

**GENERAL OSTEOPATHIC COUNCIL**  
**PROFESSIONAL CONDUCT PANEL**

**Case No: 905/8532**

**Professional Conduct Panel Hearing**

**DECISION**

**Case of:** Milli Valentova

**Panel:** Ms Ware (Lay Chair)  
Ms Johal (Lay)  
Ms Easter (Osteopath)

**Legal Assessor:** Mr Whitfield KC

**Representation for Council:** Mr Geering, Counsel  
Mr Mullin, Counsel (1 April 2026)

**Representation for Osteopath:** Mr Dayle, Counsel  
1 April 2026 not present, not represented

**Clerk to the Panel:** Ms Padhiar

**Date of Hearing:** 21, 24, 25, 26, 27 November 2025  
8 January 2026 (Panel in private)  
1 April 2026

**Summary of Decision:**

The Panel found proved

Allegation 1, 2 Re Schedule 1 (iii), (iv), (v), (vii), 3(b) in part, 4, 5(a), 5(b), 6(a), 6(b), 7(a) and 7(b) both regarding Allegation 3(b) in part, 8(a), 8(b)

The Panel found not proved

Allegation 2 Re Schedule 1 (i), (ii), (v), (vi), 3(a), 3(c), 7(a) and 7(b) both regarding Allegation 3(a) and 3(c), 9(a), 9(b)

UPC: Found proved in respect of Allegations 1, 2 Re Schedule 1 (iii), (iv), (v), (vii), 3(b) in part, 4, 6(a), 6(b), 7(a) and 7(b) both regarding Allegation 3(b) in part, 8(a), 8(b)  
Found not proved regarding Allegations 5(a) and (b)

Sanction: Removal from the Register

ISO: Imposed for the appeal period

## **Allegation and Facts:**

### **Allegation**

The allegation is that Milli Valentova (the Registrant) has been guilty of unacceptable professional conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993, in that:

1. Person A was employed by the Registrant between 2020 and 2022.

**Denied. Found proved**

2. Between 2021 and 2023, the Registrant made comments and/or engaged in behaviour towards Person A, as set out Schedule 1, or words to that effect.

**Denied.**

**Found proved re Schedule 1 paragraphs (iii), (iv), (v) and (vii).**

**Found not proved re Schedule 1 paragraphs (i), (ii) and (vi)**

3. On more or more occasions B between 2018 and 2022, the Registrant:

- a) informed patients that the card machine was not functioning when she knew it was functioning;

**Denied. Found not proved**

- b) altered and/or deleted digital and/or physical patients' appointment records;

**Denied. Found proved**

- c) failed to complete clinical notes for attending patients.

**Denied. Found not proved**

4. On one or more occasions ~~an unknown date~~ in or around 2021, the Registrant instructed Person A to undertake a continuous professional development activity on her behalf.

**Denied. Found proved**

5. On or around August 2023 made one or more inaccurate reports to a landlord in respect of Person A and / or her family alleging:

- a. Person A / partner smoked cannabis,

**Denied. Found proved**

- b. Person A / partner ran a business from their flat.

**Denied. Found proved**

6. ~~5.~~ The Registrant's conduct as set out at particular 2 ~~was~~:

a) was inappropriate;

**Denied.**

**Found proved re Schedule 1 paragraphs (iii), (iv), (v), (vii)**

**Found not proved re Schedule 1 paragraphs (i), (ii), (vi)**

b) ~~discriminatory~~ discriminated ~~by reason of~~ against Person A because of her's pregnancy and/or maternity leave.

**Denied**

**Found proved re Schedule 1 paragraphs (iv), (v), (vii)**

**Found not proved re Schedule 1 paragraphs (i), (ii), (iii), (vi)**

7. ~~6.~~ The Registrant's conduct as set out at particular 3:

a. lacked integrity.

**Denied**

**Found proved regarding Allegation 3(b)**

**Found not proved regarding Allegation 3(a) and 3(c)**

b. was dishonest in that

i. In respect of 3 (a) she knew the statement was wrong;

**Denied. Found not proved**

ii. In respect of 3 (b) and (c) she intended that the records and / or clinical notes for patients would be inaccurate;

**Denied**

**Found proved regarding Allegation 3(b)**

**Found not proved regarding Allegation 3(c)**

8. The Registrant's conduct at particular 4;

a. lacked integrity.

**Denied. Found proved**

b. was dishonest in that the Registrant knew it was improper for her CPD to be completed by someone else

**Denied. Found proved**

~~, particulars 3 in its entirety and 4;~~

~~a) was dishonest;~~

~~b) was misleading;~~

~~c) lacked integrity~~

9. The Registrant's conduct at particular 5:

a. lacked integrity.

**Denied. Found not proved**

b. was dishonest in that she knew the information provided to the council was wrong.

**Denied. Found not proved**

Schedule 1

i) Shouted at Person A regarding leaving keys on a desk.

**Denied. Found not proved**

ii) Commented that a previous receptionist was "stupid" and stating to Person A something along the lines of "You're not that stupid are you?" or words to that effect.

**Denied. Found not proved**

iii) "Don't put me down as a reference. I will tell everyone you do drugs and you brought drugs into my clinic", or words to that effect.

**Denied. Found proved**

iv) "Oh you think you are so smart. You are going to sit at home on your arse with your brat and take money off me", or words to that effect.

**Denied. Found proved**

v) "Don't you get it? I want you gone. I want you to leave ", or words to that effect.

**Denied. Found proved**

vi) "if you want to be stupid, I'll speak to you like you're stupid", or words to that effect

**Denied. Found not proved**

vii) Pressured Person A to resign prior to her maternity leave.

**Denied. Found not proved**

**Preliminary Matters**

1. Mr Geering applied to amend the Allegation as set out above with deletions in red and additional or replacement wording in blue. Mr Geering submitted that the amendments clarified the conduct alleged and reflected the evidence he sought to rely upon. In addition he sought to particularise dishonesty rather than being implied. Mr Geering submitted that the alterations did not change the substance of the case and caused no prejudice to the Registrant.

2. Mr Dayle confirmed that he was aware of the application, it did not cause prejudice and that he did not object.

### **Decision**

3. The Panel accepted the advice of the Legal Assessor and consented to the application. It made one further amendment to Allegation 9(b) clarifying the Registrant's alleged conduct. In doing so the Panel considered that the amendments caused no prejudice to the Registrant or the public interest. The amendments reflected the evidence contained in the case documentation and clarified where serious allegations were being made. The Panel took account of the fact that Mr Dayle consented to the application, and no prejudice was asserted on the Registrant's behalf. The Panel was satisfied that consenting to the application was in accordance with the overarching objective of these proceedings, namely protection of the public.

### **Background Summary and Opening**

4. Mr Geering referred the Panel to the written documentation and outlined the case in brief. He said that the Registrant employed Person A between 2020 and 2022 during which the Registrant engaged in the inappropriate conduct outlined in the particulars above. This included telling patients the practice card machine was not working to encourage payment by cash and not putting appointments in the diary. Person A was also alleged to have undertaken CPD work in place of the Registrant. Their relationship broke down when Person A became pregnant. The Registrant engaged in conduct designed to encourage Person A to leave in order to avoid payment during maternity leave. Person A did in fact leave and the two continued an acrimonious relationship during which the Registrant made false allegations to Person A's landlord.
5. Mr Geering said that the GOsC relied upon evidence from Person A and Person B who worked for the Registrant and could confirm when the card machine was not working. He said that Person A's evidence and her credibility was crucial to the case.
6. Owing to Person A being abroad Mr Geering first called Person B to give evidence.

### **Evidence**

7. Person B affirmed and adopted her witness statement as her evidence in chief, she was then cross-examined by Mr Dayle.

8. Person B said that she started working for the Registrant as a receptionist in about 2018, she was one of three receptionists at the start. She confirmed that she had a good working relationship with the Registrant and although she was not scared of her, she could be quite intimidating. Person B agreed that someone in the position of employer could be intimidating. She said that she was 'signed off' for health reasons in 2020 and was then made redundant due to Covid. She said that she left in March 2020 and was not happy with the circumstances. She said that she worked as a receptionist and did not have accounting or bookkeeping duties and thought that someone called Julie dealt with this.
9. Person B confirmed that the Registrant would request cash from her. She said that she was asked to bank cash at the post office. She described this as part of a float in the petty cash for purchases and for change if patients paid for their treatment by cash. She said that taking money from patients and banking the money was the extent of her dealings. She said that when she handed money over to the Registrant it might be because she asked for it or said she needed the money to pay for something. She then simply handed it over and that was all she knew about it.
10. Mr Dayle took Person B to paragraph seven of her statement Where she says "*I don't remember altering the diary myself but I may have been asked to alter it by Ms Valentova. I am not sure who did the bookkeeping for the Clinic.*" Person B confirmed that the alteration was rubbing-out patient names because they were only written in pencil.
11. Mr Dayle next took Person B to paragraph nine of her statement and her comment that "*I provided my contact details to [Person A] to forward to the GOSC when she informed me she was making a complaint. I have been consulted about submitting complaints forms but do not believe that I have witnessed anything that affects Ms Valentova's ability as an osteopath*". When asked about this Person B said Person A had messaged her and told her what had happened. Person A asked if she would make a statement because Person A knew what had happened regarding Person B when she had left. Person B said that she could not remember much of Person A's complaint but recalled that she had said the Registrant was difficult when she was pregnant and had prevented her from going to appointments or made her take holiday time to do this. Person B said this was similar to the concerns she had when she had left. She said that she had not been 'let go' she had been signed off as unwell and then made redundant because of Covid.

12. Person B said that she knew Person A was making a complaint but she had not come across the GOsC previously. She confirmed that her concern was not regarding the Registrant's practise as an osteopath she had always regarded her as a good practitioner rather it was the way she had been treated. She said that the Registrant had not asked her to stand in for her in CPD courses.
13. In answer to questions from the Panel, Person B said that patients would phone or come in and ask to book an appointment and she and the other receptionist would take the bookings. She said that patients would sometimes message the Registrant direct or she may take a booking over the phone. Bookings were placed in the diary by the Person who took the phone call and it would therefore be quite normal for the Registrant to add a name to the diary. She confirmed that they only had a paper diary for all practitioners at the practice. Person B said that when the Registrant erased names from the diary she did not ask why she was doing this because it was none of her business. She confirmed that she was certain these people had attended. She said that when patients paid by cash or card the word cash or card was written by their name. It was always done in pencil; it was not recorded anywhere else.
14. Person B confirmed that she had never heard of the phrase 'cash days', nor did she hear the Registrant say the card machine was not working, nor did she see the card machine unplugged. She confirmed that the cash was in a tin and that the names rubbed out were names of people who had paid by cash. She said that the Registrant did not erase the names of people who had paid by card only those who had paid by cash.
15. Person B said that the diary was kept in pencil so that if it was altered it wasn't messy as it would be if they used a pen. She was taken to part of her statement where she commented that she was scared because she had seen how others had been treated by the Registrant. She said this included other practitioners who rented other rooms at the premises.
16. In re-examination Mr Geering confirmed that Person B had not seen the card machine unplugged.
17. In further cross examination Person B said that she had trained another receptionist who would be at work when she was on her day off. It was put to Person B that she had categorically said that Registrant had rubbed out names of people who paid cash. She agreed and she went on to explain that the Registrant would take the diary from her to the other side of the table and that she would rub the names out there. Alternatively, she would lean over her and rub the names out over her shoulder.

18. It was put to Person B that she did not say anything. She replied that it was the Registrant's clinic and she did not know what to say. Mr Dayle asked Person B "what did you think?" She replied, "*I did not think it was honest but I did not think anything else.*" Person B said that she had started in November 2018 and the Registrant's action started in March 2019 and went through to 2020. She said that she did not say or do anything because she was not a 'confronting person' and she agreed that she turned a blind eye to the dishonesty but she was not sure what else she could do.
19. Mr Dayle then put to Person B that she and the Registrant did not part on good terms and that she was only saying this because of Person A's complaint. He said that she was not telling the truth. Person B responded by laughing and said, "why would I lie?" She described Person A as saying the Registrant would be worried that she would tell the tax people. She again said, 'I am not that sort of person'. Mr Dayle again suggested that she had left on bad terms and wanted to join in Person A's complaint. Person B rejected this and said she knew what had happened and she knew that Person A was making a complaint. She then thought that she had to say everything because she had not had an easy time when employed by the Registrant. She said, 'I am not a malicious person but when this started up I thought I would tell everything I know.' This completed her evidence

### **Application for Special Measures**

20. Mr Geering applied for special measures to assist Person A in giving her evidence and asked that the Registrant turn off her camera when Person A gives evidence. He said that the case involved allegations of bullying during and after Person A's employment. He said that Person A had e-mailed GOsC saying that she would be anxious and nervous and this may cause her to make significant mistakes when giving evidence. He said that the application was for a minor adjustment to the procedure so that Person A could not see the Registrant when she was giving evidence. He said that this caused no prejudice to the Registrant who could see Person A. He said no adverse inference could be drawn by the fact of this adjustment nor did it affect the weight given to the evidence. He reiterated that this was a minor amendment to the process and confirmed that both Mr Dayle and the Registrant would be able to see Person A when she was being cross examined.
21. Mr Dayle opposed the application. He said that the PCC rules were silent regarding special measures, but he conceded that across many regulators

and in criminal proceedings special measures were permitted in order to assist a witness to give their best evidence. He suggested that this was appropriate in cases with vulnerable witnesses or sexual offences. He submitted that this case did not sit within either of those categories. He said it was for the Panel to assess the credibility of the witnesses and the Registrant had been brought to the proceedings by the allegations. He said that the decision had to be made in such a way that it was not seen as a routine application and that no adverse inference should be drawn because of the application. He said that the witness would be giving evidence from Australia and he questioned her assertion that she still felt intimidated. He submitted that the special measure was not necessary.

