

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 642/1574

Professional Conduct Committee Review Hearing

DECISION

Case of:	Ms Tracy Davies
Committee:	Mr Philip Geering (Chair) Ms Nora Nanayakkara (Lay) Mr Kenneth Mclean (Osteopath)
Legal Assessor:	Ms Margaret Obi
Representation for Council:	Mr Chris Gillespie
Representation for Osteopath:	Ms Clodagh Bradley
Clerk to the Committee:	Mr Farhan Kabir
Date of Hearing:	15 January 2019

Summary of Decision:

The Committee decided to make no further directions and to allow the 3-month Suspension Order to lapse on expiry.

Allegation and Facts

It is alleged that you, Tracy Davies, are guilty of Unacceptable Professional Conduct, contrary to Section 20(1)(a) of the Osteopaths Act 1993 in that:

1. At the relevant times you were employed by the British School of Osteopathy (BSO), now called the University College of Osteopathy, as a clinic tutor.
2. [Found Not Proved].

3. In April 2016, you were appointed as an osteopathic member to the GOsC Professional Conduct Committee (PCC).
 4. On 26 May 2017, you were suspended by the BSO while an investigation into your behaviour towards Student A was undertaken.
 5. You failed to inform the General Osteopathic Council ('GOsC') straightaway of your suspension referred to in paragraph 4 above, in accordance with the Osteopathic Practice Standards D18, 1.6.
 6. While suspended, you sat as the osteopathic member of the PCC at three substantive hearing on the following dates:
 - i. 20 June 2017;
 - ii. 25 to 27 September 2017;
 - iii. 28 September 2017.
 7. By virtue of paragraphs 5 and 6 above, you:
 - i. demonstrated a lack of integrity;
 - ii. acted in a manner which brought the GOSC into disrepute.
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Preliminary Matters

Constitution of the Committee

1. At the outset of the hearing, and without meaning any disrespect to the Registrant, the Chair of the Committee advised that no member of the Committee had any significant recollection of any prior contact with her.
2. Ms Bradley confirmed, on behalf of the Registrant, that she did not object to the constitution of the Committee, nor did Mr Gillespie on behalf of the GOsC. Although Mr Gillespie was believed to have presented cases before the Registrant, when she was a Professional Conduct Committee (PCC) member, Ms Bradley did not raise any objection to him presenting this case.

Private Matters

3. The Committee noted that the substantive hearing was partly held in private and invited submissions from both parties. Having considered the submissions

and the advice of the Legal Assessor, the Committee determined that matters relating to the Registrant's private life or the private life of third parties should be heard in private and should not form part of the public record.

Background

4. The Registrant qualified as an osteopath in 1992.
5. At the relevant time the Registrant was employed part-time as a clinic tutor at the BSO, now University College of Osteopathy, where she had taught for over 20 years. She was also a member of GOsC's PCC, having been appointed in April 2016.
6. On 8 March 2017 a student at the BSO, Student A, submitted a formal complaint about the Registrant causing the BSO to commence an investigation under the student complaint procedure. The Registrant denied these allegations.
7. The investigation into Student A's complaint, which was partially upheld, was completed on 16 May 2017. On 26 May 2017 the BSO suspended the Registrant on full pay whilst it conducted an investigation under the staff disciplinary and capability policy. She was advised of this and her responsibilities in a letter sent by the school's HR Manager on the same day. The letter made clear that she had a responsibility and an obligation under the professional standards to inform the GoSC of her suspension.
8. The Council alleged that the Registrant breached the Osteopathic Practice Standards ('OPS') by failing to inform the GOsC straight away of the suspension. During her suspension she sat as an osteopathic member of the PCC on three substantive hearings, over a period of 5 days, heard in June and

September 2017. The Council alleged this demonstrated a lack of integrity and brought the profession into disrepute.

9. A PCC hearing took place between 17 – 20 September 2018. The Registrant admitted paragraphs 1, 3, 4, 5 and 6 of the Allegation and these were found proved by admission. The Registrant denied the remaining factual particulars and denied that her conduct amounted to unacceptable professional conduct. After hearing the evidence and submissions from the parties the substantive hearing committee found paragraph 2 not proved and paragraph 7 proved.

