

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 584/3790

Interim Suspension Order Hearing

DECISION

Case of: Michael Hammond

Committee: Prof. Brian L Gomes da Costa (Chair)
Mark Osborne (Lay member)
Jackie Salter (Osteopath)

Legal Assessor: Peter Steel

Representation for Council: Chris Gillespie

Representation for Osteopath: Cassandra Dighton

Clerk to the Committee: Jemima Francis

Date of Hearing: 15 December 2016

Allegation:

1. The allegation is that Mr Michael Hammond has been guilty of unacceptable professional conduct, contrary to section 20 (1) (a) of the Osteopaths Act 1993 in that:

1) On occasion(s) unknown, Mr Hammond:

a) engaged in an inappropriate sexual relationship with patient B while she was receiving treatment at his practice;

b) filmed a sexual encounter with patient B as described at 1(a) above, on a device within a pen.

2) Mr Hammond did not obtain patient B's consent to record the act described in paragraph 1 above.

3) By virtue of the conduct describe at paragraphs 1 and 2 above, Mr Hammond's actions were:

- a) inappropriate;
- b) sexually motivated and/or
- c) an abuse of his professional position.

Background

2. The allegation against the Registrant relates to an inappropriate sexual relationship. The matter came to the Council's attention when the North Wales Police wrote on 1 September 2016 to inform it that the Registrant was being investigated for filming a sexual encounter with a female patient while she was receiving treatment at his practice. The police said that the Registrant had admitted to filming the act deliberately on a device within a pen, which was situated on his desk. The police also reported that the Registrant had admitted that the female was not aware she was being filmed.

3. Further detail was provided by the police in an email to the Council dated 30 November 2016. The covert footage was thought to date from 2011. The police indicated that the female (Patient B) was initially a patient of the registrant. Mr Hammond had however said that he and Patient B had begun an affair and a sexual relationship. The Registrant said that this relationship had lasted for approximately six months. The Registrant also admitted showing the recording to his ex-partner.

4. The matter was considered by the Investigation Committee on 2 December 2016 who referred it for hearing before the Professional Conduct Committee.

Application for Interim Suspension Order

5. Mr Gillespie for the Council submitted that an Interim Suspension Order was necessary in this case for the protection of members of the public. He submitted that the Registrant faced serious allegations concerning an inappropriate sexual relationship with a patient and the sexually motivated covert recording of a sexual encounter with that person. The alleged conduct occurred at the address registered with the Council for the Registrant's osteopathic practice.

6. Mr Gillespie submitted that the Registrant had abused his position as an osteopath to have an affair with someone who was at some point his patient. According to the police report, his ex-partner, who had reported the matter, was also formerly his patient, which suggested a risk of repetition of the alleged

misconduct. He had admitted recording a sexual encounter with Patient B as well as broadcasting the recording to his ex-partner, which was an aggravating factor. Though there remained a dispute about whether the female in question was his patient at the time of the recording, the Registrant's admitted conduct presented an obvious risk to members of the public who would be at risk of harm from an osteopath who abused his position in this way.

7. Ms Dighton observed on behalf of the Registrant that he was very clear that Patient B was not his patient at the time of the incident. It was also clear in her submission that this was an isolated incident and that there was no evidence of further instances of his recording patients without consent. As regards the time frame for any order, Ms Dighton accepted that section 25 of the Osteopaths Act 1993 acted in a practical way to provide registrants with a safeguard.

Decision

8. The Committee carefully considered the evidence in the bundle before it and the submissions made by Mr Gillespie on behalf of the Council and the observations by Ms Dighton on behalf of the Registrant. It accepted the advice of the Legal Assessor. It has also had regard to the Guidance on Interim Suspension Orders issued by the Council. The Committee is very much aware that it is no part of its function to decide the facts of the case. The purpose of today's hearing is solely to assess whether there is a real and continuing risk to the public and, if so, whether an Interim Suspension Order is necessary to protect the public from that risk.

9. The Committee considers that the allegations against Mr Hammond are extremely serious. They involve a potentially criminal act (covertly recording a sexual encounter with a female without consent) committed in the course of his practice as an osteopath. This incident took place at his practice. The Committee noted that Mr Hammond denies the female was his patient at the time of the recording, though he otherwise admitted the allegations. The Committee noted that Mr Hammond's ex-partner, who had reported the matter to the police, was also a former patient and took the view that this indicated a risk that he might in the future abuse his professional position to pursue inappropriate relationships.

10. The Committee is satisfied having taken into account all these matters that there is a risk to the public and therefore that an Interim Suspension Order is necessary for the protection of the public. This order will have effect until the Professional Conduct Committee decides on the allegations against the Registrant, subject to his right to appeal this decision or to apply to revoke the order under section 25 of the Act.

11. In arriving at that decision, the Committee bore in mind the principle of proportionality and the necessity of balancing the need to protect the public against the serious consequences for the Registrant. Nevertheless, the

Committee was clear that an Interim Suspension Order was necessary in this case and would not be disproportionate given the potential risk and the potential harm that a repetition of such conduct could cause to members of the public.

12. As noted above, there is a right of appeal in accordance with section 24 of the Osteopaths Act 1993.