### **Decision on Special Measures**

22. The Panel accepted the advice of the legal assessor and went on to determine the application. It concluded that the application should be granted. In deciding this the Panel noted that the case involved allegations of bullying and intimidation which are themselves capable of causing anxiety in a witness. The Panel had received evidence from Person A stating that she felt anxious and expressing concern that this may cause her to make mistakes. Whilst the Panel recognised that a witness giving evidence from abroad or by video link may be less intimidated than a witness who is present in person, Person A had specifically stated that her anxiety may affect the quality of her evidence.
23. The Panel considered that the overarching objective of public protection is only met when a hearing is fair to witnesses, to a Registrant and to the public interest. Fairness is achieved by the Panel receiving the best evidence, only then can it make the best decision. The Panel affirms that there is no prejudice to the Registrant since both she and Mr Dayle can still see the witness. In addition, no adverse inference can or would be drawn from the fact that the Registrant has been asked to turn off her camera. This is simply a method by which the Panel seeks to receive the best evidence and make the best decision in accordance with the overarching objective.

### **Resumed Hearing (Day 2)**

24. Person A affirmed and adopted her two witness statements together with exhibits as her evidence in chief. Mr Geering then asked some supplementary questions. Person A confirmed that she was employed by the Registrant between December 2021 and January 2022. She said that the hours fluctuated and she could not now recall what the hourly rate was but it was just above the national living wage. She said that at the

start of her employment she was working one day per week but this progressed to five or six days per week from when the clinic was open until it closed. Toward the end of her employment in January 2022 she said her hours were reduced to two hours per day one or two days per week.

25. Person A said that in January 2022 she handed her letter requesting maternity leave and notice of her resignation to the Registrant. She described the Registrant's reaction as turning red in the face and shaking with anger. She described the Registrant as saying, 'you think you're so smart giving me this letter, you sit at home on your arse with your brat taking money off me'. She said the Registrant seemed to think that she and everyone else was trying to do her out of money. She then said that she left work because of the incredibly hostile environment which was having an effect upon her and her baby. It was not something she wanted to do but it had to be done. She said the letter indicated that she would leave in March but she left in February. Person A said that her decision had a financial impact because her visa prevented her from claiming child benefit or unemployment benefit. She said that if she was unemployed she did not qualify for any support and she had intended to work through March. Leaving work meant that she was not entitled to support. She was then cross-examined by Mr Dayle.
26. Person A confirmed that she was a patient for about a year before she started working for the Registrant. During her time as a patient she had no problems, it was simply a relationship between patient and practitioner. Likewise during her employment their relationship was workable and the Registrant was professional. Person A confirmed that their working relationship was good, that the Registrant was patient and understanding and she eventually agreed with Mr Dayle's suggestion that the Registrant was kind. Person A agreed that originally she was not confident in her work as a receptionist in a clinical setting and that the Registrant was patient and understanding of that lack of confidence. She described the Registrant as professional and respectful.
27. Person A said that at one stage she was the only receptionist. Initially there had been other receptionists including DR and SS with whom she overlapped. Person A said that her employment ended in March 2020 when Covid broke out. When her employment resumed the Registrant's attitude remained the same up to 2022 when she was pregnant. She said the trouble or the problems began in January 2022.

28. Person A described her duties as answering the phone and booking appointments. She agreed that she had some bookkeeping responsibilities but she was not responsible for the accounts. She said that appointments were booked on paper at the start of her employment and they transitioned toward both paper and electronic diaries. She said that when she was the sole employee, she, the Registrant and LS (a partner) would book patients into the diary.
29. Person A said that during the period March 2020 to February 2022 the Registrant was in the habit of having 'cash days'. During these the Registrant would erase appointments from time to time and she also observed her not completing information from consultations with patients. When asked about her impression of these things she said that the Registrant was the boss and that's how she wanted to run her business. Speaking up as a minimum wage worker wasn't going to make a difference. When asked of her opinion as to whether this was good or bad, appropriate or inappropriate Person A said one didn't need an opinion for pocketing cash from employment, it was illegal and erasing names from the books was also related to cash days. She said that not filling in patient file notes was not her area of expertise. Mr Dayle suggested that Person A was describing this as 'obvious and inappropriate', she agreed. She said she was not privy to what the Registrant spent the cash upon but when asked she said she believed the Registrant spent the cash on her lifestyle. She said that she had sometimes given cash to the Registrant and all of this made her feel uncomfortable. She agreed that she questioned herself about this but said she was not a confrontational person and did not normally voice her opinions.
30. Concerning the allegation of undertaking CPD exercises for the Registrant, Person A said the Registrant made her aware and she understood what CPD was. She said the Registrant had to collect her CPD in a portfolio and submit it. She understood that the Registrant should do this herself and it was inappropriate for her to do it on the Registrant's behalf but she did not challenge her. She agreed that she had only complained of this after she had left employment.
31. Mr Dayle put to Person A that she was pregnant and wanted maternity leave and demanded the Registrant give her £5000 or she would take her to an employment tribunal. Person A denied this that said she decided she could not continue working. She said the day she submitted her maternity leave letter the Registrant went off on a tirade and that is when she considered leaving her employment. Prior to this she had not had difficulty but in January 2022 she considered leaving employment

because of the hostile environment which was unhealthy for her and her baby. She was asked why environment became hostile and she said because the Registrant wanted to end her employment because she did not want to pay her for maternity leave. She confirmed that her pregnancy and maternity leave is what changed a good working relationship to a bad one and impacted her ability to remain. Person A said the impression she got was that the Registrant wanted her to leave when she said "I want you gone" which was a direct quote. She reiterated that at no time before during or after her employment did she ask the Registrant for money in lieu of maternity leave.

32. Mr Dayle then took Person A to various parts of her statement. She confirmed that the Registrant had been supportive when she announced her pregnancy in September or October 2021. However she also confirmed a description in her statement of the Registrant shouting at her, complaining the clinic was not clean and criticising her unfairly. She reiterated that the Registrant started to bring up issues about her work following the fact that she was pregnant and she confirmed that the Registrant wanted her gone because of her pregnancy. She described the Registrant as speaking in a tirade and saying, 'don't you get it, I want you gone'. She said that the pregnancy was the problem and the primary issue was that the Registrant did not want to pay maternity leave so it was convenient to her to bring up complaints that had never been issues before.
33. When asked again about cash days Person A said they were not planned for specific dates on the calendar but were targeted at the busiest days. The Registrant would say 'if we have a busy day shall we do a cash day'. She said it was not the same every time but generally patients would come in, receive treatment, Person A would say the card machine was not working and they would pay by cash. Some patients would need to go to the post office to get the cash and some would pay by transfer or over the phone. When the patient had left and no one was in reception the book would be erased. She described this as being done until the diary was empty and she was then instructed to put a line through the diary and write "closed" as if the clinic had not been open all day. She said the Registrant would say 'let's do a cash day today' or otherwise would say to look for a busy diary day and nominate it as a cash day. Person A said she was not the only employee that was aware of this. She said that SS and LS were both aware. She did not know if DR was aware. She said that the Registrant instructed her to do this when she was the sole employee. She confirmed that sometimes she would erase the paper diary and sometimes the Registrant would do so. When the diaries started to transition to electronic then it was simply a question of clicking 'delete'.

34. Person A said that the cash was kept in a locked drawer. She was not sure if Registrant would take it or she (Person A) would pass it to her and the Registrant would take it home and spend it on her lifestyle. She said there was a separate person for book keeping, all she had done was write 'cash' or 'card' payment on the diary.
35. Regarding LS, Patient A said that she had been her osteopath and provided treatment. She joined the practise in about mid-2020 and left towards the end of 2021. Person A did not know whether LS or others knew of cash days.
36. When asked about the allegation of smoking, Person A said that she had complained of the Registrant smoking [REDACTED]. She said her complaint was not about a grievance it was because she had given birth to a baby and second-hand smoke from the Registrant was not healthy. She agreed that her complaint could be perceived as vengeful but denied it was and said they were a non-smoking non-drinking household. The Registrant was potentially harming her child so she wanted to do something about it. She agreed that she had not left on good terms and the professionalism and respect in the relationship had broken down. She attributed this to her pregnancy and while she agreed that some criticism had been fair what she experienced was unfair however it was convenient for the Registrant to use her pregnancy as an excuse.
37. Regarding the cash days and telling patients the card machine was not working she agreed that it was questionable and she thought it was wrong at the time. She agreed that she played a major role because she was the one the Registrant instructed to carry out these actions. She agreed that she was part of something that was questionable and wrong.
38. It was put to Person A that she had made a complaint after the Registrant had complained about her allegedly smoking cannabis. Mr Dayle said that Person A's complaint came a year after she had left employment. She responded by saying that she gave birth in May 2022 and was more focused on raising her child being a first time mother with no family support. She submitted her complaint to GOsC in September 2023. She confirmed that she had now left the UK for good. Mr Dayle suggested that her complaint was made simply to escalate her grievance. Person A rejected this and said she had explained why there was a delay, she really needed to raise her daughter with no family or financial support. She said there was enough mental stress in being a mother rather than thinking about the discrimination and treatment she had received from the Registrant. Mr Dayle said that her accusations were malicious and untrue. Person A rejected this and said, 'how can they be malicious if they are

true'. She said she had told the truth to the best of her ability and recalled things to the best of her ability. She had complained in 2023 and two years later she had not changed her story it was not a lie. Person A denied that her complaint was malicious. She confirmed there were such things as cash days, she had been discriminated against because of her pregnancy and she had completed CPD work online. She denied that her complaint was made in response to the Registrant's complaint about her to the local council.

39. Mr Dayle suggested that the Registrant had told her that her terms of employment did not include maternity leave. Person A said there was no such conversation nor was there any conversation about her and LS being unprofessional toward patients. She denied any improper conduct with LS and said that she had been professional at all times and the Registrant made no such complaint against her. Mr Dayle said that the Registrant had complained about her bringing cannabis onto the premises. Person A said this allegation was made in January 2022 when she had submitted her maternity leave letter and they had spoken. She said it was a threat made by the Registrant to make her employment in town difficult because she knew people. She said the Registrant had threatened that she would say Person A had brought drugs into the clinic or into her home in order to tarnish her reputation. Person A denied that the Registrant was concerned about drugs on the premises and said it was not a conversation about this, it was a threat to tarnish her reputation by using an allegation of drugs.
40. In re-examination Person A said that once she was trained she had worked alone and there was only ever one receptionist working at the clinic at any one time. Whilst the employment of the various receptionists might overlap, they did not work together save when SS trained her. Person A said other persons were present on cash days and said that appointments had been made by the Registrant, her partner Mr W, by LS and by herself. She said that Mr W had little involvement but he may be at reception taking calls and filling in the diary if no receptionist was available. Person A confirmed that some of the Registrant's criticism had been fair but sometimes it was unfair. She said that prior to announcing her pregnancy there had been no criticism that she could recall, but after this the Registrant started complaining about cleanliness, inaccuracy in the diary and so forth. She again said that some of it was fair but some of it was unfair such as reducing her hours to two hours a day. She described the Registrant getting angry and sending her home so that she could not clean and then complaining about the lack of cleanliness. She said this was an example of unfairness.

41. Regarding the delay in her complaint, Patient A said that she had made a list of the Registrant's behaviour in February 2022 and this included her discriminatory conduct. She denied that she had used drugs or that her partner had used drugs or that anyone in the flat use drugs smoked or drank. She denied that her complaint was a response to the Registrant's complaint to the council. She said there was no truth to the allegation made by the Registrant that her partner was running a business in the flat. Person A agreed that sometimes patients smelt of cannabis. She said that she had never used cannabis nor did she smoke or drink.
42. In answer to questions from the Panel, Person A described logging in to the CPD website using the work laptop and the Registrant's credentials as provided to her. She said that she watched videos and then answered multiple choice questions. She described 'ABCD' as criteria for different areas of CPD and it was about conditions that could be treated using osteopathic treatment. She said it occurred some time ago and she was not clinically trained. She described the Registrant asking her to look up a video about the TMJ [temporomandibular joint] but could not recall if she found one. She did however recall a video featuring water skiing injuries. Person A described completing and printing out quite a number of certificates. She did this in work time and in the evening whilst the Registrant was treating patients.
43. Regarding patient records, she said these were completed immediately after the patient had left or in real time. She said the Registrant would fill out more detail on forms regarding what the problem had been and what the treatment was and she would usually do this before the next patient arrived. Occasionally it would be the next day or if the Registrant was running late she would do it at the end of the clinic.
44. Regarding the CPD points and the ABCD criteria she said that all she understood was that the certificate printed out with the letter on it and she was instructed to place the certificate in a plastic sleeve and put it in the drawer. She had not done any writing but had simply done the multiple choice quiz and printed it out. She said the videos had transcripts and all she had to do was look up keywords in the transcripts to answer the questions.
45. Person A said that she had contacted the Citizens Advice Bureau because of the discrimination and bullying she received in the clinic. She said from her perspective it was obvious. She said that she had been advised that she did not have hard evidence and they advised her to make a note of what she said occurred whilst it was fresh in her mind. She said she did not have an idea of what money she was entitled to other than normal

employee maternity leave, she was on a zero-hours contract and did not have a sum in mind. She said she was not money hungry but she knew she was entitled to something and why not ask for it because every little helps.