10. The substantive hearing committee determined during the fact-finding stage that:

'It was clear from the Registrant's evidence that she regarded the upheld aspects of Student A's complaint against her as trivial and wrong and her suspension from the BSO as unjustified. She accepted that if the suspension had related to other concerns, such as a health or criminal matter, she would have classed it as more serious. It was clear to the Committee that the Registrant had made a conscious decision not to tell the GOsC because she herself did not consider the suspension was justified.'

11. The committee concluded that the factual particulars found proved amounted to unacceptable professional conduct. In reaching this conclusion the committee noted that the Registrant's failure to inform GOsC of her suspension breached Standard D14 (acting with integrity) and Standard D17 (upholding the reputation of the profession). The committee stated:

'...that this breach was deliberate and was maintained for a lengthy period, in clear conflict not only with the Registrant's obligations as a registered osteopath but the Code of Practice (including adherence to the seven principles of public life) which governed her membership of the PCC.'

In the Committee's view the Registrant's conscious decision not to report her suspension to her regulator and to continue to sit on PCC hearings undermines the trust and confidence which the public places in the profession.'

12. The substantive hearing committee went on to determine sanction and concluded that the Registrant should be made subject to a Suspension Order to *'mark the gravity of the Registrant's misconduct and the importance of upholding professional standards'*. The Order was imposed for a period of 3 months. The committee had found that *'her failure to accept that this was a deliberate breach of her obligations indicated that her insight was limited.'* The committee took the view that a future review committee would be assisted by:

'A reflective report from the Registrant demonstrating the insight she has acquired into her behaviour during the period of suspension including details of any remediation she may have undertaken.'

GOsC's Submissions

13. Mr Gillespie, on behalf of the GOsC, outlined the background circumstances and the history of this case. He referred the Committee to the findings of the substantive hearing committee and the documentation provided by the Registrant. He reminded the Committee that there are no public safety concerns as a consequence of the Registrant's previous conduct and therefore he invited the Committee to focus on the duty to uphold professional standards. He informed the Committee that the GOsC is neutral with regards to what action, if any, should be taken.

Registrant's Evidence and Submissions

14. The Registrant chose to give evidence. She outlined her professional employment history and informed the Committee that she welcomes the

opportunity to return to practise. During her oral evidence, the Registrant referred to a number of documents within the bundle that she had prepared for the hearing, including her reflective portfolio, development plan and the templates that she now uses as part of her reflective practice. Within the bundle the Registrant had also included an outline of the '*intensive*' three-day Maintaining Clinical Ethics Course that she had attended in November 2018. She explained what she had learnt from the course and described it as '*transformational*'. The Registrant informed the Committee that the course was instrumental in assisting her to develop further insight into the nature and gravity of her unacceptable professional conduct. She stated that prior to attending the course she was aware of the factors which had influenced her poor judgement but had not appreciated that the combined effect had made her vulnerable. She informed the Committee that her vulnerability had led to avoidant behaviour when her professional and personal interests were in conflict, which caused her to fail to comply with her professional obligations. She acknowledged that her conduct was '*wrong*' and expressed remorse.

15. The Registrant informed the Committee that she has engaged with a mentor and has undertaken both [REDACTED], during which she has further explored how it was that she came to fail in the way she did and to better understand herself in a way that would enable her to manage herself better in the future. In addition, the Registrant had taken action to address her health and to engage in daily Mindfulness exercises which has helped to develop her personal resilience. She now maintains a reflective log that helps alert her to situations that might be difficult for her.

16. The Registrant informed the Committee that if she is able to return to practise she intends to take up an offer to work, one day a month, on a voluntary basis at the Molinari Institute of Health. Professor Molinari was

one of the many referee's that had provided the Registrant with a testimonial for the purposes of the substantive hearing.

17. Ms Bradley, during her oral submissions, reminded the Committee that the Registrant had been in practice for 27 years and that for 24 of those years she was involved in the education of future osteopaths. She submitted that the Registrant had developed further insight into her previous conduct and had demonstrated genuine remorse without resorting to self-pity. Ms Bradley invited the Committee to conclude that the Registrant, in refusing to admit the 'bullying' allegation, as advised by her insurance company in return for financial support, demonstrated integrity even though funding the case herself and attending the ethics course has threatened her financial security. Ms Bradley submitted that the Registrant has done all that could reasonably have been asked of her, has taken full responsibility for her actions and has much to offer the profession.

