to the screener to help them decide whether the concern is an allegation that we can deal with.

CONCERNS WE CAN'T DEAL WITH

A screener will use certain criteria to decide whether the concern is one we can deal with. Concerns that would not generally amount to an allegation include:

- complaints about note-taking and record-keeping alone;
- vexatious complaints (these may include if the concern is trivial or mainly intended to harass or annoy, or if there is a personal grudge);
- complaints that relate to employment disputes;
- complaints that relate to contractual disputes; and
- complaints that relate to disputes between osteopaths and patients about fees or the costs of treatment.

WHAT HAPPENS IF THE SCREENER DECIDES WE CAN DEAL WITH THE COMPLAINT?

If the screener decides that we have the power to deal with the complaint, the case will be referred to the Investigating Committee.

The screener will write a report, which sets out:

- the allegation;
- the relevant osteopathic practice standards that apply; and
- any further information that may be needed.

Usually, at this point, the caseworker will tell you about the complaint. You will be given a copy of the screener's report and a copy of the complaint papers and you will have **28 days** to respond to the allegations before the Investigation Committee considers the matter.

Once we have received a response from you, we may send a copy to the complainant for further comments.

If the complainant provides any new information or raises an allegation, we will give you the opportunity to respond before we reach any decision.

The caseworker will also collect any other relevant information and evidence at this stage. For example, any statements from third parties, relevant medical records or an assessment of your health. (Examples of third parties include your employer, and anyone you may have a contract or other arrangement with to provide services, and any other healthcare regulator that you may be registered with.)

The flow chart on page 7 sets out the procedure that we follow when a concern is made about you.

LEGAL ADVICE

You should contact your professional indemnity insurer or get your own independent legal advice about the complaint and our request for your response as soon as possible.

THE INVESTIGATING COMMITTEE

Once we have gathered all the evidence, including your written response, the Investigation Committee will consider the case. The committee meets in private and is helped by a legal assessor (a person qualified to give the committee advice on the law) to consider cases on the papers. Neither we nor you or your representative will be present at this meeting as the committee will make a decision on the papers.

The Investigating Committee will carefully consider whether there is a case for you to answer, and if so, what that case is. The 'Investigating Committee Decision-making Guidance' and the 'Guidance on Threshold Criteria for Unacceptable Professional Conduct', which are available on our website, help the committee to decide this.

If the committee decides that there is a case to answer, a public hearing will be arranged before our Professional Conduct Committee.

If the matter relates to your health, the Investigating Committee will refer the case to the Health Committee (see page 6).

If the Investigating Committee decides that there is no case for you to answer, we will close the case and the caseworker will give you a copy of the Investigating Committee's written decision and reasons.

INTERIM SUSPENSION ORDER HEARINGS

In serious cases, where the concern presents a risk to patient or public safety, the Investigating Committee can impose an interim suspension order on you. While this suspension order is in place, you will not be able to practise as an osteopath. The committee can impose an interim suspension order for up to two months.

The Investigating Committee may also agree 'undertakings' with you. Undertakings are binding written promises that you agree to which will voluntarily restrict your practice until the final decision about the allegations against you is made.

If a hearing to consider an interim suspension order is being held in your case, the caseworker will tell you the date, time and place of the hearing. You will be given a copy of all relevant documents before the hearing.

You can attend the hearing or be legally represented at it (or both).

The interim suspension order hearing is held in private. However, if we decide to impose an interim suspension order, we will publish a copy of that decision on our website in line with our Fitness to Practise Publication Policy.

THE PROFESSIONAL CONDUCT COMMITTEE AND THE HEALTH COMMITTEE

We have produced a separate booklet, called 'Hearings guidance for osteopaths', and we will give you a copy of this if we refer your case for a hearing by the Investigating Committee.

The Professional Conduct Committee hears all the evidence in a case in order to decide whether you have been:

- guilty of unacceptable professional conduct;
- professionally incompetent; or
- convicted of a criminal offence which is relevant to your fitness to practise as an osteopath.