46. Person A said that she undertook cash days whilst another clinician was present but they did not take cash or profit from cash in the clinic. She denied passing patient details to LS and said this would be a breach of GDPR. She denied accessing the Registrant's private records.
47. This concluded the case for the GOsC and, following discussion and agreement between the parties as to the status of statements submitted on behalf of the Registrant, Mr Dayle called the Registrant to give evidence.
48. The Registrant affirmed and adopted her three statements as true to the best of her knowledge. Regarding Person A she said that whilst she was a patient she said she was looking for a local job. The Registrant responded that she had one spare day at the clinic and so she became an employee from March 2020. Regarding Person B she said that she was nice and conducted herself well. She had known her as a patient for a long time and they got on well. She wanted to stop working as a nanny so the Registrant offered her a job at the clinic.
49. The Registrant said it was her dream to open a clinic but she had not realised how hard it was to find someone to work full time so she had three or four receptionists who each wanted to work two days a week. She said the clinic opened six days a week. It was in the middle of the town so she needed a receptionist at all times. She spoke of four receptionists who did a few hours but as things progressed one or other did not want to work. Since the remaining receptionist(s) could not cover the hours Person A took on the days previously covered by Person B. She said that when Person B left they did not part on bad terms rather Person B she had been signed off long term sick. This occurred just before Covid and Person A took on her role. When Covid hit she had to close the clinic. The remaining original receptionists took this in their stride but both Person B and Person A were made redundant on the basis that she was shutting for the foreseeable future. Person A subsequently returned to her employment at the clinic and she was grateful for her help in coming back.
50. When asked about LS, the Registrant said she did not know her but she had come into the clinic and asked for a job. Since she was the only osteopath in the town working six days a week and having two children

she appreciated the help. After Covid and when they were back at work she suggested LS come in and they would take a day each and she agreed. She said that Person A came back and worked for her and LS. The Registrant said that she opened 18 months before Covid and worked relentlessly to improve her reputation but in September 2021 she overheard Person A and LS talking badly about patients. She said she did not like this and asked them to stop. They were talking about who used drugs and the Registrant said it was not her problem and they should stop however instead it escalated. She said they were laughing about patients and so she called a meeting and then LS left in about September 2021. The Registrant agreed that her relationship with Person A was fine apart from the above regarding patients and drugs.

51. She said that after LS left, Person A said she was pregnant and she had a suspicion that Person A was giving patient contact details to LS and a patient had come in to ask for her patient records. The Registrant said that she told Person A this was a breach of GDPR and it was important not to share any patient details. She said that she told Person A this many times and she suspected it had gone on for weeks because patients were contacting her and telling her that they were receiving calls. These people said they wanted to stay with the Registrant and she was telling them that they could do so if they wished. She said she suspected contact numbers were being shared.
52. The Registrant was asked if she had spoken critically of Person A and she said whether critical or not she reminded her how to book appointments, what to ask for, how to shut down the laptop when leaving and so on. She said it was constructive not critical. She was not sure if Person A was forgetting or whether her actions were deliberate but she reminded her of her duties many times. She said that they had a paper diary and it was easy to rub out and correct or override entries and if something was cancelled it would be rubbed out or a patient would be booked in their place. She confirmed that the receptionists were asked to write out who paid by cash and who paid by card. She then took her laptop to the bookkeeper where everything was put into spreadsheets and sent to the accountants annually. The Registrant said that the receptionist would enter appointments and it was not possible for her (the Registrant) to erase these because she was in clinic with patients. As one patient ended another one would attend for treatment. She said there were times when she might oversee bookings to negotiate appointment times when patients had limited availabilities. However, normally she would leave it to reception since she was preoccupied with treating patients.

53. Mr Dayle said that Person B claimed she erased appointments and the Registrant said there was no truth in this, she was barely at reception. She said the receptionists would be relied upon to book or cancel appointments as needed. Mr Dayle said that both receptionists alleged that she would take cash for herself or her lifestyle. She responded that how patients paid was up to them, some preferred cash some preferred card but whatever money was received went into the bank account. She said that her account charged for cash but that did not mean it did not go into the books or go to the accountant. She denied that the card machine was withdrawn to encourage patients to pay by cash and said she had never given that instruction. Instead she said that after Covid people were encouraged to pay by card, patients were not using cash so why would she take lots of cash herself. She said that to her own knowledge the card machine was never unplugged and she did not know of 'cash days' until Person A stated it but it made no sense. She said that she suspected Person A and LS were up to something. She said she had the opportunity to take a half day off because LS was in and booked up but when she returned to work the following day all she saw was cancellations. She said this was strange but maybe patients preferred to use her and not LS. She said she did not dwell on it because it was a long time ago.
54. Regarding the term 'cash days' she said she did not encourage patients to use cash and she did not work on Thursday afternoons. She did not do this and patients could pay however they wanted. Regarding her accounts Person A, LS and Person B were not part of the accounting team they were simply asked to add up the sums at the end of the day and write down the amount of payment by cash or card. She said her laptop would then go to the book keeper once a month to create the spreadsheets and then go to the accountants annually. She said that she was not taking cash to avoid HMRC.
55. The Registrant said that in autumn 2021 she was applying for a mortgage and needed to demonstrate that she was receiving funds in order to get that mortgage. She said she would not take the cash away because that would show as a reduction in her turnover and she would not be able to get the mortgage. She said she had to demonstrate her earnings for the last five years to calculate the mortgage. The Registrant was asked why people would say this. She responded that it was only Person A who was saying she was taking cash and being deceitful. She (the Registrant) concluded it was done on a day when she was not there and she thought that Person A and LS were taking the cash and sharing it between them. She denied that she had instructed Person A about cash days and she denied that she had instructed her to do CPD in her place.

56. Regarding CPD courses she said that prior to Covid she did the courses in person but after Covid she signed up with the APM Academy of Physical Medicine. She said the Academy had all she needed and she watched live videos of 45 to 90 minutes three times a week. She said she enjoyed the courses and they gave her the chance to talk to other osteopaths. She criticised Person A by saying that at first she claimed she did not know where the courses were but now she gave details. The Registrant said she didn't panic about doing courses she had just finished her three-year cycle in 2025 and she was already 15 hours into the next cycle because she enjoyed doing the courses. The Registrant said Person A had LS's login details not hers and she was not doing any courses for her. She said that Person A had seen her doing courses at the clinic in her spare time and she kept a CPD file in the clinic. She reiterated that she had done her own CPD and she enjoyed it.
57. Concerning the allegation about not completing patient notes, she denied this and said her written notes were correct, accurate and up to date but in any event they had now transferred to electronic notes. She said that when Person A worked at the clinic there were no electronic notes or diary save that LS and T (a massage therapist at the clinic) used an online diary called 'TeamUp' so they could see what T was doing. She said there were no patient details added to this diary. She said that her notes were handwritten by her straight after treatment or at the end of the day or occasionally the following day.
58. The Registrant said that she was accused of pregnancy discrimination and this was when everything changed and fell apart. She denied this and said Person A put the clinic at major GDPR risk after LS left. The Registrant said she had corrected Person A many times about this and it had nothing to do with her pregnancy. She said that Person A was encouraged to take breaks or holidays but she did not do so and she could not understand the accusation of discrimination because she had two children of her own and had worked through this. The Registrant said that she did not know that she had to pay for maternity leave. All employees had zero hours contract and the reason for this was that if the clinic was not busy or she had insufficient to pay wages then everybody went short. She said she tried to keep everybody's hours the same and she had specified in the contracts that she would not provide maternity pay and everybody signed this.
59. The Registrant said she had an HR company and she called them regarding Person A's pregnancy but she said that she thought she had plenty of time to 'cross the bridge when she came to it'. She did not expect

the request for maternity leave in January. Rather she thought she had a couple of months to look into it and said she did not know about employment law and paid a company to advise her. The Registrant said that Person A left after a conversation about maternity leave. Before that they had had plenty of conversations about having the baby and child care. Person A said she had no money to pay for childcare and she was not coming back. This was said early on which was not a surprise. However, she left suddenly and if she had predicted this she would have interviewed a replacement.

60. Regarding the issue of drugs, the Registrant said that LS brought drugs into the clinic and there was a very strong smell of cannabis. When she was challenged about it she said Person A had a fixed smile and LS ran away laughing. Person A admitted there were drugs and she told her to take them away. She said Person A took them home to her flat since the clinic was busy. She told Person A they would talk about it the following day. On that occasion she gave Person A an oral warning and she promised not to do it again so she took it no further. On the day that Person A left the Registrant said she had tried to blackmail her for money but she refused to pay and said she would take it to the police so she resigned. The Registrant said that Person B left in September 2021 following her calling a meeting about how she had behaved. Person A left in February 2022 when she asked for money. She had asked for £5,000 and in return she would promise not to go to an employment tribunal. The Registrant said that she told Person A this was blackmail and she would not give her a reference and that she would go to the police.
61. The Registrant said that Person A lived [REDACTED]. She said that because she had been flooded three times, lost possessions, spent money on repairs she complained to the landlord. She complained that the premises were no longer suitable because of this and because Person A and her partner were smoking weed. She said this was not a malicious complaint and it was clear the landlord knew because it came as no surprise to him and the smell was unmistakable. She then said that she took the decision to close the premises and move. [REDACTED]. She complained of this to the landlord and then Person A made her complaint to the local authority about the Registrant namely that she (the Registrant) was smoking [REDACTED] and this was interfering with her [REDACTED] and her child. The Registrant said the clinic was in the town centre with pathways all around it and she took her break and had a cigarette in a public place where she could smoke. She said there were rules about smoking in enclosed premises so she went outside where she could smoke and she'd been there for six years and never had any complaints before this.

62. The Registrant said that she had taken a photograph of Person A's partner to provide evidence to the police that he was riding at speed through the town close to school children. She said that he would ride at excessive speed and the children had to get out of the way. Having taken advice from the police she said that she had intended to take a video but it was simply a photograph and he was not riding the scooter but simply standing on it.
63. The Registrant concluded her evidence in chief by denying that she informed patients the card machine was not working, denying deleting any digital or paper records, denying that she failed to complete clinical notes and denying that she instructed Person A to do CPD for her. She said her report to the landlord regarding cannabis and a business in [REDACTED] was not malicious it was true and she denied discriminating over Person A's pregnancy.
64. In cross-examination Mr Geering first asked when the relationship between the Registrant and Person A broke down. She said it did not break down but they both started making mistakes after LS left the clinic and Person A deliberately put her at risk of breaches of GDPR despite regular reminders from the Registrant. She said that she suspected Person A of sending patient details to LS and this carried on for about six weeks. She said that she told Patient A to stop but patients were still calling her six weeks later. She said that she started her business in November 2018 but then it was shut down by Covid and then only allowed to operate in emergencies. She said they suffered but had enough to put food on the table. She said that they suffered a financial impact but she could not now remember whether they were in financial difficulty at the end of 2020 start of 2022. She said that Person A was trained by DR who was herself a receptionist, and there was one receptionist on duty in any given shift.
65. By the end of 2021 she said Person A worked as much as was needed by the clinic which could be five or six days per week however if there were no patients on a morning or an afternoon then she would be asked to adjust her hours. She was on a zero hour contract so she was asked to work the hours that were needed however the average was about five days per week. She said that she was a supportive employer however the contracts for all her employees excluded maternity pay. She said that she had taken the contract off the internet and the clause was in the contract to limit maternity pay. She said it was a zero hour contract so it didn't just limit maternity pay, she was the main earner and the contract was limited to cater for when she was ill or not earning. Mr Geering suggested that

there was a specific limitation to maternity pay but the Registrant disagreed. She said she did not know about employment law and she did not know she was obliged to pay maternity pay but would seek advice and do as she was advised. Mr Geering asked what the motive was other than to limit maternity payment and the Registrant said she did not know of any.

66. Mr Geering pointed out that the Registrant had access to an HR company to provide advice and suggested that since Person A was pregnant in September 2021, by January 2022 the Registrant knew she could not deny her maternity payment. The Registrant said that she would explore this when the time was right and she would ask the HR company. She thought she had time to do so and denied fearing that she had to pay maternity payment and suggested she could claim it back. She said she had paid out enough sick pay not to fear maternity payment. The Registrant said that before she received the letter from Person A she did not dislike her and she was a good employee most of the time. Mr Geering asked what she felt of receiving a request for maternity leave and the resignation. She said she did not think anything of it and that would come later when she clarified her position. She said that she thought she probably would have to pay maternity payment but she was not sure and would have clarified it, the same as she had clarified payment of sick leave. The Registrant said she was happy for Person A when she said she was pregnant and she had no problem with it since she had two children of her own. She said she did not feel anything about having to pay maternity payment and did not know if she had to but it didn't bother her. She said if she had to she would since if that was the law you do it. The Registrant denied expressing anger from the time Person A announced her pregnancy or when she said she would not return to employment. She denied putting any pressure on her to resign and denied this would be to avoid expense.
67. Mr Geering asked if, when she received the letter, she had told Person A she could claim job seekers allowance. She denied this and said when she was pregnant she did not know about maternity leave so she looked into it and was told to claim job seekers allowance and thought everyone had to do this. She said she did not offer maternity payments like big companies; she did not suggest Person A should claim job seekers allowance and did not say that claiming maternity pay from her was unfair. The Registrant said that when Person A handed her the letter she did not say she would not pay maternity payment but rather she would take it up with the HR company. She denied saying that Person A should claim maternity payment from the government and denied being angry. She denied that she had been more critical of Person A following the

announcement of her pregnancy. She denied saying that she wanted Person A to leave, or that she had said she would treat her as stupid, or that she had said she would 'sit at home on her arse with her brat taking money'. The Registrant denied putting pressure on Person A because she believed she would have to pay her maternity leave payments.