Committee's Approach

18. In undertaking this review, the Committee took into account the documentary evidence and the submissions made on behalf of both parties. The Registrant's bundle was substantial and included (i) her reflective portfolio, (ii) details relating to the 3-day Maintaining Clinical Ethics Course, (iii) a development plan, (iv) a letter from her mentor dated 10 January 2019, (v) a mentor reflective log completed by the Registrant and (vi) character references.
19. The Committee accepted and applied the advice it received from the Legal Assessor as to the proper approach it should adopt. In particular that:
- The purpose of the review is to consider the previous committee's findings, the extent to which the Registrant has engaged with the

regulatory process, the scope and level of her insight and the risk of repetition.

- The Committee should also take into account the need to declare and uphold proper standards of behaviour and maintain public confidence in the profession, and the principles of proportionality which require the Registrant's interests to be balanced against the interests of the public.

Decision

20. The Committee noted that the Registrant's hearing bundle was substantial, and it recognised that she had devoted a significant amount of time and financial resources to addressing the concerns that had been raised by the substantive hearing committee's findings. The Committee took full account of the Registrant's oral evidence during which she was robustly challenged by questions from the Committee.

21. The Committee challenged the Registrant's thought process at the time that she decided not to tell GOsC that she had been suspended from BSO and the view expressed in her earlier written reflection that *'the student had ruined [her] career.'* The Registrant reassured the Committee that she now accepted full responsibility for her actions and recognised that she was not *'angry or bitter'*, which was corroborated by a written letter from her mentor. She acknowledged that, by her own actions, she had brought the profession into disrepute and had undermined trust and confidence in the profession. She was also able to identify that patients, members of the public, GOsC as her regulatory body and others would all have been affected by her conduct and behaviour.

22. The Committee was satisfied that the Registrant's insight into the factors which contributed to her previous conduct had developed significantly since the substantive hearing. She articulated to this Committee how she had allowed her thoughts at the time to cause her to behave in the way she did. In response to questioning, she described in detail the impact on others of her behaviour. The Committee concluded that she had demonstrated not only a constructive and positive attitude towards reflective learning but also a commitment to managing any risk of reoccurrence. The Committee accepted that the implementation of the Registrant's personal development plan has been fundamental in the remediation process and will provide continuing direction for Continuing Professional Development activities to support the Registrant's future conduct. The Committee was also satisfied that she has now developed a support network of key people to whom she can turn for advice and support and to address the isolation she had previously experienced. It was clear to the Committee that the Registrant had learnt meaningful lessons and that she had taken the opportunity to implement a change in the way that she combats stressors and conflicts in her personal and professional life. The Registrant acknowledged that her previous conduct was serious and wholly unacceptable, and she expressed remorse which the Committee accepted as genuine. She had taken the opportunity to reflect on her behaviour and has done everything that could be reasonably asked of her. As a consequence, the Committee was satisfied that the Registrant's previous conduct was unlikely to be repeated.

23. The Committee noted the findings of the substantive hearing committee and concluded that the wider public interest has been fully satisfied by the imposition of the 3-month Suspension Order and that professional standards and public confidence in the profession and the regulatory process would not now be undermined by allowing the order to lapse on expiry. The Committee noted that there are no public safety concerns in

relation to the Registrant's practice and concluded that the Registrant should be permitted to return to unrestricted practice on the expiry of the suspension order.

24. Accordingly, the Committee makes no further order and determines that the 3-month Suspension Order imposed on 20 September 2018 should lapse on expiry. The Committee was satisfied that the Order expires on 17 January 2019, with the effect that the Registrant is permitted to return to the Register unrestricted as of 18 January 2019.

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

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

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

Section 22(13) of the Osteopaths Act 1993 requires this Committee to publish a report that sets out the names of those osteopaths who have had Allegations found against them. The Registrant's name will be included in this report together with details of the allegations we have found proved and the sanction that we have applied today.

