

GENERAL OSTEOPATHIC COUNCIL
HEALTH COMMITTEE

Case No: 665/1698 & 804/1698

HC Hearing

DECISION

Case of: Rajesh Bahbra

Committee: Nora Nanayakkara (Chair)
Morag MacKellar (Lay)
Abby Mulholland (Osteopath)

Medical Assessor: Dr. David Haldane

Legal Assessor: Tim Grey

Representation for Council: Rachel Birks

Representation for Osteopath: Neil Corre (the Registrant did not attend)

Clerk to the Committee: Sajinee Padhiar

Date of Hearing: 8 September 2023

Summary of Decision:

The Committee determined that it was necessary to extend the period of suspension for a period of 30 months.

Original Allegations:

[REDACTED]

[REDACTED]

[REDACTED]

GENERAL OSTEOPATHIC COUNCIL
HEALTH COMMITTEE

Case No: 804/1698

Review Hearing

DECISION

Case of: Mr Rajesh Bahbra

Committee: Mr Andrew Harvey(Chairman)
Mr Tom Bedford (Osteopathic Member)
Ms Sue Ware (Lay Member)

Legal Assessor: Mr Alastair McFarlane

Medical Assessor: Dr David Haldane

Representation for Council: Mr Andrew Faux

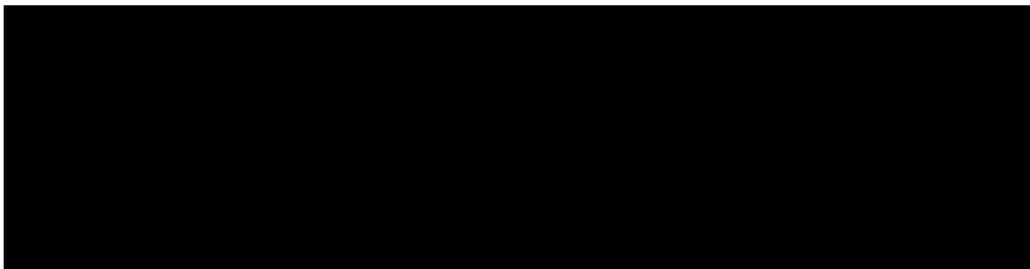
Representation for Osteopath: Mr Neil Corre

Clerk to the Committee: Miss Sajinee Padhiar

Date of Hearing: Friday 11 November 2022

Summary of Decision: Application to remit to PCC refused. Impairment continuing and 313 day suspension with review imposed.

Preliminary Matters



GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 804/1698

Professional Conduct Committee Hearing

DECISION

Case of: Rajesh BAHBRA

Committee: Andy Skelton (Chair)
Colin Childs (Lay)
Barry Kleinberg (Osteopath)

Legal Assessor: Mr Jon Whitfield QC

Representation for Council: Mr Scott Ivill

Representation for Osteopath: Mr Neil Corre

Clerk to the Committee: Sajinee Padhiar

Date of Hearing: 14 & 15 February 2022

Location: Virtual (by video conference)

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Summary of Decision:

Stage One

Hearing in Private

The Committee determined that the case should be heard in private.

Decision on Facts

The allegation is that Rajesh Bahrba (the Registrant) has been convicted in the United Kingdom of a criminal offence contrary to section 20(1)(c) of the Osteopath Act 1993, in that:

1. On 17 March 2020, you were convicted at Surrey Magistrates' Court of two counts of driving a motor vehicle with [REDACTED] on 5 September 2019, contrary to section 5A(1)(a) of the Road Traffic Act 1988.

Admitted and found proved

Stage Two

Summary of Finding on convictions

The Committee found that the convictions admitted and found proved are materially relevant to the Registrant's fitness to practise osteopathy.

Stage Three

Sanction

For the reasons set out herein the Committee determined that the appropriate sanction is one of suspension for nine months.

Transfer to the Health Committee

Having imposed a Suspension Order, the Committee deemed it proper to transfer this case for consideration by the Health Committee. It concluded that it was "more appropriate" for the Health Committee to include this health-related matter in its review of the Registrant's health and fitness to practise to be conducted later this year.

Details of Decision

Preliminary Matters

1. The parties and the Panel introduced themselves.

Declarations and Membership of the Committee

2. Prior to the commencement of a hearing each member of the Professional Conduct Committee (PCC) is required to declare that they know of no reason why they should not sit upon the case. This declaration is intended to ensure that fairness is done and is seen to be done to all parties.
3. Members disclosed that they had been involved in previous hearings related to the Registrant's health. Mr Childs was a member of an Interim Order Panel (IOP) dealing with health-related issues. These issues were subsequently dealt with by the Health Committee (HC) which imposed a suspension order. Mr Skelton and Mr Kleinberg were members of a Review Committee which subsequently reviewed and extended the period of suspension for continued health reasons.
4. Mr Ivill and Mr Corre were aware of the above and were content that the Committee should remain as currently constituted.
5. The Committee accepted the advice of the Legal Assessor.
6. The Committee determined that it should proceed as constituted being satisfied that it could and would ensure the Registrant received a fair hearing. It considered that a reasonable member of the public, properly informed of the facts, would not regard the Committee as biased or as having the appearance of bias. The Committee took account of the overarching objective and the fact that any Committee seized of this case would necessarily be made aware of the matters before the Health Committee including the facts admitted, the sanction imposed, the reasons for that sanction and any progress toward remediation by the Registrant.

Proceeding in Private

7. Mr Corre applied to have this hearing in private because the circumstances of the case were so closely linked to the Registrant's health and related matters.
8. Mr Ivill made no contrary submission.
9. The Committee accepted the advice of the Legal Assessor.

10. The Committee concluded that the case should be heard in private.
11. Whilst the case concerned criminal offences which might normally be heard in public, the context was that they occurred in circumstances closely linked with the Registrant's health. The Committee determined that the Registrant's right to privacy in matters of health outweighed the public interest of a public hearing.

Under section 31 of the Osteopaths Act 1993 there is a right of appeal against the Committee's decision.

The Registrant will be notified of the Committee's decision in writing in due course.

All final decisions of the Professional Conduct Committee are considered by the Professional Standards Authority for Health and Social Care (PSA). Section 29 of the NHS Reform and Healthcare Professions Act 2002 (as amended) provides that the PSA may refer a decision of the Professional Conduct Committee to the High Court if it considers that the decision is not sufficient for the protection of the public.

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.

GENERAL OSTEOPATHIC COUNCIL
HEALTH COMMITTEE

Case No: 665/1698

Review Hearing

DECISION

Case of: Mr Rajesh Bahbra

Committee: Mr Alastair Cannon (Chairman)
Mr Kenneth McLean (Osteopathic Member)
Ms Morag Mackellar (Lay Member)

Legal Assessor: Mr Alastair McFarlane

Medical Assessor: Dr Tim Garvey

Representation for Council: Mr Andrew Faux

Representation for Osteopath: Mr Paul Grant

Clerk to the Committee: Miss Sajinee Padhiar

Date of Hearing: Tuesday 20 September 2022

Summary of Decision: The Committee decided to extend the suspension order by a period of 12 months.