68. Mr Geering asked about her refusal of a reference for Person A and the threat of mention of drugs. The Registrant said this was not a threat rather, when Person A tried to blackmail her, she said that she would not give her a reference and would go to the police.
69. Mr Geering suggested that the Registrant was seeking to discriminate against Person A because of her pregnancy but she said no. She said that Person A was good most of the time. Mr Geering pointed out that she was alleging that Person A stole patient records, used drugs, made GDPR mistakes and would not clean appropriately. The Registrant said that if anything happened and she was not satisfied it would be talked about and that resolved it. She said everyone learned from mistakes when they are pointed out. Mr Geering suggested that the disclosure of patient information was sufficiently serious to convene a meeting and the Registrant agreed but said there were no notes of such a meeting it was a discussion.
70. Mr Geering put to the Registrant that her first complaint about Person A was only after Person A complained about her but the Registrant said she did not understand the question. She then said that the HR company would have a record of her worries and the complaints that she had discussed. Mr Geering again suggested that she had only complained after Person A complained about her and but she again said she did not understand. She then said as she did not record any of her concerns. She said she had no evidence of Person A stealing patient details but she had assumed this and they did have a discussion about it. Mr Geering suggested this was a breach of GDPR and Person A was giving details to a competitor but the Registrant said LS was not a competitor she was a potential competitor. She said she was pretty sure that she spoke to her HR company to ask for advice and thought they had advised a verbal notice rather than a written notice because she did not want to cause issues. She said she took advice over the phone and her experience was that discussions reassured her.
71. The Registrant was asked why she assumed Person A took patient records and she said that it was because LS had the details of patients but she had no evidence of either of them taking these records. She agreed that it was not in her first statement but said these things happen at practices

and other people have done the same thing as people on their own try to bolster their practice. The Registrant said she was not worried about it because she knew her patients well and they just wanted reassurance that they could see her. The Registrant said the GDPR breaches did not bother her. Mr Geering said that there was no mention of this until her statement in August 2025 and suggested that but this was because it did not happen. The Registrant rejected this and said it did happen but she did not have any evidence of who was doing it. She said why would patients call her and it was not an issue that had bothered her. Mr Geering said that she was throwing mud after patient A's complaint but she rejected this and said to check with LS's previous employer who said the same thing had occurred.

72. Mr Geering said that the Registrant was suggesting Person A brought drugs into the clinic and the Registrant said there was no crime report at the time and she did not report it. She agreed there was no record or any business document regarding cannabis on the premises and no record of it anywhere. She agreed her first reference to it was after Person A brought her complaint but she denied and she was slinging mud at Person A. Mr Geering said that she was alleging Person A stole money and the Registrant said she had no evidence to prove it and no evidence to prove any of it until she heard the claim about cash days. The Registrant said that she lived with a senior police officer who said she needed evidence to prove something had happened and she did not have evidence so it was her word against Person A's. She agreed that she thought Person A pocketed money and removed patient details. She said that she would love to be able to prove that there was a supposed reduction of business on Thursdays but she had lost her records and accounting material in a flood in July 2023. Mr Geering suggested that she was simply throwing allegations to discredit Person A. The Registrant said that she would only throw allegations as much as Person A wanted to discredit her. She denied doing things because Person A was pregnant because she did not want to cause problems.
73. The Registrant said she had not contacted the council regarding drugs but had contacted the landlord and said Person A smoked cannabis in her flat and the landlord knew about this. Mr Geering said this was not true and the Registrant said of course it was, the smell is unmistakable but if they smoke in their own flat and they and the landlord turn a blind eye to it that is not her problem. The Registrant said half the town knew about this and this was why the premises were no longer suitable for her practice. The Registrant said that she saw Person A hanging out of the window smoking cannabis. Mr Geering suggested this was a vendetta and she was making false and malicious reports. The Registrant denied this

and said the clinic was no longer suitable, it was true because she saw it. Regarding LS being registered for business at [REDACTED] the Registrant said, would she have done this without Person A's consent she told the landlord and he spoke to them. Again she said she did not have evidence.

74. Mr Geering took the Registrant to a comment about Person B seeking financial compensation and asked how it was relevant. The Registrant said it was relevant because Person B reported her to the council for working during Covid and she had tried to get money for a personal injury claim. She thought Person B was making an unfair statement because she thought she might get compensation.
75. Mr Geering next asked the Registrant about cash days and the removal of names from the diary. The Registrant said her notes were accurate and up-to-date and she never deleted names from the diary nor did she instruct receptionists to delete them whether patients paid by cash or by card. The Registrant said that names are only ever deleted after cancellations and she had never leant over Person B to delete names. Mr Geering said that taking cash and amending the diary was dishonest because she intended it to be an inaccurate record. The Registrant agreed that it would be dishonest if she had done this but said she had not. Mr Geering said that the Registrant now claimed that she would not do this because it would affect her mortgage and pointed out that she had never mentioned it before. The Registrant said this was one of the reasons she would not do this and she agreed that she had not mentioned it before but why not mention it now. Mr Geering said well if it was relevant why not mention it before the Registrant said she did not know maybe she did not think it was relevant but she did now. She agreed she had no evidence regarding the mortgage except that she now had a house. Mr Geering suggested that because of the financial pressure of Covid she encouraged patients to pay by cash but the Registrant said cash was useless at the time and she had never needed cash or unplugged the card machines nor had she asked reception to do this. She agreed it would be dishonest but she had no need to do this.
76. Turning to the issue of CPD points, the Registrant said there was never any occasion when Person A was asked to do CPD on her behalf and said that she did not have access to her laptop. She said it would be impossible to do the number of courses in a day. She said that the courses were 50 minutes long and they had to be listened to to get the answers. She agreed it would be dishonest to ask Person A to do her CPD points but said she did not. She agreed that the issue of CPD, unplugging the cash machine or erasing information would be dishonest and show a lack of integrity if they were true but she said these things were not done by her.

77. In re-examination the Registrant said her bank would charge her for depositing cash. She said the card machine took money and she did not have to go to the post office to deposit cash, she would rather go home to her children. She reiterated that during Covid cash was useless because shops would not take it. She said payments came out of her account by direct debit or standing order and she did not have cash at home because it was not useful to her. She said that one explanation for not taking the cash was the fact that it would affect mortgage application. The Registrant agreed that taking a lot of cash would avoid tax but that was not in her interests and she could not think of any reason for doing it. She thought that if patients felt she was insisting on them paying by cash they would think it was dishonest and stop coming. She said her business was built on honesty and legitimacy and she had no interest in having it any other way.
78. In answer to the questions from the panel the Registrant confirm that a computer screen print showed login details of LS, her own official account and a trial account. She said log-in details on the screen referred to two dogs owned by LS. The Registrant said there were no dates on this screenshot but it would have to be when Person A worked at the clinic and she did not understand how Person A had access to her laptop and she should never have had that access. The Registrant was asked why she did not get advice on maternity issues as soon as Person A announced that she was pregnant. She said that she thought she had enough time and she did not expect her to leave as early as she did. She said that she would expect Person A to get all the payment that she was entitled to and she did not leave it to the last minute because she did not think she needed advice at the time. She said that she would have asked for advice on receipt of the letter but Person A resigned the following day. She said that Person A was trained by DR because Person B was on long term sick leave however maybe they met once.
79. Regarding the issue of maternity leave, the Registrant said that she thought this would be from March but Person A resigned the day after she presented the letter and she assumed she was doing that to try and pressure her for money. She said that she had not taken action against Person A before this because her HR company had said to put her on disciplinary. She said that Person A did not expect her to say that she would take action and go to the police she did not know if this frightened her. She said this was the first time she had threatened to go to the police and confirm that Person A was paid until she resigned on the 3rd of February. She said this was how zero hours contracts work, instead of

pay you accrue holiday entitlement and the accountant said she had to be paid for the accrued annual leave.

80. The Registrant was asked about her mortgage and when this was approved and she said they moved into their house in February 2022 so the approval was sometime before that but they had been trying to get a mortgage for a long time. She denied that Person A's hours were reduced after September and said that she was working full time and she had provided hours and wage slips. She said the hours were not reduced significantly. This concluded the Registrant's evidence.
81. Mr Dayle then called the first of his witnesses, HL who adopted her statement dated 1 March 2025. She said that she had worked for the Registrant from February 2022 as front of house answering the phone, making appointments, and she started the process of digitising the business which was mainly on paper. This was to manage the bookings and the finances. She said that she had worked as a city broker and then work in her own business with her husband. She had known the Registrant for a number of years first as a patient but then she offered to help and she was the only admin support. She said there were other receptionists because she had received emails and texts from them but she had not met Patient A other than going in or out of the clinic. When she took over she said the clinic was mainly on a paper diary system. All records and appointments were paper entries and the Registrant would make her own notes when she treated her patients. She said that the appointment system was half an hour per patient through the day and it was blocked off if the Registrant was not available. Patients would phone in or book an appointment when they left and she took the bookings when she was there.
82. Regarding accounts and bookkeeping she said that people paid when they left and it was noted in the diary. She wanted to set up the Cliniko system when she came on board which was a major task . This could record lots more than just expenses and payments. She said that payments were made through a card machine which was plugged in and via the internet. When she arrived she said that the phone line was very poor or it did not work, this included taking calls or making payments and there were lots of problems so she sorted this out as a priority.
83. When patients were due she said that either on the morning or the night before patient files would be pulled from storage and given to the Registrant so she knew who was coming and she had their records. Later this was digitised and everything was put on the laptop. She said that when she was on reception and she had the laptop she could see the

appointments and she could see who had arrived. Patients would pay and then rebook or not. At the close of the day paper records would be returned for filing but she quickly digitised this on Cliniko. HL said she did not experience 'cash days' although patients could pay in cash if they chose to. She reiterated that when she first joined there were problems with the internet and the machine would not work because there was no connection. She did not witness the Registrant unplugging the machine or asking for cash for personal use. She said that she and the Registrant had a good professional relationship. She did her job and had never had any problems with the way the Registrant spoke or acted toward her. She said she would not have tolerated any unprofessional behaviour if it occurred. She said she had never witnessed any such behaviour and said the Registrant was focused on her patients.

84. Regarding patient notes, as far as she saw they were filled out mainly at the end of the appointment, perhaps at lunch, in a break or at the end of the day but they were completed on the day. She said she had not seen the Registrant erasing appointments unless a patient had cancelled or changed their appointment. If this occurred it would be physically changed in the diary but this was short lived after the Cliniko system was introduced. She said that she was not asked to do any CPD by the Registrant and that she still worked for her.
85. In cross examination HL said that she was self-employed and did a few hours as and when needed. She was not entitled to sickness or maternity leave. There was someone doing massage work at some point and there would have been another receptionist but she was not full time so she was not aware of other employees. She said that she had not been able to see if the Registrant wrote her notes because she did this in her own room.
86. In answer to questions from the Panel HL said she had did not see lots of erasing in the diary although there were lots of people cancelling or changing their appointments. She said patients may need to cancel or change and the diary was updated as and when this occurred. She said that with respect to Cliniko the same thing happened since it was a patient's prerogative to change their appointment. She said there was more clarity on Cliniko like any digital system it was transparent and all the diaries were run on this. Regarding the telephone line she said there was a historic problem that nobody had sorted out. It was in a state and the phone line and internet were not fit for purpose. She said that she called BT out many times chasing and updating the phone system. They sorted it by putting in a new line which solved the problem. Up to this point she said that the line was not fit for purpose. It was crackly and

caused poor clarity or dropped out which was a daily occurrence. This had been a permanent issue until she had it fixed. She said it was part of her remit to do this it should have been sorted out as and when it started but she inherited the problem and the Registrant was aware of it.

87. HL said that she had no set hours and worked when she was required to. It was probably three days a week when she initially worked on the system. At the time the Registrant rented the clinic and needed a receptionist and there were more hours but now she worked at home so there was no need for a receptionist so she (HL) just did admin work because the system was up and running itself. Regarding accounting, HL said that expenses and receipts etc were all recorded on Cliniko and these would reconcile with the bank accounts and any payments in or out. Regarding cash or card payments, Cliniko was introduced quickly but prior to this it was simply a question of adding up the cash or card payments at the end of the day. She said cash was put into the cash tin and then the Registrant would deal with it as part of the business money. She spoke of another practitioner who was there briefly one afternoon or a few hours per week possibly a Tuesday or a Thursday. She said that she had known the Registrant first as a patient and then as someone she was working with. She regarded her as a friend but they did not see each other socially to any great extent. She said that she was a friendly kind person and she saw her occasionally.
88. HL said she had been a patient for about 10 years and she paid sometimes with cash and sometimes with the card, it depended on what she had in her purse. She said that when she had gone to pay there had never been a time when she was told the machine was not working. However when she worked there if this occurred she would call patients and take a credit card number over the telephone. She said this had occurred before the line was fixed. She also said that trustworthy customers could go and collect cash or pay on a later date.
89. DR was called to give evidence. She said that the Registrant was her osteopath, and she had asked her to join and work at the practice. She said that she had been wary because she had no computer skills but she agreed and assisted in booking patients, answering the telephones and then the Registrant showed her how to use the computer. She described the Registrant as helpful and understanding. She was employed between September 2019 and January 2020 and transitioning from a patient to employee was easy because the Registrant was friendly and DR said the change in their relationship must be 'professional'. She said that she did not have any concerns whilst working there but left due to personal

circumstances. She said that she worked on Thursdays and Saturday mornings and Person B worked there but on different days.