If the committee decides any of the above apply, they may:

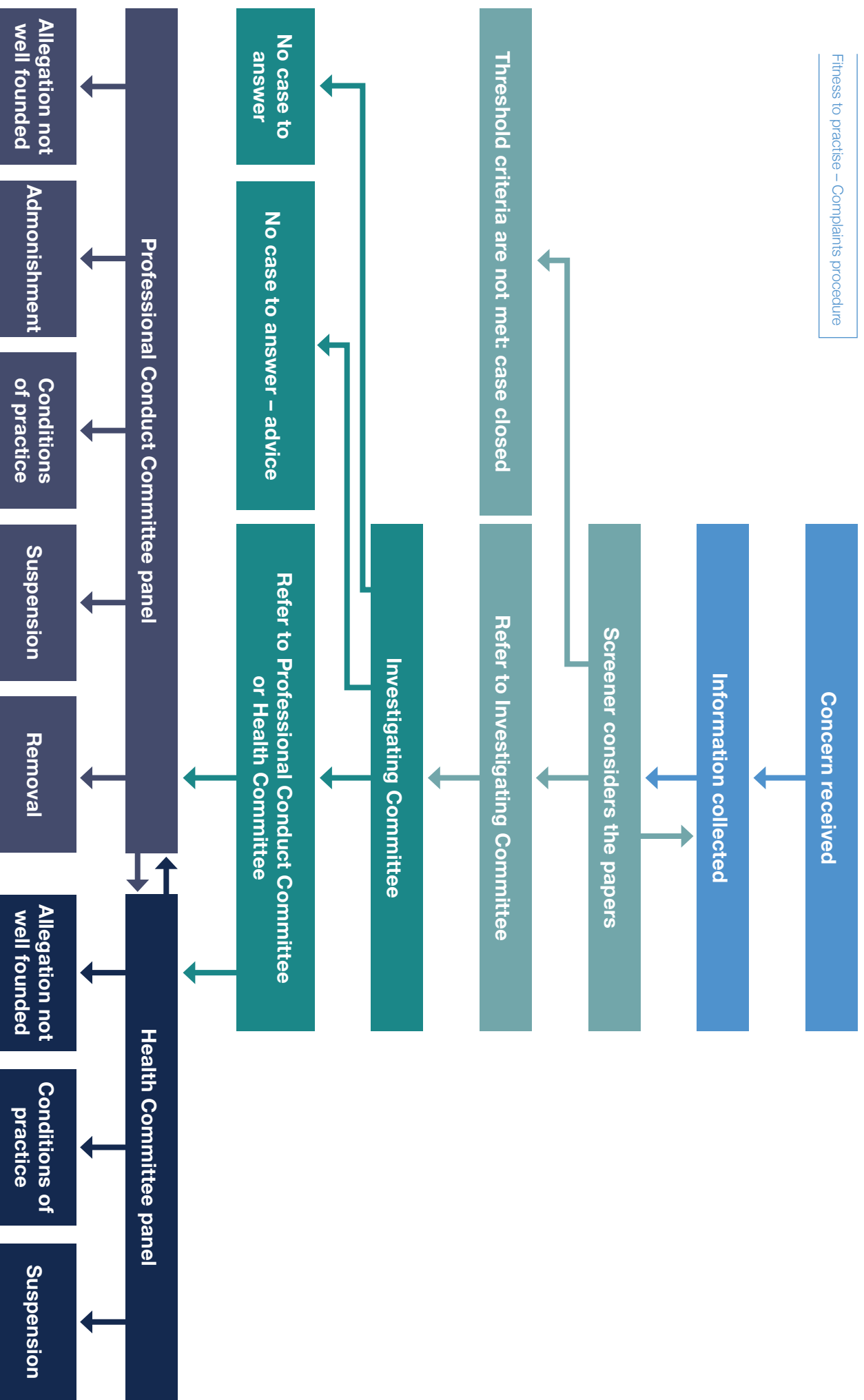
- admonish you;
- impose a conditions of practice order, which will allow you to continue to work in a limited way;
- impose a suspension order for a period of time; or
- remove your name from the Register.

and we will give you a copy of this if your case is referred for a hearing by the Investigating Committee.

COMPLAINTS ABOUT HEALTH

If the complaint relates to your health, the Investigating Committee will refer the case to the Health Committee.

We will give you further guidance about hearings if we refer your case to a hearing before the Health Committee.





**General
Osteopathic
Council**

CONTACT OUR REGULATION TEAM

We hope you find this guidance helpful.

If you have any questions, please contact our Regulation Team.

Email: regulation@osteopathy.org.uk

Phone: 020 7357 6655 (extension 224)

The GOsC is a charity registered in
England and Wales (1172749)