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Case No: 642/1574

Professional Conduct Committee Hearing

DECISION

Case of:	Ms Tracy Davies
Committee:	Dr Pamela Ormerod (Chair) Ms Helena Greenwood (Osteopathic Member) Mr Tom Bedford (Osteopathic Member)
Legal Assessor:	Mr Andrew Granville Stafford
Representation for Council:	Mr Peter Mant
Representation for Osteopath:	Ms Clodagh Bradley QC
Clerk to the Committee:	Mr Farhan Kabir
Date of Hearing:	17 to 20 September 2018

Summary of Decision:

The Registrant admitted paragraphs 1, 3, 4, 5 and 6 of the complaint and these were found proved by admission.

The Registrant denied the remaining factual particulars and denied that her conduct amounted to unacceptable professional conduct.

After hearing the evidence and submissions from the parties the Committee found paragraph 2 not proved and paragraph 7 proved.

The Committee found the conduct set out in those particulars found proved did amount to unacceptable professional conduct.

Allegation and Facts

It is alleged that you, Tracy Davies, are guilty of Unacceptable Professional Conduct, contrary to Section 20(1)(a) of the Osteopaths Act 1993 in that:

1. At the relevant times you were employed by the British School of Osteopathy (BSO), now called the University College of Osteopathy, as a clinic tutor.
2. You displayed intimidating and/or bullying behaviour towards Student A as detailed in Appendix A.
3. In April 2016, you were appointed as an osteopathic member to the GOsC Professional Conduct Committee (PCC).
4. On 26 May 2017, you were suspended by the BSO while an investigation into your behaviour towards Student A was undertaken.
5. You failed to inform the General Osteopathic Council ('GOsC') straightaway of your suspension referred to in paragraph 4 above, in accordance with the Osteopathic Practice Standards D18, 1.6.
6. While suspended, you sat as the osteopathic member of the PCC at three substantive hearing on the following dates:
 - i. 20 June 2017;
 - ii. 25 to 27 September 2017;
 - iii. 28 September 2017.
7. By virtue of paragraphs 5 and 6 above, you:
 - i. demonstrated a lack of integrity;
 - ii. acted in a manner which brought the GOSC into disrepute.

Appendix A

- A. On one occasion you upset Student A while she was presenting a patient to you in that you:
 - i. Put your hand up with your palm facing Student A indicating for her to stop talking;
 - ii. Asked another student what Student A meant when she said 'tennis table' instead of 'table tennis'.

- B. Your general communication towards Student A was intimidating and/or inappropriate in that you:

- i. Regularly said that you did not understand what Student A was saying;
 - ii. Made faces at Student A when she was speaking, including raising your eyebrow;
 - iii. Stared at Student A while she was speaking;
 - iv. Walked away while Student A was speaking to you.
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Decision:

Background

1. The Registrant qualified as an osteopath in 1992.
2. At the relevant time the Registrant was employed part-time as a clinic tutor at the British School of Osteopathy ('BSO'), now UCO, where she had taught for over 20 years. She was also a member of the GOsC's Professional Conduct Committee ('PCC') appointed April 2016.
3. On 8 March 2017 a student at the BSO, Student A, submitted a formal complaint about the Registrant causing the BSO to commence an investigation under the student complaint procedure. This included allegations regarding the behaviour of the Registrant towards Student A including the behaviour that the Council now says the Registrant engaged in as set out in Appendix A. The Registrant denied these allegations.
4. The investigation into Student A's complaint, which was partially upheld, was completed on 16 May 2017. On 26 May 2017 the BSO suspended the Registrant on full pay whilst it conducted an investigation under the staff disciplinary and capability policy. She was advised of this and her responsibilities in a letter sent by the school's HR Manager on the same day.
5. The Council alleged that the Registrant breached the Osteopathic Practice Standards ('OPS') by failing to inform the GOsC straight away of the suspension. During her suspension she sat as an osteopathic member of the PCC on three substantive hearings heard in June and September 2017. The Council alleged this demonstrated a lack of integrity and brought the profession into disrepute.
6. The Registrant accepted she was aware of her obligation to inform the GOsC of her suspension straightaway and that she failed to do so. She accepted that this failure had the potential to bring the GOsC into disrepute but denied that, in the circumstances, it in fact did so. Further, she denied that these actions demonstrated a lack of integrity.