90. When describing the job DR said that making and maintaining appointments was part of the work. Patients would ring in and book an appointment over the phone but most were local and would walk in and book. This would be written into the diary and she would give them a card with their appointment written on it. She said that normally payment was made by card sometimes by cash but she had never heard of the term 'cash days' nor did she experience the Registrant asking her to hand over cash or unplugging the machine to cause patients to pay by cash.
91. Regarding the internet, DR said this was a problem on occasions but she did not recall it going down other than once. She said that if it had gone down then they would ask patients to get cash or to ring in and pay the following day. DR denied being asked to erase appointments and she said that she had never banked cash nor did she do the bookkeeping. She said that she did not know what CPD stood for. She said that she had met Person A and showed her once or twice how to answer the phone and she had also met Person B and left messages for her. She had not experienced any problems with her.
92. In cross examination DR confirmed that one receptionist would be on duty unless that person was training another receptionist. She worked between September 2019 and January 2020 a period of three months. She did not work at the clinic after COVID. She said that she had no problems with Person B nor suggested that she was doing anything improper. She agreed that Person A may well have been trained by her Person B. In re-examination she said that her interaction with Person B was really just through messages in the notebook and if the Registrant asked them to do anything.
93. In answer to questions from the Panel, DR said she was not aware of the smell of cannabis, or anyone smelling or smoking of cannabis in the building or around in the environment. She was asked to explain an incident recounted in her statement when unexpectedly a second patient attended for an appointment she had booked. She said it looked like a double booking. She said that only she and Person B booked appointments and when she did so she handed a card to the patient. She said that the diary contained another appointment in Person B's writing and it was strange that this second patient turned up. She said she did not know if there was any motivation to make mistakes on purpose.

### **Submissions of the Parties on the Facts**

94. Mr Geering provided written submissions to the panel which he then amplified in oral submissions. In his written submissions Mr Geering accepted that the burden of proving the case was on GOsC and they should do so on the balance of probabilities. As a preliminary matter he submitted that the evidence of two witnesses whose statements were included in the bundle on the express proviso that they would be called for cross examination, but who were then not called, should be given no weight at all. He said no reason had been given for their non attendance, the statements were not contemporaneous, were hearsay and both witnesses had a motive for concealing or misrepresenting events. He submitted that it was plain neither gave objective evidence. Finally that one of the statements was not signed.
95. Mr Geering's document took the Panel through the evidence in support of the case for GOsC. It said that Person A's evidence started with a near contemporaneous note followed by a statement followed by her oral evidence. In contrast, the Registrant's account was at times entirely lacking in credibility. It was clear from the evidence that she was angry at being handed the letter by Person A and, the Registrant's account contrasted with the statements of those witnesses she sought to rely upon. The document pointed out that the allegation of changing the diary entries was supported by Person B and suggested that there was no room for collusion or malice on her part. In addition, the fact that Person A and Person B both accepted they had done something wrong and therefore incriminated themselves suggested that they were telling the whole truth. Regarding the issue of cash days and CPD points, this relied upon Person A and an assessment of her credibility. Finally that the Registrant's allegations were not made in good faith and that her actions were dishonest and lacked integrity.
96. In addition Mr Geering submitted that Person A had been treated unfairly due to her pregnancy and she had given her reason why she did not make a complaint immediately. He pointed out that she had made a near contemporaneous note and this had not been challenged. He said that the Registrant's position that she was never angry lacked credibility and pointed out that the contract with Person A (which sought to disentitle her from maternity pay) gave a clear indication of the Registrant's mindset, namely that she was anxious to avoid expense. He said that her claim of being calm, discussing the matter with Person A and not being troubled by maternity liabilities was contradicted by the witness statements provided on her behalf. He suggested that there was significant corroboration provided by Person B of Person A's account of the Registrant becoming angry. He said that Person B had not sought to

collude with Person A, this was clear from the fact that she did not agree with everything Person A said nor had she made a complaint of her own to start with. He submitted that the Panel should treat the evidence of LR with some caution because she seemed to suggest that certain mistakes were deliberate when she had no reason to do so. He suggested that the assertion Person A and Person B were unreliable was incorrect. It was notable that they were prepared to own up to their part in what they said was the Registrant's dishonesty. He said that it was clear that neither were willing to confront the Registrant because of their financial vulnerability or personalities. Both painted a compelling evidential picture of the registrant altering the diary.

97. Concerning the issue of 'cash days', Mr Geering said this relied upon Person A alone and whilst the Registrant had advanced criticisms of her there was no evidence of any of it in employment files, from other witnesses or any other source. He suggested this was merely an attempt by the Registrant to attack the character of Person A. He reminded the Panel that the landlord supported Person A regarding her alleged use of drugs and suggested that the Panel may consider her to be an unlikely candidate for the use of drugs in any event. He suggested that the Registrant's contact with the landlord regarding either the cannabis or the business was not made in good faith. He said that in this she lacked honesty and lacked integrity. Regarding the CPD allegations, Mr Geering suggested this relied upon the credibility of Person A but given she had provided details about the CPD and the specific categories to which it applied, it sounded credible. She had described how she did this work and he suggested it too was compelling.
98. Mr Dayle commenced by saying that the case boiled down to credibility of witnesses and roughly put, it was a question of which version was preferred by the Panel. He said the case for GOsC relied entirely upon Person A and Person B whereas the case for the Registrant relied upon her own evidence supported by VL and DR. He said the Panel should put such weight as they wished upon the remaining material. He suggested that the charges split into three categories namely pregnancy discrimination, financial or operational irregularities and bullying. He said that the Registrant denied the comments set out in the schedule.
99. Mr Dayle said that the burden rested upon the GOsC to prove its case on the balance of probabilities and, the Registrant in answering questions had put forward what she considered might be explanations but she did not have to prove these theories. He said that Person A or Person B were disgruntled but that at the end of the day it boiled down to whose evidence was preferred by the Panel. He said that both Person B and

Person A had come to be employed following their being satisfied patients and this supported the suggestion that the allegations were monstrous. He said that even Person A said the Registrant was patient and understanding. He criticised her for being reticent in saying the Registrant was kind and suggested that this was because her perception of the Registrant was at odds with this but it was a description shared by other witnesses. He said that Person B agreed all was well until there were issues with sick leave at which point they parted but it was not on good terms. He said that Person B did have a motive to be inaccurate and that when considering her independence the panel should look at the context and background.

100. Mr Dayle said Person A's evidence was that things changed when she became pregnant but he pointed out that the Registrant had been supportive of her in the months up to January 2022. It was when maternity leave was raised that the wheels came off. He said that Person A claimed she was being discriminated against and shouted at and made other complaints. He reminded the Panel that despite Person A asking for maternity pay on a contract which did not provide for this the Registrant still paid her after her employment had terminated. He said that the Registrant told the panel that Person A demanded £5,000 from her and this was blackmail. He suggested it was entirely appropriate that she was upset about this. He said it had nothing to do with discrimination.
101. Mr Dayle said that the Registrant had concerns regarding Person A and had a robust discussion about her entitlement and other concerns including the association between Person A and LS regarding other patients and cannabis. He said these difficult conversations happened at the same time and probably contributed to how Person A left but it was the demand for £5,000 that the Registrant considered to be blackmail. He said the Panel should consider what was most likely having heard from the witnesses including the Registrant. He submitted there was no basis for sustaining an allegation of pregnancy discrimination, rather there were other things going on that led Person A to leave.
102. Concerning the financial and administration allegations, Mr Dayle said that Person B spoke of the Registrant requesting cash or instructing her to take cash to the post office. He said there was no impropriety in this and pointed out that Person B had no idea regarding whether this was accounted for or what would happen in the tax return. He submitted the nub of the case was the allegation that this was hiding money from HMRC. He said that Person B sought to support this impropriety despite having no knowledge of it. She had said she did not remember altering the diaries but may have been asked to do so by the registrant. In contrast Person

A said the Registrant stood over Person B and instructed her to alter the diary. He said this difference was a matter for the Panel to consider.

103. Mr Dayle pointed out GOsC claimed Person A has made honest admissions against her own interest but he said what she was saying was she knew it was wrong and followed instructions. He pointed out that being in Australia she was not in peril of any form of law enforcement and that should be taken into account when considering whether it really was an admission against her own interests. He said the fact that Person A's claim to have been instructed by the Registrant to do things was the litmus test of her credibility and believability.
104. Regarding the CPD allegation, Mr Dayle pointed out that the Registrant had said this was 'rubbish'. He said it would be reckless to leave a receptionist to do this work which was not simply a matter of common sense in answering questions and to do so without review. He said this would be risky for someone to do this. He said by way of contrast Person A portrayed the Registrant as quite fastidious, concerned about GDPR cleanliness and records and so on and this suggested that it was not likely the CPD was undertaken by Person A. He said it was the Registrant's theory that Person A was doing this with LS with whom she remained friendly and said the screenshot of signing in clearly showed LS's e-mail.
105. Regarding the issue of cash days and the requests for cash, Mr Dayle said what was behind this was the suggestion that the money was being spirited away. He asked the Panel 'who do you believe?' and pointed out that the Registrant had described the undesirability of cash during the pandemic and that card payments were better in a clinical situation. He said the Registrant had made it plain she was trying to get a mortgage and it would make sense to demonstrate she had funds in her account. This had been challenged by Mr Geering but it had been provided by her in searching to explain why cash was not preferable following Covid. He said it was not in her interest to have cash and not paying tax was not as beneficial as her other financial considerations. He said the Registrant had an accountant and she would easily be caught out so why put herself at risk. He suggested that her account was credible and was to be preferred.
106. Regarding the cannabis allegation he said that her complaint was not malicious and it was a matter for the Panel to consider but the fact that Person A had a baby did not prevent her from using cannabis. He said that the Registrant spoke of LS's business associated with [REDACTED] on Facebook and that she suspected LS was taking clients and undercutting the Registrant's business.

107. Finally in respect of the witnesses that were not called Mr Dayle said there was no bad faith in their not being in attendance. It was the Registrant's case that those who had been called were sufficient to tell the story. He said it was within the Panel's gift to consider what weight to give to evidence on paper and said regarding the Registrant he invited them to believe her rather than Person A and Person B. He concluded by saying that none of the charges could be supported given the Registrant's evidence and his analysis of the case.

### **The Panel's Determination on the Facts**

108. The Panel noted there was no dispute that during much of her employment Person A and the Registrant maintained a cordial and professional relationship. This remained the case for some time after she announced her pregnancy in September or October 2022. Person A acknowledged that she had made mistakes and that some valid criticism was levelled at her by the Registrant. However, Person A said she started to experience more criticism than she felt was justified. The Registrant stated that from around September 2021 Person A was not happy and did not want to be at work. She made a number of criticisms of Person A and/or LS including that she/they used cannabis, made abusive comments about patients and engaged with 'unsavoury' people from the town. The Panel regarded it as unlikely the Registrant would tolerate the many instances of inappropriate behaviour she claimed Person A had engaged in. This was particularly the case given the serious nature of the allegations which included drug-related incidents, theft of business records and stealing cash from the business. Rather the Panel considered this to be indicative of the Registrant finding fault or making accusations without justification or evidence such as business or HR records to support them. It appeared to the Panel that the relationship between Person A and the Registrant started to deteriorate from around September/October time. This culminated in the incident in January in which the Registrant is described by her own witnesses as raising her voice. In this respect the Panel regarded it as notable that, contrary to expectation these witnesses were not called to give evidence and no explanation was provided. The Panel considered that it was likely they were not called because their evidence did not align with that of the Registrant and would not stand up to cross-examination.
109. Person B gave evidence that the Registrant was at times intimidating and she left employment in unsatisfactory circumstances. Whilst she did not make a complaint to GOsC, she provided her evidence when she was made aware of Person A's complaint. This presented a picture of an employer who could be uncompromising. The Panel received and viewed

a video provided by the Registrant. Having viewed the video it noted that when Person A's husband approached the practice, rather than closing the door, the Registrant chose to confront him and spoke in derogatory terms.

110. Conversely, the Panel received evidence from other employees that the Registrant was a reasonable employer and they had no difficulty in their relationship with her. In addition Person A agreed that the Registrant was supportive at least up to the point when she announced her pregnancy. It may be that she felt supported for a short while thereafter but as stated above, the relationship then began to deteriorate.
111. Regarding the events of 27 January 2022, the Panel considered it to be notable that both HP and PW (the Registrant's husband), whose statements were submitted in evidence by the Registrant but who were then not called to give evidence, related the interaction between the Registrant and Person A in some detail. Their statements both pointed to voices (plural) being raised on both sides of the argument which contradicted the Registrant's version of events where she claimed to talk in reasonable tones. They provided detail as to what the Registrant said despite the fact that there was a closed door between them. As stated above, the Panel considered it likely that these witnesses were not called because they contradicted the Registrant's version of events. Rather they bolstered Person A's version as to the Registrant's demeanour at the time. The Panel concluded that this was a heated exchange in which the Registrant and Person A asserted their respective positions. It was not simply a discussion as the Registrant described. HP and PW both state that they heard Person A ask the Registrant for £5,000 and it is the Registrant's assertion that this was tantamount to blackmail. Person A denied this was said at all. However, in the context of Person A's request for maternity pay, the Registrant's response that she was not entitled to it under the terms of her contract and the overall deterioration in their relationship, the Panel considered it likely that a request for money was made albeit it may have been an attempt at compromise.
112. The Panel observed the Registrant to be firm and direct in her written responses to the Allegation and in some of her responses to cross-examination. She described some of the allegations as 'rubbish' and dismissed them out of hand rather than provide a more considered response.
113. Pulling the above strands together, the Panel considered that it was dealing with a small high-street clinic, managed by the Registrant who employed staff who had previously been her patients and who did not

appear to have much experience in the duties that applied to the role of receptionist. It determined that the relationship between Person A and the Registrant was reasonable until the autumn of 2021 when Person A announced she was pregnant. Following this, their relationship started to come under strain and/or Person A perceived it as such. This is similar to what occurred with Person B who also spoke of a deterioration in her relationship with the Registrant as she became less able to perform her duties. She left under what she described as unsatisfactory circumstances.

