



General
Osteopathic
Council

Witness guidance



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ABOUT THIS LEAFLET

The General Osteopathic Council (GOsC) is the statutory regulator for the osteopathic profession in the United Kingdom.

Maintaining patient safety and public confidence in the osteopathic profession means that we must investigate and consider complaints about osteopaths' conduct, competence or health. To do this we rely on patients and members of the public to tell us if they have concerns about a registered osteopath. The role of witnesses is vital to this process.

We are committed to making sure that witnesses are treated with respect and sensitivity. The aim of this guidance is to help witnesses to give their best evidence at a hearing.

This guidance is part of a range of support we have put in place, before, during and after a witness has given evidence, to make sure they are helped properly and know what to expect. However, this leaflet can only provide general guidance and it cannot cover every possible set of circumstances that might arise. We recognise that each witness is unique, and we will take into account their circumstances and requirements.



INTRODUCTION

It is likely that you will have provided a witness statement to us relating to a complaint we have received about an osteopath. It is our responsibility to prove a case against the osteopath. To do this we must investigate and consider complaints about osteopaths appropriately. This might involve written witness statements, reports, patient notes, emails and other relevant information. You may need to attend a hearing and give evidence before either a Professional Conduct Committee (PCC) or a Health Committee (HC).

ARRANGING YOUR ATTENDANCE

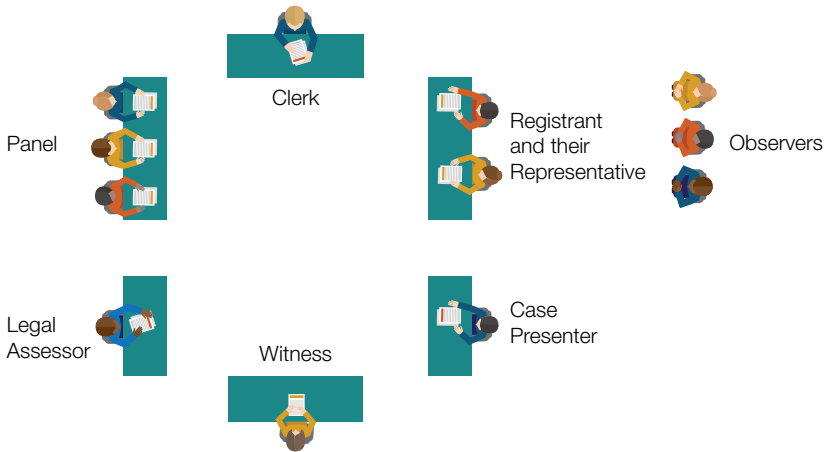
When the decision has been made that you have to give evidence, your caseworker will contact you about the dates when you can attend the hearing. We will try to list hearings on dates most convenient to you. However, this might not always be possible for a variety of reasons including, for example, other witnesses' availability. Your caseworker will let you know the date of the hearing as soon as it has been confirmed. We will then make suitable travel arrangements and book overnight hotel accommodation and travel tickets for you if appropriate.

It is also important that you let us know, before the hearing, about any accessibility needs or other needs that you have (for example, wheelchair access, a hearing-loop system, or a sign or language interpreter), so that we can make the necessary arrangements.



BEFORE THE HEARING

We want to make sure that you are able to give your best evidence, without fear, stress or anxiety. One way we can do this is by making sure that we fully explain the process to you. We can do this in various ways, for example by inviting you to visit the hearing venue beforehand. If you have any questions about giving evidence, you can discuss this with your caseworker. However, it is very important that you do not discuss your evidence with anyone else.



On our website there is a short video to help you familiarise yourself with the hearing venue. This will give you an idea of what to expect on the day of the hearing. You will see our reception area, the layout of the hearing room, and where you will sit to give your evidence. You can find this video on the General Osteopathic Council's YouTube page 'GenOstCouncil'.

SUPPORTING YOU AT THE HEARING

As well as any accessibility requirements you may have, it is also important to let us know if there is anything else that may make it difficult for you to give evidence, such as depression or anxiety or if you experience difficulty in social situations, so that we can make the necessary arrangements. For example, we can make sure the committee are aware of this and that they ask for frequent breaks during your evidence.

In cases involving allegations of inappropriate sexual behaviour or, for example, if you are elderly or have a disability, we can put in place special procedures that can help you give your evidence more effectively, while aiming to reduce any anxiety you may have. These are often referred to as 'special measures' and can include giving evidence from behind a screen or via a video link so you would not have to be in the hearing room while giving your evidence.

CAN I REFUSE TO GO TO THE HEARING?

We hope that, as you have agreed to provide a witness statement, you will also be willing to go to the hearing. Occasionally, we may ask the committee to issue a witness summons. This means that you could be told you must attend a hearing to give evidence or produce documents. This can happen for any number of reasons, for example your employer may not be willing to give you time off work to go to the hearing. If you are summoned and then do not appear, you may be prosecuted for committing an offence under the *Osteopaths Act*.