The Committee's findings on the facts

7. At the outset of the hearing the Registrant admitted paragraphs 1, 3, 4, 5 and 6 of the complaint. Pursuant to Rule 27(1) of the GOsC Professional Conduct Committee (Procedure) Rules 2000 ('the PCC Rules') the Committee found those particulars proved.
8. The Committee therefore had to determine the disputed allegations in paragraphs 2 and 7 only of the complaint.
9. The Committee heard oral evidence from Student A. Two further witness statements submitted by the Council were received in written form by agreement. The Registrant gave oral evidence and called three witnesses (Mr A, Ms B and Mr C), all of whom had been students of hers at BSO. In addition to the witness evidence the Committee considered the documents before it, the submissions of the parties and the advice of the Legal Assessor. The Committee bore in mind that the burden of proving factual allegations is on the Council and the standard to be applied is proof on the balance of probabilities.

Paragraph 2

10. The Committee first considered whether the factual allegations set out in Appendix A to the complaint had been proved. Appendix A was divided into two parts. Part A set out specific behaviour that it was alleged the Registrant engaged in during a particular presentation given to her by Student A. Part B set out four allegations about the way the Registrant communicated with Student A, the first three of which were general and the fourth of which was said to relate to a particular incident. The background is as follows.
11. The Registrant started tutoring Student A in the Autumn 2016 term when she entered her fourth and final year. As the Registrant worked at the BSO only on Tuesdays the number of times she taught Student A appear to have been relatively few in number.
12. It was common ground that the Registrant had a feedback session with Student A on 29 November 2016. This involved discussion of assessments made on Student A by other tutors, parts of which were negative.
13. On 1 December 2016, Student A made an informal complaint about the Registrant to the BSO's student adviser. There was no written record produced to the Committee setting out the terms of that complaint but it apparently covered similar if not the same matters as are set out in Appendix A. It was common ground that the 'tennis table' incident referred to in Part A was part of this complaint.
14. The Registrant was made aware of the informal complaint at a meeting with her line manager and the student adviser on 6 December 2016. Subsequently

Student A was offered the opportunity of a meeting with the Registrant to discuss her complaint. She was also offered the opportunity to move to a different team where she would not be taught by the Registrant. She declined both offers. The informal complaint went no further.

15. Student A's evidence was that the Registrant's attitude towards her improved after this, but then deteriorated again.
16. On 8 March 2017 Student A submitted a formal complaint about the Registrant. In it she made a number of allegations about the way the Registrant had behaved towards her including, but not limited to, the matters set out in Appendix A. Student A's written complaint included highly emotive language directed against the Registrant.
17. Student A maintained in her evidence to the Committee that the events set out in Appendix A had happened. The Registrant in her evidence disputed them. The Committee therefore had to consider whose evidence it preferred.
18. Student A gave evidence confidently and clearly. However her account was short on specifics and was largely uncorroborated by any independent evidence. The Committee formed the view that Student A had a fairly volatile personality, which was confirmed by the evidence of Mr A and Ms B and, to some extent, by Student A's own assessment of herself. By her own admission she could be stubborn and quick to judge.
19. The Registrant also gave a clear and largely consistent account. She came across as knowledgeable but occasionally disingenuous. There were times when she did not answer questions directly and this came across as being evasive.
20. Mr A and Ms B are recent graduates of BSO and had been students at the same time as Student A. They both gave evidence in a straightforward and clear manner and the Committee found them to be credible witnesses. Mr C had been a student of the Registrant's nearly 20 years ago and, although he is a current work colleague of the Registrant, the Committee found his evidence of limited assistance. All three gave evidence to the effect that the Registrant was a well-regarded and supportive tutor and this was further supported by a large number of testimonials which the Registrant produced as part of her documents.
21. In relation to the 'tennis table' incident set out in Part A, the Committee accepted that incident occurred largely as Student A described it. It was significant that both Student A and the Registrant gave evidence to the effect that something had happened during this presentation which caused Student A to become annoyed or upset.

