



Meeting of Council

Minutes of Item 5: Fraud and Error in relation to registration – Report on the Registrar’s investigation held on Tuesday 15 July 2025 at Osteopathy House 176 Tower Bridge Road, London SE1 3LU and via Go-to-Meeting video conference.

Confirmed

Chair: Jo Clift

Present: Dr Daniel Bailey

Harry Barton (Chair, Audit Committee)

Sandie Ennis

Professor Patricia McClure (Chair, Policy and Education Committee)

Gabrielle Anderson (Council Associate)

Caroline Guy

Gill Edelman

Professor Debra Towse (Chair, People Committee)

Arwel Roberts (Council Associate)

In attendance: Sheleen McCormack, Director of Fitness to Practise and General Counsel

Preliminary Matters

1. As a preliminary matter, Council first addressed whether sufficient and fair notice of today’s meeting was provided to Mr Siqueira Silva. The Council was advised that the Act was silent on any notice period required and was referred to rule 3(1)(a)(b)(i) the Fraud or Error and Appeal Rules 1999 which provide for service on the registrant’s address in the register. GOsC wrote to and emailed Mr Siqueria Silva on 30 May 2025, informing him that Council would be considering



the matter at its meeting on 15 July 2025 and that he has the right to attend the public parts of the meeting and submit further information. Mr Siqueira Silva responded on 4 June 2025, stating 'I would like to formally inform you that I kindly refuse my right to attend the upcoming public meeting.' GOsC sent further correspondence on 27 June 2025 to Mr Siqueira Silva confirming slight amendments to the allegation Council was due to consider. Mr Siqueira Silva provided a response acknowledging receipt that same day but did not change his position on attending the meeting.

2. As a reference point as to sufficient notice, Council took into consideration notice which is prescribed for service of fitness to practise proceedings which is 28 days. It considered that Mr Siqueira Silva had been provided with sufficient notice of its meeting today and decided that proper service had been effected.
3. In reaching a decision on proceeding in absence, Council noted that it had a discretion to proceed in Mr Siqueira Silva's absence. It was mindful that this discretion should be exercised with care and caution. Council had regard to the email from Mr Siqueira Silva set out above where he stated that he refused his right to attending the meeting. It considered that he had voluntarily chosen to absent himself from the hearing. In reaching a decision, Council noted that there would be some disadvantage to Mr Siqueira Silva in not being able to state his position, but it noted that this was mitigated by the written submissions and documents he had submitted for consideration, including the detailed representations from a solicitor he had engaged to respond to concerns from the New Zealand Health and Disability Commissioner (HDC). The Council did not consider that adjourning consideration of the case would likely result in Mr Siqueira Silva attending a future meeting, nor had he requested an adjournment.
4. In all the circumstances, Council was satisfied that Mr Siqueira Silva had been given sufficient notice of today's meeting and it was both appropriate and fair to proceed and determine the issue in his absence.

Council's Approach

5. Section 10(1) of the Act provides as follows:



'The Registrar shall investigate any allegation that an entry in the register has been fraudulently procured or incorrectly made and report on the result of his investigation to the General Council'.

6. Council was advised that in its approach to making a decision it must have regard to the statutory scheme contained in Section 10 (5) of the Act which provides that if, having considered the Registrar's report, the Council is satisfied that the entry in question is fraudulent or incorrectly made, it may order the Registrar to remove the entry.
7. There are therefore two matters for the Council to consider in relation to Mr Siqueria Silva's entry on the Register:
 - a. Was the entry in question fraudulently procured or incorrectly made?
 - b. If the Council is satisfied that it was, on either of those bases, does it wish to order the Registrar to remove the entry?
8. The first question is one of fact. In coming to its decision the Council will consider the information provided by Mr Siqueria Silva on both his GOsC Application for Restoration form and in light of the subsequent information provided by the HDC and OCNZ. The Council should also take into account the documentation supplied by Mr Siqueria Silva.
9. Once the Council has made its finding on fact, it must then consider whether to order the Registrar to remove Mr Siqueria Silva's entry from the register. In doing so Council members should have in mind the purpose of Section 10 which is to ensure that only those who should be admitted to the register have an entry on it.
10. The allegation for Council to consider in relation to Mr Siqueira Silva's entry on the Register is as follows:
 - a) In his application form for Restoration to the Osteopaths Register (the form) dated 27 August 2024, in response to Question 5(d) and 5(e) and 5(g) on the form, namely whether he ever had any disciplinary findings and/or



investigations and/ or police investigations made against him in the UK or any other country, he wrote "N" in the box for each question.

b) He signed the form as accurate and true when he knew (or ought to have known) there were investigations being conducted and/or findings had been made against him:

- (i) by the Deputy Health and Disability Commissioner of New Zealand and/or
- (ii) by the Osteopathic Council of New Zealand and/or
- (iii) by the police in New Zealand.

