

**GENERAL OSTEOPATHIC COUNCIL**  
**PROFESSIONAL CONDUCT COMMITTEE**

**Case No:622/6013**

**Interim Suspension Order Hearing**

**DECISION**

**Case of:** Mr Salah Said

**Committee:** Mr Alastair Cannon  
Ms Nora Nanayakkara  
Mr David Probert

**Legal Assessor:** Andrew Webster

**Representation for Council:** Ms Laura Stephenson

**Representation for Osteopath:** Mr Stuart Sutton

**Clerk to the Committee:** Mrs Sheena Wynn

**Date of Hearing:** 5 September 2018

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**Background:**

- [1]. On 30 August 2018 the Investigating Committee determined that there was a case to answer by Mr Said in respect of an allegation that he “has been guilty of Unacceptable Professional Conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993 in that on 1 June 2018 the Metropolitan Police charged Mr Said with one count of sexual assault by penetration of a female over 16.” An interim suspension order was imposed by the Investigating Committee on 6 July 2018.
- [2]. Ms Stephenson, on behalf of the GOsC, submitted that an interim order of suspension was necessary in the light of the seriousness of the allegation of sexual assault in May 2017 involving the touching of a patient’s (Patient A’s) genitals under clothing in course of the consultation which was presented as a legitimate part of the examination. She submitted that, if proved, it constituted a significant breach of trust. Whilst no further reports of this nature have been brought to the attention of the GOsC since the

alleged events, the allegation was of such a nature that there is a real danger it might be repeated. She submitted that the severity of harm, if repeated, is obvious: Patient A was said to have been traumatised. It was significant that Mr Said had been charged, which indicated that the independent prosecutor had determined that there was a realistic prospect of success in respect of the criminal proceedings that had been commenced. No other assurances were in place that might indicate that an interim order was unnecessary. Whilst there might be financial consequences for Mr Said, the management of risk to patients was paramount.

- [3]. Mr Sutton, on behalf of Mr Said, submitted that he denied the allegation. Mr Said had not been arrested, had attended the police voluntarily, and had been released without bail conditions. He observed that the allegation was brought to the attention of the GOsC in May 2017. No interim suspension order was imposed until July 2018. During that period, no subsequent complaints had come to light. In view of that he submitted that there was no real risk going forward. He said Mr Said accepted the seriousness of the allegation, but prosecution of Mr Said did not mean that Mr Said was guilty. He observed that a significant number of those prosecuted for alleged sexual offences were ultimately acquitted. Mr Said could not afford a chaperone and without being able to work it would have a financial consequence for him. He submitted that Mr Said was of good character, did not pose a risk to any member of the public, and that an interim order was not necessary.
- [4]. The Committee had regard to the legal advice tendered by the Legal Assessor and the *Guidance for the Fitness to Practice Committees on imposing Interim Suspension Orders*.

**Decision:**

- [5]. The Committee has determined that an interim suspension order is necessary in order to protect the members of the public.
- [6]. In reaching its decision the Committee had regard to the serious nature of the allegation made against Mr Said, involving a complaint of sexually touching a patient under her clothing during a consultation, presented as a legitimate part of the examination and which, if proved, would constitute a breach of trust. In weighing the information before it the Committee noted that a complaint was made by Patient A to the Police promptly after the alleged incident. The Committee noted in particular that the prosecuting authority in considering the weight to be placed on the allegation clearly had concluded that it was not manifestly unfounded and that it had passed the test that there had to be a realistic prospect of success. Whilst there were no subsequent complaints, the Committee considered that the

nature of the alleged incident was such that it could not exclude a material risk of repetition. Were the alleged conduct to be repeated, the risk of harm to the public was severe. There were no assurances offered to the Committee that might be put in place such that an interim order of suspension would be rendered unnecessary. In the circumstances, the Committee was satisfied that there are potentially significant consequences for public protection if Mr Said is permitted to continue in practice whilst the criminal proceedings and the professional regulatory proceedings are continuing.

- [7]. Whilst the Committee noted that the order removes Mr Said's ability to practise, it was satisfied that the order was proportionate because to make no order would offer no protection to the members of the public and the Committee determined that the risk of future harm was so significant that only an interim order of suspension would manage that risk.

There is a right of appeal in accordance with section 24 of the Osteopaths Act 1993.