22. The documentary evidence included a record of an account given by Student D, who was not called as a witness by either party but who the parties accepted was observing the presentation. The account had been given as part of an internal investigation. Student D also indicated that he had picked up on an atmosphere which developed between Student A and the Registrant during the presentation.
23. The Committee was satisfied that the Registrant had put her hand up to stop Student A talking. It was of significance that Ms B, who gave evidence on the Registrant's behalf, told the Committee that the Registrant used this type of hand gesture to slow or calm a student down. The Committee was also satisfied that the Registrant had asked Student D to explain what Student A meant. It was these things that had led to Student A reacting and a tense atmosphere developing.
24. Having found that the Registrant acted in the way set out in Part A the Committee went on to consider whether this amounted to intimidation or bullying as alleged in paragraph 2 of the complaint.
25. The Committee accepted that Student A would have found this behaviour challenging and the Registrant's actions could have been perceived by her to be undermining. That, however, in the Committee's opinion fell significantly short of amounting to conduct which viewed objectively was intimidating or bullying. Those are serious allegations and the Committee was not satisfied on the evidence that the Council had established them. Although the Committee felt no great weight could be placed on Student D's account, given its brevity and the fact that the Committee had not been able to question him about it, it noted he is recorded as commenting that nothing had struck him as a matter of concern.
26. Part B of Appendix A alleged that the Registrant's general communication was intimidating and/or inappropriate. Four examples were relied upon, which the Committee considered separately. They were:
 - i. Regularly said that you did not understand what Student A was saying;
 - ii. Made faces at Student A when she was speaking, including raising your eyebrow;
 - iii. Stared at Student A while she was speaking;
 - iv. Walked away while Student A was speaking to you.
27. Student A maintained in her evidence that the Registrant told her during 'most presentations' that she did not understand her. However, apart from the 'tennis table' incident, she was not able to give any specific examples of when this happened.

28. The Registrant accepted that part of her teaching style would often include asking students to clarify what they were telling her. This was confirmed by other witnesses. The Committee accepted it was probable that the Registrant did say to Student A that she did not understand what she was saying and that this could be described as happening regularly.
29. However the Committee also accepted that, although Student A may have found this challenging, it was the Registrant's way of addressing the need for students to be clear in their presentations to her and fell within acceptable limits of tutor/student interactions.
30. Student A said in her oral evidence that the Registrant raised her eyebrow at her on a lot of occasions. She said she felt intimidated by this, although she accepted in cross examination that facial expressions might be interpreted differently by different people.
31. The Committee accepted that the Registrant might well have raised her eyebrow during tutor sessions. Indeed, the Registrant did not dispute that this may have happened, although she denied it amounted to anything other than part of her normal interaction with a student.
32. Student A also complained that there were occasions when the Registrant stared at her without speaking. It was in the Committee's view implicit in this allegation that it was being alleged the Registrant deliberately looked at Student A in a way designed to discomfort her.
33. The complaint of staring was of a very general nature and lacked specificity or corroboration. The Committee was not satisfied on the evidence that this allegation was made out.
34. Student A referred in her evidence to an incident which she said occurred at the Team Point. She states she was talking about a nutrition drink called Kefir with the Registrant and another tutor. She said that the Registrant asked a question about Kefir and, this being something she was very interested in, Student A answered the question. However Student A said that whilst she was speaking the Registrant walked away, which Student A found very rude.
35. The Registrant disputed this account but the Committee accepted that the incident occurred on the lines that Student A recalled it. The detail given by Student A satisfied it that she had a specific memory of the incident and it was not something she had invented.
36. Having found that paragraphs numbered i, ii and iv in Part B were made out, the Committee went on to consider whether this constituted behaviour which was intimidating and/or inappropriate.

37. Clearly there was a clash of personalities between Student A and the Registrant. That undoubtedly influenced their perception of each other's behaviour. The Committee accepted that Student A felt intimidated by the Registrant's behaviour. It did not, however, find that in the context of a student/teacher relationship the facts proved could, when viewed objectively, properly be categorised as inappropriate or intimidating conduct on the part of the Registrant.
38. In reaching this view the Committee had regard to the fact that a number of former students spoke positively about the Registrant's qualities as a tutor. Primarily, however, it was not satisfied that the nature of the behaviour was sufficiently serious to justify a finding that the Registrant's general communication with Student A was inappropriate and/or intimidating. Accordingly Part B of Appendix A was not made out.
39. Therefore the Committee found paragraph 2 of the complaint not proved.