114. The Panel regarded it as likely that the Registrant would state any criticism she may have of her employees directly and robustly which could well be perceived as blunt and intimidating. This was alluded to by VL in her statement when she referred to the Registrant's communication when under stress, and to the potential vulnerability of a pregnant employee. The Registrant's approach was also likely to be delivered in a robust and blunt manner if she thought she was within her rights. One such matter was the Registrant's view that Person A was not entitled to maternity pay since she was employed on a zero-hours contract by which she aimed to exclude this.
115. In addition to the above the Panel considered that several aspects of the Registrant's case lacked credibility. There were repeated contradictions in her evidence regarding her attitude toward Person A's behaviour as alleged by the Registrant including drug-related conduct, taking patient records in breach of GDPR and stealing money. In evidence the Registrant said she was not so bothered about these issues, which lacked credibility in itself given their seriousness and breadth, but then also said that she spoke to Person A repeatedly about these things or called for formal meetings. She employed the services of an HR company and said she took advice about Person A but then said she had not taken advice about her pregnancy or maternity entitlements. She denied that she sought to exclude maternity payment in her contracts but then accepted this was the only sensible explanation for the clause. She described her conduct in January 2022 as reasonable whereas two witnesses tendered but then not called in evidence described her voice as being raised. The Registrant said that Person A did not have access to her laptop (on which the CPD log-in was recorded) but also spoke of advising Person A how to close down the computer at the end of the day. At one point she denied smoking but then described smoking in a public place.
116. In reviewing the evidence concerning the alleged taking of cash by the Registrant, the Panel noted that Person B said this amounted to £45 - £90 per week and she could not say what the Registrant did with her money.

In contrast, Person A estimated the money taken by the Registrant to be a much higher figure amounting to about £20,000 overall. The Panel considered there was little to support this higher figure and concluded it was likely to be an exaggeration. Given this and the above finding that despite her denial, a request for money was made by Person A, the Panel resolved to treat her evidence with some caution.

117. The Panel received no evidence regarding what the Registrant did with any cash sums received from patients, in particular, whether or not she took them personally as described by Persons A and B. There was no evidence regarding whether she banked the cash and/or whether she declared it as income in her annual business accounts.

### **Allegation 1**

#### **Person A was employed by the Registrant between 2020 and 2022.**

Denied – but admitted in evidence. Found proved

118. At the outset of the hearing Mr Dayle submitted that the Registrant denied all allegations however in her statement and in evidence the Registrant agreed that she had employed Person A. Person A's evidence was that she worked between these dates and this was not challenged indeed it was confirmed by the Registrant. The Panel concluded that there was no dispute that Patient A was employed by the Registrant as alleged.

### **Allegation 2**

#### **Between 2021 and 2023, the Registrant made comments and/or engaged in behaviour towards Person A, as set out Schedule 1, or words to that effect.**

Denied.

Found proved re Schedule 1 paragraphs (iii), (iv), (v) and (vii).

Found not proved re Schedule 1 paragraphs (i), (ii) and (vi)

### **Schedule 1**

#### **i) Shouted at Person A regarding leaving keys on a desk.**

Denied. Found not proved

119. Whilst the Panel found that the Registrant's manner and communication could be blunt and potentially intimidating it also recognised that an employer may on occasion have reason to reprimand an employee. Person A provided little context or description of the event about which she complained. She also conceded that she had made mistakes in her employment. It was difficult for the Panel to determine whether the Registrant had indeed shouted or whether she may have simply raised

her voice and/or displayed irritation at what she perceived to be an error by Person A, or whether Person A was being overly sensitive.

120. Considering the burden of proof, the Panel was not satisfied that there was sufficient evidence to conclude that the Registrant raised her voice in an inappropriate way or in a way that may be described as shouting.

**ii) Commented that a previous receptionist was "stupid" and stating to Person A something along the lines of "You're not that stupid are you?" or words to that effect.**

Denied. Found not proved

121. The Panel adopts its reasoning in i) above. Without context and without detail the Panel determined that there was insufficient evidence from which to conclude that these words were said by the Registrant.

**iii) "Don't put me down as a reference. I will tell everyone you do drugs and you brought drugs into my clinic", or words to that effect.**

Denied. Found proved

122. This statement is alleged to have been made on 27 January 2022 following Person A handing in her notice. Person A was clear in her recollection of this and of the Registrant's demeanour at the time. She said the Registrant was red in the face and portrayed her as extremely loud and angry. In her witness statement the Registrant refers to some of the detail of the conversation but she does not concede she raised her voice nor does she accept saying this, rather she says Person A sought money from her to blackmail her. In her evidence the Registrant said that this was the first time she had to deal with an employee becoming pregnant and seeking maternity pay. She said the event came as a surprise.

123. The Registrant said that she told Person A she would tell the police about drugs. It was her case that Person A brought drugs into the clinic on a previous occasion, a 3<sup>rd</sup>-party smoked cannabis in the clinic and Person A smoked cannabis in her flat above the clinic (something about which the Registrant subsequently complained).

124. The Registrant portrayed her response to Person A's resignation letter as reasonable and measured, it being within the clinic. However, both HP and PW whose statements the Registrant relied upon, described the exchange as being one they could hear through a closed door. PW described the Registrant as mentioning drugs albeit he says the Registrant threatened to tell the police rather than tell everyone. It was notable that

HP heard only snatches of the conversation whereas PW purported to recall details of the conversation, almost verbatim after a period of two years. Neither HP nor PW were called to give evidence despite this being GOsC and the Panel's expectation. As such the reliability and/or the veracity of their evidence was not tested in cross-examination. Following submission by both Counsel and advice from the Legal Assessor the Panel considered that it should admit and consider the statements but that it should subject them to scrutiny. It should treat them with caution where they supported the Registrant's case and this was not tested in cross-examination. However, where they contradicted the Registrant's case the Panel was of the view that this could be and was relied upon, in the case against the Registrant.

125. By 27 January 2022 the professional relationship between Person A and the Registrant appears to have broken down. Person A provided a letter stating that she sought maternity leave and pay from 20 March 2022 until 18 December 2022 at which point she would resign. However, on leaving the premises on 27 January 2022 she decided not to return because she felt intimidated. Person A thus left nearly two months before she intended and before the Registrant expected. The Registrant said that she was taken by surprise by the letter and/or the request for maternity pay and Person A's assertion that having been paid maternity pay for nine months she would not return from maternity leave.
126. The Panel regarded it as unlikely that the Registrant responded to this unwelcome and unexpected news in the measured way she sought to portray. It was more likely that she responded strongly and/or angrily as described by Person A and as corroborated by the fact that she could be heard by two witnesses through a closed door. The Panel concluded that the words alleged were indeed uttered, they were uttered in a loud voice and that the Registrant was and intended to be intimidatory in making that statement.

**iv) "Oh you think you are so smart. You are going to sit at home on your arse with your brat and take money off me", or words to that effect.**  
Denied. Found proved

127. Person A reports this comment as being part of the Registrant's response to her request for maternity pay and notice. The Registrant asserted that she thought Person A was not entitled to maternity pay because of the terms of her employment contract. She thought Person A could or should make any claim by way of job-seekers allowance or similar as she said she had had to do. Both she and Person A alluded to an expectation that

Person A would remain at work until around May and the Registrant said that Person A's letter came as a surprise to her.

128. Once again, the Registrant presented herself as being reasonable in her response to Person A saying she would have to check with her HR company. However, the Panel noted that she had made enquiry about her previous employee Person B, and PW made it plain she had made extensive enquiry and taken HR advice regarding Person A's performance. The Panel considered it to be unlikely that the Registrant did not investigate her responsibilities regarding Person A being a pregnant employee.
129. The Registrant mentioned that she had worked hard to build up her practice and Covid had made things very difficult. The Panel recognised that this may well have been the case as it was for many small businesses. The Panel regarded it as likely that the Registrant sought to minimise her liability toward her employees by excluding maternity payment from her employment contracts. However, she realised that despite the strain it may place on her business finances, she would have to provide maternity pay to an employee with whom she had fallen out and who had said she would not return. Whilst the Registrant's frustration may be explicable, given the heated nature of the topic and the exchange, the Panel considered it likely that the Registrant lost her composure and spoke in the terms alleged. She did so because she thought she would have to pay Person A whilst she did not contribute to the business, was not returning and she reacted accordingly.

**v) "Don't you get it? I want you gone. I want you to leave ", or words to that effect.**

Denied. Found proved

130. The Panel adopts the reasoning above. It has already determined that the exchange on 27 January was heated and that the Registrant made her views known in robust and incautious terms rather than in a measured way. Person A was clear in her evidence and HP also confirmed that the Registrant told Person A to leave – he could hear this through the closed door. The Panel again found it more likely that the Registrant, having lost her composure, spoke in the terms alleged and did not, as she asserted, simply ask Person A to leave and return the following day to discuss matters.
131. The Registrant said that she meant Person A to go home and come back in the morning. Person A did not return the following day, which suggests she understood this to mean leave permanently or she felt so intimidated

she was unable to return. Whether the Registrant intended to effectively dismiss Person A is not wholly clear. What is clear is that her mode of communication was incautious and inappropriate.

**vi) "if you want to be stupid, I'll speak to you like you're stupid", or words to that effect**

Denied. Found not proved

132. The Panel adopts its reasoning in i) and ii) above. Without context and without detail the Panel determined that there was insufficient evidence from which to conclude that these words were said by the Registrant.

**vii) Pressured Person A to resign prior to her maternity leave.**

Denied. Found proved

133. The Panel has already set out above that the Relationship between the Registrant and Person A started to deteriorate in late 2021. In late January 2022 this culminated in Person A resigning and leaving some months earlier than intended or expected. In addition, whilst the Registrant may have thought she had excluded any liability to pay maternity pay, she realised she may be liable to pay Person A even if she could reclaim it at a later date. She thus vented her frustration on Person A regarding this. She certainly did so on 27 January when Person A handed in her letter of notice.

134. Person A has described events prior to 27 January and, whilst the detail of those events were not proved, the Panel had no doubt that there was a deterioration in the relationship between her and the Registrant. The Panel concluded that there was likely to have been an unpleasant working environment borne from the Registrant's frustration and her attitude/communication when dealing with matters with which she did not agree. The Panel noted the similarity in the way Person B described her departure as set out above.

135. The Panel was not satisfied that the Registrant deliberately targeted Person A as a result of her pregnancy albeit that is how Person A may have perceived her conduct. Rather the Panel considered that the Registrant permitted her frustration, dissatisfaction and financial concerns to get the better of her. She did not deal with Person A in a measured and professional way, rather she was abrupt, incautious and critical whether she realised it or not and this caused or contributed to Person A's resignation.

**Allegation 3**

**On one or more occasions between 2018 and 2022, the Registrant:**

**(a) informed patients that the card machine was not functioning when she knew it was functioning;**

Denied. Found not proved

136. The Panel considered that the evidence concerning the availability of the card machine was contradictory. On the one hand the witness DR, employed between September 2019 and 2020 alluded to an occasional problem. This was confirmed by both Person A and the Registrant. On the other hand the witness VL, employed from February 2022, said that the system she inherited was not fit for purpose and required BT to attend on several occasions to effect repairs. Neither witness DR or VL heard the comment alleged and, the Registrant firmly denied it. The Registrant and the other witnesses said that if the machine was genuinely unavailable, as was sometimes the case, patients may pay by cash or they may phone up and pay the following day. From the above it appeared to the Panel that the system may have degenerated with time. It was not clear whether and if so to what extent the Registrant was aware of this.

137. Person A was the only Person to make this assertion and, whilst it may be that she witnessed the Registrant saying the machine was not available, there was no evidence from which to conclude that this was not based upon a genuinely held belief or a mistakenly held one. Person A did not explain how she was able to say what the Registrant knew and, given the potential for exaggeration or adverse inference being drawn by the protagonists in a feud, the Panel could not be satisfied that any statement made by the Registrant was knowingly false.

**(b) altered and/or deleted digital and/or physical patients' appointment records;**

Denied.

Found proved in respect of physical records

Found not proved in respect of digital records

138. Two witnesses, Persons A and B, gave clear and detailed evidence concerning the alteration of the physical diary by the Registrant. Whilst any booking system is liable to have alterations because patients cancel or need to change their attendance time, the clear import of this allegation is that it was not done for this purpose.

139. Person B described the alteration of the diary in her statement and confirmed it in her evidence. She said she saw the names in the diary and saw the names rubbed out by the Registrant and yet she also saw the

patients attend. She described the Registrant sitting across the table from her and erasing names or leaning over her shoulder and erasing names. She confirmed these were patients who paid in cash and not those who paid by card. She confirmed the detail of the cash-tin and the Registrant taking a modest amount of money. Her evidence provided the picture of occasional opportunistic conduct which was in accordance with the evidence that the internet and thus the payment system was at times unavailable.

140. Person A gave similar evidence but included the suggestion that there were regular 'cash days' when the Registrant conducted herself as alleged. Notably it was Person A who said she told patients that the card machine was not working causing at least some of them to pay by cash. Others would pay over the phone either later on or the following day. She then described erasing names from the diary on the Registrant's instruction or by the Registrant doing this herself. She described the Registrant doing this on occasion.
141. Both witnesses said they knew the Registrant was doing something wrong, Person B said it was dishonest. Both accepted that they were party to and facilitated that conduct by erasing names, watching names be erased and not challenging any of this. They did not seek to minimise their own involvement, rather they said they were in a difficult position and turned a blind eye to the Registrant's conduct. The Panel noted the comment by Mr Geering that the witnesses spoke against their own interests and were in this respect telling the 'whole truth'. The Panel considered that there was some force to that argument.
142. The Panel has already stated that it approached Person A's evidence with some caution due to the possibility of exaggeration or drawing ill-founded inferences. However, regarding this allegation it received evidence of a broadly similar nature from two witnesses. Neither appeared to over-emphasise the Registrant's conduct or minimise their own. The Panel found their evidence to be compelling.
143. Whilst Person A also spoke of the possibility of erasing names in an electronic diary it was not clear whether this was what actually occurred. She spoke of a pencil diary still being maintained. In any event this was at the time when a simple online diary was used by one or more practitioners other than the Registrant. She still used the physical diary. Person A did not assert that the Registrant deleted any electronic information. The Panel was not satisfied that there was sufficient evidence from which to conclude the Registrant altered electronic records.

