

**GENERAL OSTEOPATHIC COUNCIL**  
**PROFESSIONAL CONDUCT COMMITTEE**

**Case No: 908**

**Professional Conduct Committee Hearing**

**DECISION**

**Case of:** Anthony Albertini

**Registration Number:** 11150

**Committee:** Lakshmi Ramakrishnan (Chair)  
Caroline Easter (Osteopath)  
Nathalie Harvier (Lay)

**Legal Assessor:** Peter Steel

**Clerk to the Committee:** Sajinee Padhiar

This case has been considered by the Professional Conduct Committee at a private meeting without the necessity for a hearing, under the procedure set out in Rule 8 of the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000.

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**Allegation:**

The allegation is that Anthony Albertini (“the Registrant”) has been guilty of unacceptable professional conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993, in that:

1. From 7 February to 8 February 2023, inclusive of both dates (“the Relevant Period”), the Registrant:
  - a. was registered and/or practised as an osteopath; and
  - b. failed to obtain and maintain insurance cover as required by Rule 3 of the General Osteopathic Council (Indemnity Arrangements) Rules Order 2015 (“the Order”);
2. During the Relevant Period, the Registrant:

- a. knew that in holding himself out to the public as a registered osteopath, he was required to hold professional indemnity insurance; and/or
  - b. treated patients despite not having appropriate professional indemnity insurance, thereby acting to the potential detriment of such patients and placing them at risk;
3. The Registrant's conduct as set out at paragraph 1(b) and/or paragraph 2(b):
  - a. was misleading; and/or
  - b. demonstrated a lack of integrity.

## **Decision**

### **Background**

1. The Committee was asked to consider whether it was appropriate to deal with these allegations under the procedure set out in Rule 8 of the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000. The Rule 8 procedure permits the Committee to deal with a case by agreement without a hearing before the Professional Conduct Committee. The sanction proposed in this case was an admonishment. The background is as follows.
2. Registrants are required to maintain professional indemnity insurance ('PII'). GOsC's Registrations Department select registrants at random for an insurance audit, to check that they have PII cover in place. The GOsC had emailed the Registrant on 5 September 2023 seeking evidence of his insurance cover.
3. What was received from the Registrant on 10 October 2023 was a copy of his insurance with one company ("the first insurer") which covered him from 3 August 2022 to 6 February 2023, together with a copy of his insurance with another insurer ("the second insurer"), which covered him from 9 February 2023 to 30 November 2023.
4. The GOsC queried whether there had been a gap in the Registrant's insurance cover for the days of 7 and 8 February 2023. The Registrant responded by email on 11 October 2023 to confirm that he had just noticed the gap in his insurance dates, which had been a mistake on his part as a result of inserting the wrong date when completing the insurance form for the second insurer.

5. The Committee had obtained a statement from its Registration Manager, dated 17 April 2024, which confirmed the Registration department's dealings with the Registrant as set out above.
6. The bundle before the Committee also contained statements from the Health and Wellbeing Operations Manager of the first insurer and from the Head of Operations at the second insurer.
7. These statements confirmed that the first insurer had sent the Registrant a renewal request on 6 January 2023 but he had decided not to renew with that company on the grounds of price. In February 2023, the first insurer had issued a "claims free" letter after the Registrant had confirmed he had taken out insurance through the second insurer.
8. The Registrant had rung the second insurer on 9 February 2023 to arrange insurance cover. During that call the Registrant had apparently stated that he previously had insurance with the first insurer which had ended. The Registrant had received confirmation of his insurance cover and his insurance certificate from the second insurer on 9 February 2023.
9. In an undated response to the GOsC, the Registrant admitted that he had not had indemnity insurance cover for the days 7 and 8 February 2023. He said that this had been "*an administration error on my part*" and that it had been "*an honest mistake*". The Registrant stated that he had confused his insurance renewal date when switching cover from the first insurer to the second insurer. It had come as a "*complete surprise*" when he learnt from the GOsC's Registration Manager that he had not been covered for the two days and he understood the gravity of his mistake and apologised for his actions.
10. In response to a further inquiry from the GOsC, the Registrant stated that he had treated patients on 7 February 2023, but not on 8 February. His practice principal confirmed that the Registrant had treated 5 patients on 7 February 2023.
11. On 7 October 2024, the Registrant signed a Rule 8 statement, admitting the allegations in full and admitting that they constituted unacceptable professional conduct. He confirmed that he had the opportunity to seek advice and that he accepted the sanction of admonishment without requiring a hearing. He accepted that this would form part of his fitness to practise record.