Paragraph 7

40. As the factual matters set out in paragraphs 5 and 6 were proved by admission, the issue for the Committee was whether these demonstrated a lack of integrity and/or brought the profession into disrepute.
41. The Registrant accepted that the letter sent by BSO informing her of her suspension had made it clear that she had an obligation to tell the GOsC that she had been suspended. The letter stated in its penultimate paragraph (emphasis in the original):

'I do also need to make you aware that as part of the GOsC Osteopathic Standards D18: 1.6, you must inform them if you: **'Are suspended or placed under a practice restriction by your employer or a similar organisation because of concerns about your conduct or competence'**
42. The Registrant agreed that she had read the letter and was aware of the obligation to notify the GOsC 'straight away'. She accepted that she had failed to do so.
43. The Registrant sat as a PCC panel member at a one day substantive hearing on 20 June 2017, a three day substantive hearing on 25 to 27 September 2017 and a further one day hearing on 28 September 2017.
44. On 2 October 2017 the Registrant received by email a letter from the Registrar of the GOsC informing her that the Council had become aware of her suspension. The Registrant replied the same day confirming that she was suspended and apologising for any embarrassment or inconvenience caused. Following a

meeting with the Registrar the next day she was stood down from sitting on any further hearings and the matter was referred to the Regulation department for investigation.

45. The Registrant accepted that, by failing to inform GOsC of her suspension and continuing to sit as a Committee member on PCC hearings, her actions were capable of bringing the GOsC into disrepute. However Mss Bradley contended on her behalf that, given surrounding circumstances of this case, they had not in fact done so.
46. The Registrant told the Committee that her failure to inform the GOsC of her suspension had not been deliberate. There were, she said, a number of significant stressors in her life at the time. One was the stress created by Student A's complaint and the ensuing investigations. She was nearing the conclusion of her studies for a diploma in Women's Health. She also had responsibility for managing major improvement works at her home. A further factor was the serious ill health of [PRIVATE] her brother. He was hospitalised on 13 July 2017 although the Registrant told the Committee he had been significantly unwell for weeks if not months prior to this date. [PRIVATE]
47. The Registrant said to the Committee that she had been juggling a lot of balls at the time and she had let one of them drop, namely her obligation to report her suspension. It was the Committee's view that failing to prioritise this obligation demonstrated a serious lack of judgment.
48. In submissions made by her to the GOsC on 17 January 2018 the Registrant said she 'recognises that her failure to notify the GOsC is not excused by the fact she was going through an acutely stressful period, both professionally and personally.'
49. The Committee did not accept that the stressors in the Registrant's life provided a justification for failing to comply with her obligation to inform the GOsC that she was suspended. Further, the Committee did not accept that she had overlooked or forgotten about the need to report it.
50. It was clear from the Registrant's evidence that she regarded the upheld aspects of Student A's complaint against her as trivial and wrong and her suspension from the BSO as unjustified. She accepted that if the suspension had related to other concerns, such as a health or criminal matter, she would have classed it as more serious. It was clear to the Committee that the Registrant had made a conscious decision not to tell the GOsC because she herself did not consider the suspension was justified.
51. The Committee accepted the Council's submission that an osteopath sitting in judgment on others as a member of the PCC should demonstrate the highest

professional standards. A failure to do so damages the confidence others have in the profession and its disciplinary process.

52. Accordingly the Committee was in no doubt that the Registrant's actions had brought the GOsC into disrepute. For the same reasons it found that she had acted in a way which demonstrated a lack of integrity.
53. The Committee therefore found paragraph 7 of the complaint proved.

The Committee's findings on the allegation of UPC

54. Having determined the facts, the Committee went on to consider whether the facts found proved amounted to unacceptable professional conduct. The Committee heard submissions from the parties and took account of the advice of the Legal Assessor. The Committee bore in mind that Section 20 of the Osteopathic Act 1993 defines unacceptable professional conduct as conduct which 'falls short of the standard required of a registered osteopath'. This is a matter for the judgment of the Committee. It was referred to *Shaw v GOsC* [2015] in which it was said that a finding of unacceptable professional conduct entails conduct which to some degree is morally blameworthy.
55. The Registrant accepted that her failure to inform the GOsC of her suspension amounted to a breach of OPS D18. In light of its finding on paragraph 7 of the complaint the Committee was satisfied that the Registrant had also breached standard D14 (acting with integrity) and D17 (upholding the reputation of the profession).
56. The Committee reminded itself that a breach of the provisions of the OPS does not automatically constitute unacceptable professional conduct. Nonetheless this was a serious breach of fundamental professional standards by a long standing registrant who, by virtue of her membership of the PCC and her position as a tutor, occupied a senior and respected position in the profession. This required her to set an example to students and maintain the highest possible standards as a member of disciplinary panels.
57. Furthermore the Committee has found that this breach was deliberate and was maintained for a lengthy period, in clear conflict not only with the Registrant's obligations as a registered osteopath but the Code of Practice (including adherence to the seven principles of public life) which governed her membership of the PCC.
58. In the Committee's view the Registrant's conscious decision not to report her suspension to her regulator and to continue to sit on PCC hearings undermines the trust and confidence which the public places in the profession.

