

**GENERAL OSTEOPATHIC COUNCIL  
PROFESSIONAL CONDUCT COMMITTEE**

**Case No: 703/8950**

**Interim Suspension Order Hearing**

**DECISION**

<b>Case of:</b>	Mr Christopher Willis
<b>Committee:</b>	Mr Richard Davies (Chair) Mr Alastair Cannon Mr David Propert
<b>Legal Assessor:</b>	Mr Jonathan Whitfield QC
<b>Representation for Council:</b>	Ms Grace Forbes
<b>Representation for Osteopath:</b>	Not represented
<b>Clerks to the Committee:</b>	Ms Sheena Wynn and Ms Jemima Francis
<b>Date of Hearing:</b>	07 February 2019

---

**Particulars of Concern**

The allegation is that Mr Christopher Willis has been guilty of Unacceptable Professional Conduct, contrary to Section 20(1)(a) and (b) of the Osteopaths Act 1993 in that:

1. *Since 15 June 2018 Mr Willis:*
  - a. *has been registered and practised as an osteopath;*
  - b. *has failed to obtain and maintain professional indemnity insurance cover as required by rule 3 of The General Osteopathic Council (Indemnity Arrangements) Rules Order 2015 ("the Order");*
  - c. *has known that in holding himself out to the public as a registered osteopath, he is required to hold professional indemnity insurance;*
  - d. *has treated patients despite not having appropriate professional indemnity insurance, thereby acting to the*

*potential detriment of such patients and placing them at risk.*

2. *Mr Willis failed to immediately notify the GOsC that his professional indemnity insurance cover lapsed, as required by Rule 7 of the Order.*
3. *Since 19 September 2018 Mr Willis has failed to provide proof of his current professional indemnity cover to the GOsC, despite this being requested.*
4. *By reason of the matters alleged at paragraphs 1 and/or 2 and/or 3 above, Mr Willis' conduct:*
  - a. *was misleading; and/or*
  - b. *demonstrated a lack of integrity; and / or*
  - c. *was dishonest*

---

## **Preliminary Issue**

### **Allegations**

1. There was some initial confusion on the papers as to whether allegation 4(c) (dishonesty) is to be proceeded with. Bearing this in mind the Committee has excluded the issue of dishonesty from its deliberations and has considered the case from the perspective of an uninsured risk and the potential of harm to patients.

### **Constitution of the Committee**

2. This matter came before the Investigating Committee (IC) on 25 January 2019 at which point the IC determined that this case should be referred to the Professional Conduct Committee (PCC). In so doing, the IC made no finding of fact adverse to the Registrant rather it found that there is a "real prospect of a finding" to be fully considered by the PCC.
3. That decision was followed by a decision of Mr Richard Davies on 30 January 2019, acting under delegated authority, as to whether the PCC should consider an Interim Suspension Order. In concluding that it should, Mr Davies made no finding of fact adverse to the Registrant, rather that there "may be reasonable grounds for concluding that patients have been, and are, at potential risk".
4. Mr Davies raised the issue of whether he should recuse himself from this Committee due to his role and/or decision of 30 January 2019.

5. The Committee took the advice of the Legal Assessor.
6. Mr Davies concluded (and the other members of the Committee concurred) that he need not recuse himself. Mr Davies had made no finding adverse to the Registrant. His decision was, in effect, simply that the matters alleged against the Registrant required consideration by a properly constituted committee in order to meet the overarching objective of regulatory proceedings, namely protecting the public. The GOsC's letter to the Registrant of 30 January 2019 enclosed a schedule of relevant Committee members and the Chair's referral decision of the same day. The Registrant was asked whether he had any objection but had offered none. This Committee would look at the matter before it afresh with assistance from Ms Forbes, Counsel acting on behalf of the GOsC, and with advice from the Legal Assessor.

### **Service**

7. The Committee was satisfied that notice dated 30 January 2019 had been served in accordance with the GOsC (Professional Conduct Committee) (Procedure) Rules 2000. The GOsC demonstrated that notice of this hearing was sent by recorded post to the Registrant at his address as it appears on the register. Notice was dated 30 January 2019 and was signed for by "C Willis" on 02 February 2019. Notice was also provided by way of email from an official of the GOsC to the Registrant at two email addresses in his name.

### **Proceeding in the Absence of the Registrant**

8. Ms Forbes applied to proceed with this hearing in the absence of the Registrant pursuant to Rule 22(4) of the Rules. She submitted that the Registrant had voluntarily absented himself having discontinued any engagement with the GOsC since November 2018. He had not participated in the IC proceedings and he had signed for but not responded to the above-mentioned notice.
9. The Committee accepted the advice of the Legal Assessor, that the decision to proceed in the absence of the Registrant is a decision to be taken with the utmost care and caution. The Committee had regard to the criteria set out in R v Jones [2002] UKHL 5 and the guidance given by Sir Brian Levenson in General Medical Council v Adeogba [2016] EWCA Civ 162.
10. The Committee noted that the Registrant engaged with the Council up to 7 November 2018 but had not responded to written or email correspondence since

then. In addition, he did not provide any representations to the IC in its consideration of the allegations.