## Legal advice

12. The Legal Assessor advised the Committee that, to deal with this matter under the Rule 8 procedure, it must be satisfied that the Registrant fully

admits the allegation and also admits that the factual particulars amount to unacceptable professional conduct. The Committee must itself be satisfied that the facts admitted amount to unacceptable professional conduct. The Committee must also be satisfied that the Registrant accepts that admonishment is an appropriate sanction and that he does not wish the case to be dealt with at a hearing.

13. The Committee should have regard to GOsC's Practice Note on the Rule 8 procedure ('the Practice Note'). That gives guidance on the type of cases which are and are not suitable for this procedure. Taking into account this guidance and GOsC's Hearings and Sanctions Guidance, it must be satisfied that the proposed sanction of admonishment is appropriate and proportionate.

### **Finding on allegation**

14. The Registrant signed a Rule 8 Statement on 7 October 2024 in which he admitted the allegations. He accepted that he was guilty of unacceptable professional conduct, and he accepted the sanction of admonishment. He was content for the matter to be dealt with without a hearing.
15. In light of the Registrant's admissions in his Rule 8 statement, the Committee was satisfied that he accepted all the factual particulars in the allegation. The Committee bore in mind that maintaining PII cover is a statutory requirement. The Committee also noted that the GOsC's PII Guidance (2020) states that 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. The Committee was therefore satisfied that the Registrant's failure to do so case amounted to unacceptable professional conduct.
16. It therefore found the allegations, including unacceptable professional conduct, proved in full.

### **Sanction**

17. Having had regard to the Registrant's admissions contained in the Rule 8 Statement, as well as the Practice Note and the Hearings and Sanctions Guidance, the Committee was satisfied that a sanction of admonishment is appropriate and proportionate in this case.
18. The Committee had regard to paragraph 33 of the Practice Note. It noted that in determining whether admonishment is an appropriate sanction, the Committee should take into account the following:

- a. whether there is evidence to suggest that the Registrant poses any danger to patients or the public;
- b. whether the Registrant has shown insight into their failings;
- c. whether the behaviour was an isolated incident;
- d. whether there has been any repetition of the behaviour complained about;
- e. whether the Registrant acted under duress;
- f. whether the Registrant has genuinely expressed remorse;
- g. whether there is evidence that the Registrant has taken rehabilitative/corrective steps; or
- h. whether the Registrant has previous good history.

19. Save for the factor listed at 'e', which is clearly not relevant here, the Committee considered that all the above factors pointed towards an admonishment being the appropriate sanction.

20. The Committee noted, in particular, that the Registrant, although relevantly recently qualified as an osteopath, had previously practised as a sports physiotherapist for some time without issue and had maintained insurance during that period. It accepted that his failure to maintain insurance cover was due to an inadvertent error, and that there was no evidence of any deliberate wrongdoing in this case. He had apologised for his actions.

21. The Committee noted the two supportive testimonials on behalf of the Registrant, including one from his practice principal, which suggested that he was a safe and competent practitioner. The Registrant had taken steps to ensure that his insurance would not lapse in future and had refreshed his knowledge of the OPS. The Committee was satisfied that there was little, if any, risk of repetition and that an admonishment would adequately meet the public interest in this case.

22. The Committee therefore imposed a sanction of admonishment on the Registrant.

*Section 22(13) of the Osteopaths Act 1993 requires this Committee to publish a report that sets out the names of those osteopaths who have had Allegations found against them, the nature of the Allegations and the steps taken by the Committee in respect of the osteopaths so named.*