

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No:917

Decision of the Professional Conduct Committee

DECISION

In the case of:	Ms Rachel Jennings
Registration Number:	4829
Committee:	Ms Sue Ware (Chair) Ms Nathalie Harvier (Lay member) Mr Kenneth McLean (Osteopathic member)
Legal Assessor:	Mr Andrew Granville Stafford

This case has been considered by the Professional Conduct Committee at a meeting under the procedure set out in Rule 8 of the General Osteopathic Council (Professional Conduct Committee) (Procedure) Rules 2000.

Allegation:

The allegation is that Ms Rachel Jennings (the Registrant) has been guilty of unacceptable professional conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993, in that:

1. From 1 May 2022 to 21 January 2024, 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 herself out to the public as registered osteopath, she 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. On 2 August 2023, the Registrant falsely declared to the GOsC through her online renewal form that she held an indemnity arrangement which meets the requirements of the Order.
 4. The Registrant's conduct as set out at paragraph 1(b) and/or paragraph 2(b) and/or 3:
 - a. was misleading; and/or
 - b. demonstrated a lack of integrity
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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 periodically check that Registrants have PII cover in place.
3. This matter came to light when the Registrant telephoned GOsC on 17 January 2024 and left a message making an enquiry about her PII cover. A member of GOsC's staff called her back the same day to inform her that in August 2023 she had self-declared to say that she had PII with Balens. On 25 January 2024, the Registrations Department emailed the Registrant asking her to confirm details of her PII cover.

4. In the meantime, the Registrant had contacted Balens, querying whether she had cover in place. She was informed that she did not.
5. On 29 January 2024, the Registrant emailed the GOSC to say that she had discovered that her Balens' PII had expired on 30 April 2022 and that she had remained without cover until 22 January 2024, when she had renewed it.
6. The Registrant explained that she had been experiencing [PRIVATE] [REDACTED] [END PRIVATE] In her written response to the allegations she stated that she had been 'horrified' to discover that her PII had lapsed, and that she had previously held cover from 2005 to 2022 with Balens, with no claims.
7. [PRIVATE] [REDACTED] [REDACTED] [END PRIVATE]
8. The Registrant admitted that she had continued practising throughout the period that no cover was in place. She said that, having failed to renew her insurance in 2022, she was sent no renewal reminders. Therefore, she failed to obtain cover in 2023 as well. She accepted responsibility for the oversight, and expressed her apology for it.
9. On 28 August 2024, the Registrant signed a Rule 8 statement, admitting the allegations in full and admitting that they constituted unacceptable professional conduct. She confirmed that she had the opportunity to seek advice and that she accepted the sanction of admonishment. She accepted that this would form part of her fitness to practise record.

Legal advice

10. 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 she does not wish the case to be dealt with at a hearing.
11. The Committee had regard to GOSC's Practice Note on the Rule 8 procedure ('the Practice Note') which 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

12. The Registrant signed a Rule 8 Statement on 28 August 2024 in which she admitted the allegations. The Registrant accepted that she was guilty of unacceptable professional conduct and accepted the sanction of admonishment. She was content for the matter to be dealt with without a hearing.
13. In light of the Registrant's admissions in her Rule 8 statement, the Committee was satisfied that she accepted all the factual particulars in the allegation.
14. The Committee bore in mind that maintaining PII cover is a statutory requirement. The Committee was therefore satisfied that the Registrant's failure to do so amounted to unacceptable professional conduct.
15. It therefore found the allegations, including unacceptable professional conduct, proved in full.

Sanction

16. Having regard to the Registrant's admissions contained in the Rule 8 Statement, the Practice Note and the Hearings and Sanctions Guidance, the Committee was satisfied that a sanction of admonishment was appropriate and proportionate in this case.
17. The Committee had regard, in particular, to paragraphs 32 and 33 of the Practice Note. These paragraphs give guidance as to cases where proceeding under the Rule 8 procedure will or will not be appropriate.
18. Whilst the Committee accepted that not having PII is a failure to adhere to appropriate standards, it accepted that in this case it was not a deliberate failing. Although in this case it persisted over a significant period of time, it had not resulted in any harm to the public. Further, it was not alleged that the Registrant's conduct involved any dishonesty.
19. The Committee took into account the testimonials and references provided by the Registrant and her own reflective statement. The Committee had regard to the Hearings and Sanctions Guidance, which states that an admonishment may be appropriate where most of the following factors are present:
 - a. There is no evidence to suggest that the osteopath poses any danger to the public.
 - b. The osteopath has shown insight into their failings.

- c. The behaviour was an isolated incident.
 - d. The behaviour was not deliberate.
 - e. There has been no repetition of the behaviour since the incident.
 - f. The osteopath had acted under duress.
 - g. The osteopath has genuinely expressed remorse.
 - h. There is evidence that the osteopath has taken rehabilitative/corrective steps.
 - i. The osteopath has previous good history.
20. Save for the factor listed at 'f', which is clearly not relevant here, the Committee found all these factors to be present in this case.
21. The Registrant has accepted responsibility for her failings and has expressed genuine apology and remorse. She has taken the appropriate corrective action. She states in her reflective piece that she appreciates the importance of maintaining insurance. In the circumstances, the Committee was satisfied that there was no danger to the public.
22. Although the Registrant lacked PII cover over a significant period, Committee accepted this could be regarded as a single, and therefore isolated, incident. It took into account the Registrant's previous good history, in that no complaints have previously been made against her and this was the only occasion during a lengthy career on which she had allowed her PII cover to lapse.
23. 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 Registrant's name will be included in this report together with details of the allegations we have found proved and the sanction that that we have applied today.