PREPARING TO ATTEND THE HEARING

Before you go to the hearing, remember to:

- make sure you have thoroughly read your statement and any other relevant documents;
- carefully check the details of your journey and give yourself plenty of time to reach the hearing venue in good time;
- bring your reading glasses (if needed); and
- let us know if there is any extra help you might need.

You **must not** discuss the case or your evidence with anyone other than your caseworker.





DURING THE HEARING

On the day of the hearing, when you arrive you should go to the reception desk where a member of our staff will greet you before taking you to a waiting room. You will probably have to wait before giving your evidence. Refreshments such as coffee, tea and water will be available while you wait.

Our legal representative will meet with you on the morning of the hearing to answer any questions you have and to confirm that you are ready to give your evidence. If you feel you need more time or you want to speak to our legal representative before the date of the hearing, please tell your caseworker.

You are welcome to bring someone with you – perhaps a friend or relative – to the hearing for support. However, please do not bring children or pets with you. If it's not possible to leave your children with someone, please make sure you bring another adult with you who will look after the children while you give evidence.

Sometimes a case may be adjourned. An adjournment is a break in the hearing before it has finished. This could be for a short time while the committee have lunch or could be for longer because the committee need more time to receive evidence and make their decision. If this means you cannot complete your evidence on that day, we will ask you to return on a different day. Your caseworker will discuss this with you.

Hearings usually take place in public. This means that members of the press and public are able to attend. However, hearings before the Health Committee take place in private.

Witnesses' names are usually not used during hearings. Instead, you will be referred to as, for example, patient A.

We are usually told if members of the public or press will be at the hearing. If we are told about this beforehand, we will also make you aware of this.

Please make sure your mobile phone is switched off before you enter the hearing room. Cameras, tape-recording equipment and any other device capable of making a permanent record are not allowed in the hearing room.

When it is your time to give evidence, a member of our staff will take you to the hearing room and to the seat where you will give evidence. You will be asked to take an oath according to your religious belief, or an affirmation (which is a solemn declaration if you do not want to take an oath). The chair of the committee will then introduce you to the people in the hearing room, including the committee members, the legal assessor, our legal representative and the osteopath's legal representative.

It is part of the chair's role to make sure that the hearing is managed fairly, including that you are not asked inappropriate or hostile questions.

The committee will have read your statement and any other relevant documents in the case. You may not be asked to read out your statement but, if you are, our representative will discuss this with you before you give your evidence. Our legal representative will ask you to confirm your signature on your statement and that the contents of your statement are true. They may also have further questions to ask you.

The osteopath's legal representative will then have an opportunity to ask you questions. Afterwards, our legal representative will have another opportunity to ask you more questions if necessary. When both legal representatives have finished asking you questions, the committee will then have an opportunity to ask you questions. During your evidence you may be guided to documents sitting in a bundle on the witness desk and asked questions about them. It is very important you read any documents you are referred to carefully before answering questions.

Remember

- You should take your time and listen carefully to make sure you understand any questions you are asked.
- Give your answers clearly and slowly.
- If you don't know the answer to a question or you don't understand the question, you should ask for clarification. Don't be afraid to ask for a short break – let a member of staff or the chair know if you need one.
- If the committee adjourn for any reason while you are giving evidence, it is very important that you do not discuss your evidence with anyone, including our legal representative, during the break.

AFTER THE HEARING

The chair will confirm to you when you have finished giving your evidence. You will then be able to either leave the hearing or stay if it is taking place in public. If you choose to stay, a member of staff will show you where to sit.

Your caseworker will tell you the outcome of the case. We also publish a copy of the decision on our website.

Your caseworker will deal with your expenses claim and any questions you may have. This involves any out-of-pocket expenses you have run up in going to the hearing, such as lunch or travel. However, we do not usually pay for loss of earnings.

We are committed to improving our hearings process. Your help in achieving this is a key part of this. To help us with this, we would really appreciate you filling in a witness feedback form. Your caseworker will give you this after you have finished giving your evidence.

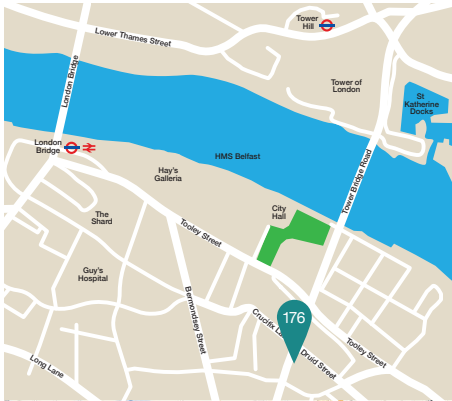
We hope you find this guidance helpful. If you have any questions, please contact your caseworker.

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Directions

By Train: The nearest mainline station is London Bridge, from where it is a 10–15 minute walk.

By Tube (London Underground): The nearest Tube stations are London Bridge (Jubilee Line and Northern Line, Bank branch), which is a 10–15 minute walk away, and Tower Hill (District and Circle lines), from where it is a 15 minute walk.

By Bus: Bus numbers 188, 78, 42, 381 and RV1 all stop near to Osteopathy House.

By Car: We do have parking facilities, but places are limited. There are also public car parks close by.



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