**(c) failed to complete clinical notes for attending patients.**

Denied. Found not proved

144. The Panel noted that the Registrant was resolute with regard to the completion of her clinical notes. She said she did so at the time of any consultation or shortly thereafter. If they were very busy she would do so at the end of the day or the following day. There has been no complaint regarding her standard of treatment or clinical competence and all witnesses appear to regard her as a good practitioner.
145. This allegation relies entirely on Person A and it was not clear to the Panel how she made this claim or whether this may be an example of her inferring matters against the Registrant. There was no evidence to suggest that she checked up on patient files or that she would know what the Registrant did when she was not present at the clinic. The Panel was not satisfied that there was evidence from which to properly conclude that there was a failure by the Registrant.

**Allegation 4**

**On one or more occasions in or around 2021, the Registrant instructed Person A to undertake a continuous professional development activity on her behalf.**

Denied. Found proved

146. Whilst Person A was the sole witness to support this allegation the Panel found her evidence to be clear and compelling. She knew the details of the CPD platform that she accessed and she spoke of four categories of practice – ABCD. This accords with the four areas of the Osteopathic Practice Standards. In addition she spoke of specific areas of injury or treatment and spoke of answering multiple choice questions with the benefit of a video-transcript. The Panel was of the view that the detail showed she had an awareness of the system and that it was likely that she had accessed it. It was improbable that she had made this up albeit some of the detail may have been misremembered such as whether the platform was free or paid.
147. The Registrant denied instructing Person A to undertake her CPD and denied providing access to the practice laptop however Person A spoke of the laptop, its connection to the wi-fi system and its use. The Registrant suggested that perhaps LS had asked Person A to undertake her CPD and provided a screenshot of the practice laptop in support of this. Not only did this contradict her assertion that Person A did not have access to the laptop but the screenshot appeared to show access using both the Registrant's credentials and those she asserted belonged to LS. The Panel

was satisfied that Person A did have access to the laptop and used it as alleged whether or not she did the same for LS.

**Allegation 5**

**On or around August 2023 made one or more inaccurate reports to a landlord in respect of Person A and / or her family alleging:**

**(a) Person A / partner smoked cannabis,**

Denied. Found proved

148. It was not disputed that the Registrant made a complaint.

149. The Registrant said that she saw Person A leaning from her window smoking cannabis. This was strongly denied by Person A whose denial was supported by the landlord. Whilst no other employee spoke of smelling cannabis at the clinic Person A observed that there were occasions when patients would smell of cannabis. There was also the allegation made by the Registrant regarding LS and her use of cannabis.

150. The Panel considered it likely that this allegation was made by the Registrant as part of the tit-for-tat exchange occurring a year after Person A left her employment.

**(b) Person A / partner ran a business from their flat.**

Denied. Found proved

151. Once again the Panel noted that the fact of the allegation was not disputed. It was denied by Person A whose position was supported by the landlord in writing. The Landlord refers to neither Person A or her partner having a business which implies the complaint to him alleged this. There was no documentary or other evidence that Person A or her partner ran a business and none was provided by the Registrant. However, the Registrant said that she had seen information about LS and her business on Facebook and that this was registered at [REDACTED].

152. Again the Panel considered it more likely than not that this was an allegation made by the Registrant as part of a tit-for-tat exchange between the two and that it was not an accurate report.

**Allegation 6**

**The Registrant's conduct as set out at particular 2:**

**(a) was inappropriate;**

Denied.

Found proved re Schedule 1 paragraphs (iii), (iv), (v) and (vii).

Found not proved re Schedule 1 paragraphs (i), (ii) and (vi)

153. The Panel found that on 27 January 2022 the Registrant engaged with Person A using conduct and language that was loud, intimidating, potentially threatening and abusive. Even more so given the power imbalance between the Registrant and Person A.
154. The Panel regarded it as unacceptable and inappropriate for any employer to use the language found proved let alone for a registered osteopath to do so toward a pregnant employee who had handed in her notice.
155. Paragraphs (i), (ii) and (vi) were not found as facts hence there is no consequential finding in respect of these alleged comments.

**(b) discriminated against Person A because of her pregnancy and/or maternity leave.**

**Denied**

Found proved re Schedule 1 paragraphs (iv), (v) and (vii).

Found not proved re Schedule 1 paragraphs (i), (ii) (iii), and (vi)

156. The Panel was of the view that the comments found proved at paragraphs (iv), (v) and (vii) relate directly to Person A's pregnancy and the fact she sought maternity leave or pay. Furthermore the Panel was satisfied that the Registrant's attitude toward or support for Person A diminished following the announcement of her pregnancy.
157. The Panel determined that the Registrant sought to minimise her exposure to paying maternity pay through her use of zero-hours contracts. It was clear that she did not equip herself with the knowledge or support necessary to safeguard her staff, her practice or herself.
158. Regarding Schedule 1 paragraph (iii), whilst the Panel has found the comment was made it was of the view that this did not relate specifically to Person A's pregnancy or maternity leave. Paragraphs (i), (ii) and (vi) were not found as facts.

**Allegation 7**

**The Registrant's conduct as set out at particular 3:**

**(a) lacked integrity.**

Denied

Found proved regarding Allegation 3(b)

Found not proved regarding Allegation 3(a) and 3(c)

159. The Panel was of the view that the conduct found proved at Allegation 3(b) namely the alteration and erasure of patient-attendance was not the conduct expected of a registered osteopath. The Panel accepted the contention made by GOsC that this was done by or on the order of the Registrant so that she could take cash from the business without detection. The only financial record of a patient's attendance would be in the diary and once this had been removed the cash could also be removed.

160. Allegations 3(a) and (c) were not found as facts hence there is no consequential finding.

**(b) was dishonest in that**

**i. In respect of 3 (a) she knew the statement was wrong;**

Denied. Found not proved

**ii. In respect of of 3 (b) and (c) she intended that the records and / or clinical notes for patients would be inaccurate;**

Denied

Found proved regarding Allegation 3(b)

Found not proved regarding Allegation 3(c)

161. The Panel adopted its reasoning above. Regarding the financial/appointment records in the diary, the Panel was of the view that there could be no explanation for the removal of a written financial record of a patient who had attended other than to falsify that record. The Panel accepted the evidence of SS and Person A that this occurred, and determined that the Registrant did this or ordered this to be done so that she could extract cash from the business. The alteration by erasure of the business records was made in order to cover up this removal of cash. In this respect the Registrant knew and intended the records to be inaccurate. The Panel had no doubt that a reasonable and informed member of the public would consider this to be dishonest, indeed the Registrant admitted as much.

162. Regarding this allegation as it refers to 'clinical notes', the Panel noted that Allegation 3(b) does not refer to clinical notes, rather it refers to 'patients appointment records' which the Panel regarded as meaning a reference to the diary maintained at reception rather than clinical notes. In addition, the Panel was not satisfied that either SS or Person A were in a position to confirm that the Registrant did not complete appropriate clinical records either at the time of an appointment or subsequently. The Panel thus finds this part of this allegation (referring to clinical notes) not proved.

163. Allegations 3(a) and (c) were not found as facts hence there is no consequential finding.

**Allegation 8**

**The Registrant's conduct at particular 4;**

**(a) lacked integrity.**

Denied. Found proved

164. The Panel was of the view that the conduct found proved at Allegation 4 namely the Registrant engaging Person A to undertake CPD points for her was not that expected of a registered osteopath. Such continuous learning and development is designed and intended to ensure the Registrant is and remains a safe, competent, informed practitioner. Furthermore, she could demonstrate this to her regulator and/or the public who may then have confidence in her and in the profession.

165. The Panel regarded engaging Person A to undertake this work and obtaining certification for that work as striking at the heart of learning, safety and the standing of the profession. The Registrant conceded that such conduct, if found proved, would demonstrate a lack of integrity

**(b) was dishonest in that the Registrant knew it was improper for her CPD to be completed by someone else**

166. Denied. Found proved

167. The Panel adopts its reasons above and concluded that a reasonable and fully informed member of the public would consider the Registrant engaging a third party to undertake CPD work and obtain certification for her was dishonest. The Registrant was aware she needed to undertake CPD work and why. To rely on work done by another would mislead any person looking at her CPD records and the Registrant would know this. The Registrant conceded that such conduct, if found proved, would be dishonest.

**Allegation 9**

**The Registrant's conduct at particular 5:**

**(a) lacked integrity.**

Denied. Found not proved

168. Regarding both complaints set out in Allegation 5, the Panel noted that these were made a year after Person A had left the Registrant's employment. This was at a time when the Registrant was making a general complaint to the landlord about the suitability of the premises. It

was also following the complaint by Person A to GOsC. The Panel has already observed that there appeared to be a certain amount of tit-for-tat or back and forth in the attitude between Person A and the Registrant and, these complaints were made during this time.

169. It was not disputed that the two complaints were made. Regarding cannabis (Allegation 5a), the Registrant said that she saw Person A smoking out of her flat window. Regarding Allegation 5b, Person A said the complaint was about her and/or her partner however the Registrant said that her complaint was about LS's business [REDACTED]. She gave a clear account of seeing this on Facebook albeit she could not provide this evidence.
170. As stated above it was not disputed that the Registrant made the complaint on the basis that she saw Person A leaning from her window and she believed her to be smoking cannabis. The allegation was strongly denied by Person A whose denial was supported by the landlord. Furthermore, whilst no other employee spoke of smelling cannabis at the clinic Person A observed that there were occasions when patients would smell of cannabis. There was also the allegation made by the Registrant regarding LS's use of cannabis.
171. The Panel considered it likely that the Registrant saw something however, it could not, on the evidence be satisfied as to what that was. It may be that the Registrant believed that Person A was smoking even if she was not and the allegation was raised as part of the tit-for-tat exchange going on at the time. That said, the Panel could not be satisfied that the Registrant knew her complaint was false or that she reported it simply to make trouble. As such, the Panel was unable to conclude that the Registrant lacked integrity in making this complaint.
172. The Panel regarded the latter complaint (Allegation 5b) as being a curious one to simply make up a year later. It considered that the Registrant may have seen something on Facebook that led her to believe that LS had registered her business at the address and that is why she made the complaint. In addition, the case seemed to be more about the prospect of LS having a business there and not Person A or her husband.
173. The Panel determined that although the complaint was probably unhelpful in the overall scheme of events, it was not satisfied that the Registrant made her complaint knowing it was false. The Panel accepted that she may have had a reason or genuine belief to raise the issue given her evidence regarding a non-competition clause preventing two similar

businesses from operating in the premises. As such it could not be satisfied that the Registrant lacked integrity in making the complaint.

**(b) was dishonest in that she knew the information provided to the council was wrong.**

Denied. Found not proved

174. The Panel observes that Allegation 5 refers to making complaints to "a landlord" rather than to the Council and as such it lacked clarity. However, in determining this allegation the Panel adopts its reasoning set out above. It was not satisfied that the Registrant knowingly provided false information. Regarding Allegation 5a, she may have had reason to believe she had seen Person A doing something and, putting things together in her own mind, she made an erroneous report rather than a deliberately false one. Regarding Allegation 5, the evidence was uncertain as to who the complaint was about and the Registrant gave a clear account of why she complained. The Panel has already determined that she may have believed she had reason to do so.

175. In respect of both complaints the Panel was not satisfied on the balance of probabilities that the Registrant knew them to be false.

## **Resumed Hearing 1 April 2026**

### **Proceeding in absence**

176. The Registrant did not attend the proceedings nor was anyone present on her behalf. The Panel therefore first considered whether it should proceed or adjourn.

177. The Panel received a letter from Mr Sutton, Solicitor, dated 11 February 2026 stating that the Registrant had "*no further interest in using the title osteopath*", she "*had insurance to acts as some kind of MSK specialist and [had] rebranded her company*" and "*will not involve herself in the proceedings be it on the 1<sup>st</sup> and 2<sup>nd</sup> April or at all.*"

178. Mr Mullin, Counsel for the GOsC applied to proceed in the absence of the Registrant stating that she had voluntarily absented herself. He submitted that the public interest would not be adversely affected by the Panel proceeding without the Registrant.

### **Decision on proceeding in absence**

179. The Panel accepted the advice of the Legal Assessor which included that the Panel's discretion to proceed should be exercised with caution balancing the Registrant's rights and interests against the public interest. The Panel should only proceed if it was satisfied that it could conduct a fair hearing in the absence of the Registrant.
180. The Panel determined that it should proceed with the hearing in the absence of the Registrant. In coming to this conclusion the Panel took account of the fact that unfortunately the Registrant had, through her solicitor, clearly indicated she had no further interest in the proceedings and no intention of attending. The Panel concluded that adjourning would not result in the Registrant changing her mind and participating or attending, it would simply delay the process. As such it would be contrary to the overarching objective which requires cases to be dealt with in a timely manner. The Panel was satisfied that it could fairly assess whether the facts found proved amounted to UPC and, if they did, what if any sanction would be appropriate.