In light of paragraphs a) and b) above, the Registrar would not have been satisfied that Mr Siqueira Silva was of good character and permitted him entry onto the Osteopaths Register.

Background

11. In order to register with the GOsC, Mr Siqueira Silva submitted an application for restoration (the form) to GOsC dated 27 August 2024. Question 5(d) on the form asks the following question: 'Have you ever had any disciplinary findings made against you in the UK or another country'. The two options to complete this box are either 'Y' for Yes or 'N' for No. Mr Siqueira inserted 'N' in answer to this question.

12. Question 5(e) of the form asks the following question: 'Are you (i) currently subject to any disciplinary investigations in the UK or any other country, and/or (ii) aware of any impending or future disciplinary investigations in the UK or any other country?' The two options to complete this box are either 'Y' for Yes or 'N' for No. Mr Siqueira Silva inserted 'N' in answer to this question.

13. Question 5(g) on the form asks the following question: 'Are you currently the subject of any police investigation or criminal proceedings in the UK or any other country?'. The two options to complete this box are either 'Y' for Yes or 'N' for No. Mr Siqueira Silva inserted 'N' in answer to this question.



14. As part of the GOsC registration process, Mr Siqueria Silva submitted a Brazilian police check (dated 13 August 2024) and a New Zealand police check (dated 15 May 2024) as part of his application. Both showed that Mr Siqueria Silva did not have a criminal record as at the date issued.
15. GOsC did not receive a Letter of Good Standing from the Osteopathic Council of New Zealand (OCNZ) which is a document that would normally be received for this type of restoration application made by Mr Siqueria Silva. This was an oversight on our part. Mr Siqueria Silva submitted a copy of an OCNZ annual practising certificate to GOsC instead.
16. On 17 March 2025, GOsC received a report from The Health and Disability Commissioner (HDC), based in New Zealand. The report outlined the opinion of the HDC Commissioner having considered concerns raised against Mr Marcelo Siqueria Silva by a patient (Patient A).
17. A summary of the concerns raised within the HDC report is detailed below:
18. Patient A went to see Mr Siqueria Silva while he was working as an osteopath in New Zealand. Her treatment with him commenced in Sept 2021. It is alleged that Mr Siqueria Silva was over friendly with Patient A, and a friendship between them ensued. His text messages to Patient A became flirtatious and then became sexual. Both Mr Siqueria Silva and Patient A would hug at the start of treatment, for example, and that 'the hugs began to feel romantic, and from time to time [Mr Siqueria Silva] would rest his hand on her.' It is further alleged that Mr Siqueria Silva informed Patient A that he needed to touch her vagina as part of a pelvic floor treatment. In June 2022, Mr Siqueria Silva tried to kiss Patient A. In March 2023, he treated Patient A at her home. Patient A told the police in New Zealand that it was during this treatment that Mr Siqueria Silva indecently assaulted her by touching her inappropriately. At a final appointment at the clinic, Patient A claimed that Mr Siqueria Silva again indecently assaulted her. In October 2023 Patient A made a complaint to police in New Zealand against Mr Siqueria Silva setting out the allegations of indecent assault.
19. On 02 April 2025, the GOsC sent a notice of suspension to Mr Siqueria Silva to confirm that that we were investigating an allegation that his registration had been fraudulently procured or incorrectly made in accordance with section 10(1)



of the Osteopaths Act 1993 and that the GOSc Registrar proposed to suspend his registration pursuant to the above allegation set out at paragraph 10. On 14 April 2025, Mr Siqueria Silva responded to GOSc's notice of suspension letter by email. Within this email he stated, 'I am writing to formally confirm my acceptance of the registration suspension. I will cease practicing as an Osteopath effective from 17 April 2025, with my last day at the clinic being 16 April 2025'. Mr Siqueria Silva attached a number of documents including a reference from a practice where he worked in Auckland; two patient references; a letter of apology to Patient A; a detailed response to the HDC and a letter from his counsel, Belinda Jones, dated 3 December 2024, addressed to the Director of Proceedings at the HDC where she acknowledged on Mr Siqueria Silva's behalf 'his inappropriate and unprofessional behaviour' towards Patient A. It is also noted that Mr Siqueria's Silva's counsel makes reference to the HDC's allegations of indecent assault being investigated by the New Zealand Police.