59. The Committee was satisfied that the facts proved in paragraphs 3 to 7 of the complaint amounted to unacceptable professional conduct.

The Committee's decision on sanction

60. Having found that the Registrant's actions amounted to unacceptable professional conduct, the Committee is required to impose a sanction. The available sanctions are set out in Section 22 of the Osteopaths Act 1993. The Committee took into account the guidance in the GOsC's Hearings and Sanctions Guidance ('HSG'). It noted that the purpose of imposing a sanction was not to punish a registrant although it may have that effect. The purpose is to protect the public, maintain confidence in the profession and declare and uphold proper standards of conduct and behaviour. It took into account the submissions of the parties and the advice of the legal adviser.
61. The Committee took into account the Registrant's long and previously unblemished career as an osteopath and the large number of positive testimonials that spoke highly of her qualities personally and professionally. It accepted that she was going through a particularly difficult period, as outlined in paragraph 46 above.
62. The Registrant had fully engaged with the disciplinary process, she had apologised for failing to report her suspension and had expressed remorse. The Committee was informed that she has now tendered her resignation from membership of PCC; further that any significant restriction placed on her practice would have significant repercussions on her personally, financially and professionally.
63. The Committee accepted the failing in question was a single transgression but nonetheless it was maintained over a lengthy period. Indeed it was only admitted after the matter was raised by the Registrar. This was a conscious breach of standards by a person in a position of responsibility, both as a tutor and a member of the PCC. Her failure to accept that this was a deliberate breach of her obligations indicated that her insight was limited.
64. The Committee considered the available sanctions from the bottom upwards on the scale of seriousness. It bore in mind that the sanction imposed must be proportionate, weighing the Registrant's interests with the public interest.

Admonishment

65. The Committee concluded that, in view of the nature and seriousness of the Registrant's conduct, an admonishment would be wholly inappropriate. In reaching this view the Committee had regard in particular to the fact the misconduct was deliberate and that her insight into it was limited. Further it

would be insufficient to maintain public confidence and uphold the reputation of the profession.

Conditions of practice order

66. The Registrant's misconduct in this case was deliberately concealing her suspension from the GOsC. The Committee concluded that it would be difficult to formulate appropriate or practicable conditions that would adequately address a deficiency of this nature.
67. In any event the Committee concluded that a conditions of practice order would not adequately address the seriousness of the Registrant's misconduct.

Suspension order

68. In the Committee's view the appropriate and proportionate sanction was a suspension order. This would mark the gravity of the Registrant's misconduct and the importance of upholding professional standards.
69. Whilst the Committee was aware that such an order will have a significant personal and financial impact on the Registrant, the Committee concluded that no lesser sanction than suspension was sufficient to maintain confidence in the profession.
70. Having considered all the relevant factors, including the impact this order will have on the Registrant, the Committee determined that the Registrant's registration with the Council should be suspended for a period of 3 months.
71. In accordance with Rule 37(a) of the PCC Rules the Committee will review the case at a review hearing to be arranged before the expiry of the period of suspension. The Committee indicated, in accordance with Rule 37(b), that the information it will require at the review hearing is:
 - A reflective report from the Registrant demonstrating the insight she has acquired into her behaviour during the period of suspension including details of any remediation she may have undertaken.

Removal from the register

72. The Committee was satisfied that the Registrant's misconduct, taking into account all the mitigating and aggravating features referred to above, was not fundamentally incompatible with continued registration. Therefore, an order removing her from the register would be disproportionate.

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

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

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

Section 22(13) of the Osteopaths Act 1993 requires this Committee to publish a report that sets out the names of those osteopaths who have had Allegations found against them. The Registrant's name will be included in this report together with details of the allegations we have found proved and the sanction that we have applied today.