### **Submissions of the Parties on Unacceptable Professional Conduct ("UPC")**

181. Mr Mullin relied upon his written submissions in which he indicated that the Registrant's conduct included actions which breached a number of the professional standards expected of a registered osteopath (the OPS). He submitted that the Registrant's proven conduct fell short of expected standards, was serious and did amount to UPC. He set out what he submitted were a number of breaches of the OPS.
182. Mr Mullin made further brief submissions in respect of the findings of fact which he said fell into four categories namely, discrimination, dishonesty regarding records, dishonesty regarding CPD and finally inaccurate reports made to Person A's landlord.
183. Regarding the discrimination, Mr Mullin submitted the statements and conduct found proved amounted to discrimination against Person A because she was pregnant. He said the conduct amounted to bullying and an attempt to evade the legislative requirement to pay an employee during her maternity leave. He said the conduct was selfish, troubling, offensive and breached OPS standard D6 (equality) and D7 (courtesy). He submitted that the conduct fell far below that expected of a registered professional and amounted to UPC.
184. Turning to the question of dishonesty regarding records, Mr Mullin submitted that the records had been altered so that the Registrant could

take cash from the business without detection, it was therefore dishonest. He further submitted that Person A suggested this was done to evade duty or tax and whilst there was no specific finding for this, he asked 'what other motive could there be?' Mr Mullin suggested that OPS standards C2 (practice records), D1 (honesty) and D8 (honesty) were all engaged. Mr Mullin conceded that the Registrant had not deleted clinical records but submitted that she had deleted the fact patients had attended on particular days and this was potentially detrimental to them. In any event it meant the Registrant did not maintain appropriate records. He said a finding of dishonesty was plainly serious since this undermines trust in the profession and it amounted to UPC.

185. Mr Mullin next dealt with the dishonesty allegation regarding CPD and submitted that paragraphs B3 (maintaining knowledge), D1 and D8 (both honesty) were all engaged. He submitted that the Registrant's actions in asking Person A to do her CPD on her behalf circumvented the regime which was in place to ensure that her knowledge and practice was up to date and that she provided best treatment. He submitted that dishonestly flouting the CPD regime was serious and plainly amounted to UPC.
186. Finally Mr Mullin dealt with the finding that the Registrant had made inaccurate reports to Person A's landlord. He said that the Panel found that the professional relationship between the Registrant and her employee had degenerated into a "tit-for-tat". Whilst this might not amount to UPC on his own, in the context of the case as a whole it was either UPC or at least an aggravating factor in respect to the other matters found proved. He said it was a vindictive attempt by the registrant to make Person A's life difficult.
187. Mr Mullin concluded by saying that the Registrant's conduct was not isolated it breached different categories of the OPS and there was evidence that the Registrant had a bad attitude towards her employees.

### **The Panel's Findings on UPC**

188. The Panel accepted the advice of the Legal Assessor which included that UPC comprised of conduct that was serious and fell below the standards expected, breaches of the OPS may indicate UPC but did not determine this. It then went on to consider the issue of UPC in light of its previous findings of fact.
189. The Panel carefully considered the submissions made by Mr Mullin on behalf of the GOSC and took note of the fact that the Registrant has no

previous regulatory findings against her. However, the Panel regarded the Registrant's failings as sufficiently serious to be categorised as UPC.

190. The Panel found it helpful to adopt the four categories espoused by Mr Mullin and considered them in turn.
191. Regarding the comments made by the Registrant and her conduct towards Person A, the Panel found that this occurred in the context of an argument following the breakdown of their employer/employee relationship. The Registrant failed to manage this breakdown in a professional manner and resorted to what Mr Mullin rightly described as bullying and discrimination. This was directed toward a pregnant employee who merely sought what she was entitled to. The Panel considered that pregnancy is a protected characteristic under the Equality Act and inappropriate conduct directed toward and against a person with such a characteristic is very serious indeed. This is made clear in the GOsC own Hearings and Sanctions Guidance. It is not the conduct expected of a registered professional.
192. Regarding the OPS, the Panel was of the view that Standard D6 was arguably not engaged since this refers in the main to patients and, the Registrant's conduct was toward an employee. However, the spirit of and law embodied in D6 (that one should not discriminate) was clearly a part of good practice. The Panel viewed it as included in the detail of Standard D7 which requires the Registrant to uphold the reputation of the profession including acting within the law D6(2.1), being courteous to colleagues D6(2.3), D6(2.7) not being aggressive in professional life and D6(2.8) not allowing professional disputes to cause one to fall below expected standards. The Panel regarded the Registrant's conduct as breaching each of these sub-paragraphs of standard D6.
193. The Panel next dealt with the erasure of diary entries and the related findings of dishonesty and a lack of integrity. Whilst it was suggested that the Registrant sought to evade tax by receiving cash payments and deleting the diary record of a consultation, there was no evidence that this is in fact what she did. Furthermore, whilst it may be inferred that she sought to simply pocket the cash and hide this fact by the deletion of a diary entry, this conduct (essentially stealing from the business) was not a specific allegation levelled against the Registrant. That being the case the Panel could go no further in its factual findings or in this assessment of seriousness than to say that the Registrant had erased business and financial records for her own purposes as opposed to the purposes of the business. This created a mismatch between the clinical and the financial/business records. The Panel remained satisfied that the

alteration of records in this way was dishonest and lacked integrity. It was not the conduct expected of a registered osteopath.

194. Whilst the Panel understood the logic behind Mr Mullin' submission that standard C2 (patient records) was engaged, it was of the view that this was somewhat tenuous since this standard is directed in the main toward patient records rather than business records. The Panel had insufficient evidence to conclude that patient clinical records were incomplete. Rather, the Panel was of the view that Standards D1 and D8 which require registrants to act with integrity and honesty were both engaged and breached by the Registrant's conduct. This conduct clearly amounted to UPC.
195. The Panel next considered the category of CPD records. In so doing it reminded itself of its finding regarding this allegation, which was that Person A was clear that her conduct in undertaking and recording CPD on behalf of the registrant was not an isolated incident but occurred on a number of occasions. Person A described some of the CPD that she looked at, filling out questionnaires and printing off certificates.
196. The Panel accepted Mr Mullin' submission that CPD and the CPD regime are in place to ensure that registrants remain up to date in their skills and practice and provide the best care/treatment to patients. It agreed that the Registrant's conduct circumvented this and the conduct led to the falsification of her professional records. This conduct was dishonest and lacked integrity since the Registrant knew she was supposed to do the CPD herself, record this fact, and declare this to GOsC in due course.
197. Mr Mullin submitted that OPS Standard B3(1.1) was engaged. However, this deals with a registrant maintaining their knowledge base. Whilst the Panel was satisfied that the Registrant falsified the records as set out above it could not conclude that her professional knowledge and skills were not up to date there having been no complaint about her treatment of patients. As such the Panel was not inclined to agree standard B3 was engaged. However it was satisfied that standard D1 (honesty and integrity) was once again engaged and once again breached by the Registrant's conduct. The Panel had no doubt that the public would be appalled by her conduct and that it amounted to UPC.
198. Finally the Panel turned to the issue of the Registrant's incorrect reports to Person A's landlord. The Panel first noted that this was not related to clinical or professional practice and, whilst it may have been incautious it had not characterised them as dishonest or lacking integrity. The Panel determined that the Registrant had made erroneous and incautious

reports as opposed to reports that she knew to be false as had been alleged. Whilst this formed part of the context and the “tit for tat” between the Registrant and Person A, the Panel was not satisfied that it was so serious as to be characterised as UPC. Rather, the panel viewed this as indicative of the wider picture of a breakdown in the relationship between Person A and the Registrant, and the Registrant’s loss of her proper consideration and judgement at this time.

### **Submissions of the Parties on Sanction**

199. Mr Mullin adopted his written submissions and reminded the Panel that the purpose of sanction is not to punish the Registrant but to protect the public. Sanction he said was a matter for the Panel alone. He submitted that the Panel should consider any aggravating and mitigating factors within the case. Regarding mitigating factors he said that the Registrant was otherwise of good character, the events were now a considerable time in the past, there was no evidence of harm to patients and the issue of discrimination did not appear to indicate an attitude against pregnancy, rather it may be the result of financial pressures. As to aggravating features Mr Mullin submitted that the dishonesty was serious in itself but this was aggravated by the fact it was persistent, in some respects it had been covered up and it was in two unrelated areas which suggested an underlying attitudinal problem.
200. Mr Mullin further submitted that discrimination was by its very nature serious and both this and dishonesty engaged the need for sanctions at the higher end of the scale. He said that there would have to be exceptional circumstances to depart from the higher sanctions and there were no such circumstances in this case. Mr Mullin submitted that the panel may consider whether the Registrant’s attitude during the hearing or as indicated by the letter submitted on her behalf indicated an attitudinal problem or gave any indication of remorse, insight or the potential to remediate.

### **The Panel’s Determination on Sanction**

201. The Panel determined that the appropriate level of sanction was Removal of the Registrant from the Register.
202. In coming to the above conclusion the Panel considered the Hearings and Sanctions Guidance (HSG) produced by the GOsC, the submissions by Mr Mullin and it accepted the advice of the legal assessor. The latter included consideration of the overarching objective, the order in which sanction

should be considered and issues such as good character, insight, remediation and/or the capacity to gain insight or to remediate.

203. Concerning aggravating and mitigating factors, the Committee first looked at mitigating factors. The Committee concluded that the Registrant's good character over a number of years of practice (before and since these events) was such a factor as was the fact that there was no evidence of actual harm to the patients. In addition whilst the findings involve a number of concerns across different areas of the Registrant's practice, they are confined to a particular period (around the pandemic) when she was likely to have been under financial and/or personal stress. There was evidence that when the Registrant employed people she did so for positive reasons and work relationships started well. Finally, she asserted that she now worked from home and did not employ staff.
204. Concerning aggravating features, the Panel has already found that the matters proved are serious. However, there did not appear to be particular aggravating features that elevated the facts found proved beyond this.
205. The Panel next considered the issues of insight, remorse and remediation which go to the question of continued risk and the central issue of public protection including the declaration of appropriate standards. The Panel noted that the Registrant engaged in the fact-finding hearing and answered questions, however, since then she has withdrawn from these proceedings. Her solicitor has lodged a letter firmly asserting that she has no interest in being an osteopath or in engaging further. She has provided no submissions on UPC or appropriate sanction, no testimonials and no evidence of learning, insight, remorse or remediation or the capacity to remediate. Indeed her withdrawal and the letter suggest the reverse. The Panel concluded that she has unfortunately rejected the Panel's findings and washed her hands of the entire process.
206. The Committee first considered the question of whether admonishing the Registrant was an appropriate and sufficient sanction. It concluded that it was not. In coming to this conclusion the Committee noted that despite the Registrant's otherwise good character, this case involved dishonesty and discrimination both of which are serious matters albeit they were circumscribed by time and events. There was no evidence that the Registrant had changed or was willing to change and no evidence she would accept or learn from an admonishment. As such there was no evidence that this sanction would protect the public. The Panel was also of the view that this, the lowest sanction, would be insufficient to meet the public interest of declaring and upholding standards.

207. Concerning a Conditions of Practice Order, the Panel adopts the above reasoning. In addition, such an order is more appropriate when dealing with failures in technique and practice rather than matters of discrimination and dishonesty. In any event and particularly in light of the Registrant's stance regarding these proceedings the Panel was of the view that even if conditions could be devised to meet the concerns in this case, there was no evidence from which to conclude that the Registrant would abide by them.
208. The Panel next considered the sanction of suspension. It regarded this as a serious sanction and one which may indicate the deplorable nature of the Registrant's conduct and the fact that she departed from the standards expected of a registered professional in several ways. That said, even when there are such serious departures from expected standards they are not always fundamentally incompatible with continued practice. The question of compatibility is also informed by whether there is evidence of remorse, insight, remediation or the capacity to remediate. If such evidence is present it may indicate that a period of suspension which marks the seriousness of the case and yet allows for reflection and learning will be sufficient to protect the public and the public interest. However, this Registrant has chosen to disengage and has provided no such evidence. As such the Panel concluded that whilst a suspension may indicate the seriousness of the case, it was insufficient to protect the public.
209. Finally the Panel considered removing the Registrant from the register. The Panel took account of all its above findings and reasoning. It noted that matters of dishonesty and discrimination are in themselves serious. The events complained of whilst confined to a particular period and particular people occurred over a period of time. They give rise to a concern regarding the Registrant's underlying attitude toward some persons and her honesty/integrity. Against this the Panel had received no evidence that the Registrant had reflected on the findings and no evidence of insight or remorse. She had provided no evidence suggestive of a willingness to remediate. As such the Panel was left with no choice but to remove her from the Register. The Panel was satisfied that in the absence of any potential to remediate no lesser sanction would protect the public nor would it protect the public interest by declaring and upholding standards of conduct.

### **Application for an Interim Suspension Order**

210. Mr Mullin applied for an interim suspension order to cover the period during which the Registrant may appeal and/or until such appeal, if made, was determined. He submitted that there was evidence of the Registrant's poor attitude toward her employees and practice. The risks which flowed from that continued. In addition the Registrant continued to practice in healthcare as a musculo-skeletal practitioner and, she would be entitled to hold herself out as an osteopath pending her removal from the register.

### **The Panel's decision on an Interim Suspension Order**

211. The Panel determined that an interim suspension order was necessary to protect the public (in particular any colleagues with whom the Registrant may work) and that the order should last until the end of the appeal period or until any appeal is disposed of.

212. In coming to the above conclusion the Panel accepted the advice of the Legal Assessor which included that the test was one of 'necessity to protect the public'. The Panel determined that the Registrant's lack of insight and remediation meant there was a risk of repetition of her unprofessional conduct. She had indicated that she remained in practice albeit she now called herself an MSK practitioner. Unless and until she is removed from the register she could hold herself out as an osteopath and engage in the same conduct as before. As such the Panel concluded there was a risk to the public that could only be met by the imposition of an interim suspension order.

**IF RELEVANT:** Under section 31 of the Osteopaths Act 1993 there is a right of appeal against the Panel's decision.

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

All final decisions of the Professional Conduct Panel 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 Panel

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 Panel 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 Panel in respect of the osteopaths so named.