11. The Committee was satisfied that the Registrant was aware of today's hearing and was also aware that the Committee may proceed without him. He was not in attendance and, there was no application by him to delay or adjourn this hearing.
12. The Committee bore in mind the overarching objective of these proceedings to protect the public, weighing that against the Registrant's interests. The Committee was satisfied that the Registrant had voluntarily absented himself from the proceedings and that it would proceed in his absence. In coming to this conclusion, the Committee determined that it would draw no adverse inference from the Registrant's absence.

### **The Hearing**

13. Ms Forbes drew the Committee's attention to the bundle of papers the entirety of which was relied upon by the GOsC. She highlighted the list of concerns set out at p81 of the bundle as encapsulating the GOsC's concerns regarding the Registrant potentially practising osteopathy without appropriate insurance. These may be summarised as follows.

The GOsC has no assurance that:

- the Registrant has current proper insurance cover (namely PII cover)
- he is not treating patients;
- there is evidence as to when he stopped treating patients, if indeed he has.

In addition:

- there is no evidence as to the Registrant's circumstances, including whether he has any "run-off" insurance in the context of his apparent desire to change career; and,
- he has given no indication that he has thought about the situation regarding those patients that he appears to have treated whilst without PII during 2018.

14. In the round Ms Forbes submitted that in the absence of any indication to the contrary there is evidence that the Registrant is or may be practising as an osteopath and doing so without insurance. As such there may be a substantial risk to the public.
15. Ms Forbes reminded the Committee that it should only suspend an osteopath if it 'is satisfied it is necessary to do so to protect members of the public'. She reminded the Committee that the test is a narrow one namely that there must be a real and continuing risk.

16. The Committee has accepted the advice of the Legal Assessor.

### **Decision**

17. The Committee acknowledged that the over-riding objective of these proceedings is to protect the public and that it should consider the issue of current or future risk in light of the allegations.
18. The Committee has determined that it should make an interim order of suspension until the case is substantively disposed of. In coming to this conclusion, it observes that it is not determining the alleged facts, only the potential risk to the public were the facts to be proved. It has kept in mind the impact such an order may have on the Registrant's ability to practise.
19. The Committee was concerned that the Registrant is alleged to have practised without Professional Indemnity Insurance (PII) as required by statute. The Committee noted that the Registrant appears to have taken out Public Liability Insurance (PLI) with an insurance company. This is not the same as PII.
20. PII is intended to provide full financial protection and recompense to patients should injury be occasioned in the course of osteopathic treatment. It may also protect a registrant in the event of such a claim.
21. There is correspondence within the bundle dated 19 September 2018 and 23 October 2018 from which it is clear that the GOsC asked the Registrant to provide evidence of current PII cover. By email dated 6 November 2018 the Registrant provided copies of his PLI cover. On the same date the GOsC pointed out that this was not PII cover. On 7 November 2018 the Registrant advised that he was not aware of his mistake in taking out PLI cover rather than PII cover and was making enquiries of another insurance provider. Despite this the Registrant has provided no evidence of current PII cover and or "run-off" cover for any patients treated whilst uninsured.
22. On 7 November 2018 the Registrant informed the GOsC that he "[hadn't] been treating anyway. I'm only just getting back into treating...". He continues that "I wasn't planning on treating for now anyway so there's no problem."
23. In further contradiction to his stated intention over 'getting back into treating...', on 14 November 2018 the Registrant applied to leave the Register of Osteopaths. On 19 November 2018 the GOsC responded that he could not be removed until the current allegations had been disposed of. The Registrant was again asked to provide evidence of PII cover. He has not done so.

24. The Committee concluded that there is not clear whether the Registrant is currently practising or intends to do so. In addition, the reference to "no problem" suggests a lack of understanding and insight into the seriousness of being on the Register without the statutory PII, whether or not that registration is 'active' or 'dormant'.
25. From the above the Committee concluded that the Registrant remains on the Register of Osteopaths in current practice. He is thus entitled to hold himself out as an Osteopath and were there to be no ISO in place he could practise as such. He has provided no evidence of current PII and, may not appear to understand the importance of this.
26. Whilst it is mindful that the burden of proving matters remains with the GOsC the Committee notes that there is no information from the Registrant to confirm that he is insured. The Committee determined that the uncertainty as to the state of the Registrant's practice and the lack of PII presents a serious risk to the public and that it is necessary to impose an interim suspension order to meet that risk.
27. The Committee has borne in mind the impact that this order may have upon the Registrant. Nonetheless the Committee is satisfied that an order is necessary to protect the public in view of the serious nature of the alleged concerns, the lack of reassurance that the concerns have been addressed, the likelihood of repetition and the harm that could be caused to patients if the alleged conduct was continued or repeated.