20. On 9 April 2025, the OCNZ confirmed to GOSc that as a result of the notification from the HDC and with the understanding that Mr Siqueria Silva had left New Zealand, that interim conditions had been imposed on Mr Siqueria Silva's scope of practice. Mr Siqueria Silva was provided an opportunity to make submissions on the proposed conditions. OCNZ confirmed that he acknowledged acceptance of the proposed conditions via email.
21. OCNZ also confirmed that they subsequently determined to impose conditions on Mr Siqueria Silva which included informing them if he intended to return to New Zealand and, if he did, that he must seek Council approval for any practice location where he intends to practice. He would also be required to practice at a location where at least one other health practitioner was practising and all patients must be accompanied by a chaperone.

Council Decision

22. In arriving at its decision Council had regard to the GOSc's overarching, statutory objective to protect the public and act in the wider public interest and the need to maintain the integrity of the GOSc register and uphold the reputation of the profession.



23. In an email to GOsC dated 27 June 2025, Mr Siqueira Silva stated that he submitted his application to GOsC prior to receiving a 'response' from the HDC and that there was no police investigation against him in New Zealand. However, the Council noted that the form encompassed both disciplinary investigations and future or impending disciplinary investigations. Council considered from the evidence presented to it that Mr Siqueira Silva was aware that there was a complaint being investigated by the HDC in relation to him since 26 October 2023. By email dated 5 December 2023, he had also accepted the conditions imposed by OCNZ. Council also noted that a detailed response to the HDC had been sent from counsel he had instructed, Belinda Jones. In this letter, dated 3 December 2024, addressed to the Director of Proceedings at the HDC, Ms Jones acknowledged on Mr Siqueira Silva's behalf 'his inappropriate and unprofessional behaviour' towards Patient A. Council also noted that reference was made by Mr Siqueira's Silva's counsel to the HDC's allegations of indecent assault being investigated by the New Zealand Police.
24. Council was of the view that the meaning of disciplinary investigation /findings should bear its normal, everyday meaning. It also noted that on the GOsC form completed and signed by Mr Siqueira Silva, disciplinary findings includes 'findings made by a regulator, professional body, education body, tribunal or employer'. In all the circumstances, Council was satisfied that Mr Siqueira Silva knew and/or ought to have known that investigations were being conducted by the HDC and OCNZ and the police. Council therefore decided that Mr Siqueira Silva's entry in the Register had been fraudulently procured and incorrectly made.
25. The Council then went on to consider whether it should order the Registrar to remove Mr Siqueira Silva's entry from the register. Mr Siqueira Silva had signed the form as accurate and true to the best of his knowledge when he knew that this was untrue. Council considered that this raised serious concerns about his honesty and integrity. The complaint being investigated by the HDC involved serious allegations of breaching boundaries with a patient. The Council was in no doubt that his alleged conduct was serious and represented a risk to patient safety, professional standards and public confidence in the profession.
26. Central to the Council's deliberations was protecting the public. The Osteopathic Practice Standards (OPS), requires that Osteopaths must act with honesty and integrity and uphold high standards of professional and personal conduct to ensure public trust and confidence in the profession. In particular, D12 provides



that Osteopaths must inform GOsC as soon as is practicable of any significant information regarding their conduct and competence and cooperate with any requests for information or investigation and comply with all regulatory requirements. The Council considered that Mr Siqueira Silva's conduct represented a particularly serious breach of the OPS in making an untrue statement to the GOsC in order to obtain entry to the profession. In reaching a decision Council took into account a reference from a practice where Mr Siqueira Silva had worked in Auckland; two patient references and a letter of apology to Patient A.

27. Council considered that there was a lack of insight, remorse and contrition shown by Mr Siqueira Silva in his apparent disregard of the impact on the reputation of the profession and most importantly his disregard for the concerns relating to patient safety. Council concluded that Mr Siqueira Silva does not satisfy the good character requirement under section 3 of the Act. Council determined in all the circumstances and in furtherance of the protection of the public and the wider public interest, Mr Siqueira Silva should be removed from the Register.
28. Mr Siqueira Silva has a right of appeal to the County Court. Mr Siqueira Silva was suspended from the Register by the Registrar effective from 17 April 2025 for a period of six months. The order made by Council will not come into effect until twenty eight days after this decision has been served on Mr Siqueira Silva because of the appeal period afforded under the Act. The interim suspension imposed by the Registrar will cover this appeal period.

Agreed: Council agreed that in accordance with Section 10 of the Osteopaths Act 1993 and (Fraud or Error Appeals) Rules 1999 (the 1999 Rules) that the Registrar should be ordered to remove Mr Siqueira Silva from the Register.