

## **GENERAL OSTEOPATHIC COUNCIL**

### **Publications Policy: Fitness to Practise**

**Second edition: [insert publication date here]**

#### **INTRODUCTION**

The General Osteopathic Council (GOsC) was established by the Osteopaths Act 1993 (the Act) to regulate and develop the profession of osteopathy. This document relates to the GOsC's regulatory function and in particular its fitness to practise procedures.

The GOsC is a public body with specific duties under statute. It is expected to be open and transparent in its regulatory proceedings and to comply with its own legislation and other relevant legislation such as the Human Rights Act 1998. The purpose of this policy is to ensure that the GOsC meets its obligations to publicise fitness to practise information, whilst protecting the rights of parties to its proceedings.

It is a general policy and exceptions will be considered and may apply.

#### **THE REQUIREMENT TO PUBLISH**

The GOsC operates open and transparent fitness to practise procedures and it is expected to publish information about registrants' fitness to practise. This allows patients, employers and the public to know whether a registrants' registration is restricted in any way or whether there is a fitness to practise history. Various pieces of legislation also require the GOsC to make information available to the public.

As a public body, the GOsC adheres to the requirements of the Human Rights Act 1998. This ensures that registrants receive a fair hearing and includes the provision that hearings are held in public. The Act and the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 also provide for hearings to be held in public.

The Act requires the PCC to publish:

- the names of those registrants in respect of whom it has investigated allegations<sup>1</sup> and found the allegations to be well founded;
- the nature of those allegations; and
- the steps (if any) taken by the PCC in respect of the osteopaths so named.

---

<sup>1</sup> Allegations are listed at section 20(1) of the Osteopaths Act 1993.

Where the PCC has concluded that the allegation is not well founded, section 22(14) provides for the PCC to include in its report for the year in question a statement of that fact if the registrant so requests.

The Freedom of Information Act 2000 creates a general right of access to all types of recorded information held by public authorities. The GOsC publishes a model publication scheme that details the information that is readily available from the GOsC. The aim is to make as much information as possible readily available.

### **METHOD OF PUBLICATION**

Fitness to Practise information will be published in three main ways:

- On the GOsC's website [www.osteopathy.org.uk](http://www.osteopathy.org.uk). This provides easily accessible and up-to-date information. Users can access the Register of Osteopaths, notices of forthcoming PCC hearings and fitness to practise decisions.
- On the Online Register of Osteopaths. Users will see reference to the certain orders against the registrant's name, which link to the relevant fitness to practise decision.
- In the Annual Fitness to Practise Report – published under section 22(13) of the Act. All annual Fitness to Practise Reports are made available on the GOsC website.

### **Nature of information to be published, content and timescales**

#### Section A: Investigating Committee

The Investigating Committee (IC) considers cases in private and will make a decision as to whether or not there is a case for the registrant to answer. These decisions are made in private and will not be published.

#### *Interim Order Hearings*

Notice:

Interim Order hearings before the Investigating Committee (IC) are held in private. The GOsC will, therefore, not publish a Notice of this hearing.

Decision:

Interim Order made – where an interim order is made by the IC, the decision will be published on the GOsC's website within two days of the decision being made. Elements of the full decision may be redacted from the published form where it includes information about the registrant's health or other sensitive information. The decision will remain on the GOsC's website for the duration of the Order.

No Interim Order made – where an interim order is not made by the IC, no information will be published on the GOsC's website.

### Section B: Interim Suspension Orders by the Professional Conduct or Health Committee

#### *Interim Orders hearings under Section 24(1)(a) of the Act*

##### Notice:

A Notice of a PCC hearing will be published on the GOsC's website as soon as it is reasonably practicable to do so. The Notice will contain:

- The registrant's name, registration number and location.
- The date, time and place of hearing.
- A statement that it is an Interim Suspension Order hearing.

A Notice of hearing before the HC will not be published on the GOsC's website.

##### Decision:

Interim Order made – where an interim order is made the full decision will be published on the GOsC's website within two days. Elements of the full decision may be redacted from the published form where it includes information about the registrant's health or other sensitive information. The decision will be published for the duration of the Order.

No Interim Order made – where an interim order is not made, no information will be published, unless the registrant requests publication. In which case, the full decision will be published for 28 days. Elements of the full decision may be redacted from the published form where it includes information about the registrant's health or other sensitive information.

##### Notice on the online Register of osteopaths:

Where a registrant is subject to an Interim Suspension Order, a note indicating this will appear against their name on the online Register. This note will:

- link to the full fitness to practise decision.
- remain on the online Register for the duration of the Order.

#### *Interim Orders under section 24(1)(b) of the Act*

Interim Orders under this section of the Act will be made at the conclusion of the substantive hearing. The decision and reasons for it will, therefore, be contained in the substantive decision and published in accordance with the policy on substantive hearings set out below.

### Section C: Professional Conduct Committee substantive hearings and decisions

Hearings before the Professional Conduct Committee are generally held in public and the notices for and decisions made at these hearings will be published as follows:

##### Notice:

A Notice of hearing will be published on the GOsC's website at least 28 days before the date of the hearing. The Notice will contain:

- The registrant's name, registration number and location.
- The date, time and place of hearing.
- The allegation.

Decision:

Allegation well founded (proved) – the PCC's full decision will be published on the GOsC's website within two days. Where an application to hold the hearing or part of it in private has been granted, the decision will be redacted as appropriate. The full decision will remain on the GOsC website for six years from the date of the last PCC decision.

Notice on the online Register of osteopaths:

Where a registrant is subject to a Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the online Register. This note will:

- link to the full fitness to practise decision.
- remain on the online Register for the duration of the Order.

While an admonishment or removal will appear on the website it will not appear on the online register; in the latter case self-evidently as the registrant no longer appears on the register.

Annual Fitness to Practise Report:

A report about the case will be included in the relevant annual Fitness to Practise Report, which is published on the GOsC website and made available in hard copy when requested. The report will include the registrant's name, registration number, allegation, summary of the finding and sanction.

Allegation not well founded (not proved) – the full PCC decision will be published on the GOsC website and in the annual Fitness to Practise Report, if the registrant requests it. In the absence of a specific request for publication from the registrant, no information will be published.

### Section D: Health Committee substantive hearings and decisions

Hearings before the Health Committee (HC) are held in private, unless the HC considers that it is appropriate to hold the hearing or any part of it in public. Information relating solely to the health of the osteopath is treated as confidential and will not be published.

Notice:

A Notice of hearing before the HC will not be published on the GOsC's website.

Decision:

Where the HC conclude that an osteopath's fitness to practise is seriously impaired because of their physical and/or mental condition, a redacted version of the decision will be published on the GOsC website showing only any restrictions on the osteopath's practise.

Notice on the online Register of osteopaths:

Where a registrant is subject to a Conditions of Practice Order or a Suspension Order, a note indicating this will appear against their name on the online Register. This note will link to the redacted version of the HC's decision.

### **FURTHER INFORMATION**

For further information about the GOsC's fitness to practise procedures, please go our website at [www.osteopathy.org.uk](http://www.osteopathy.org.uk), or contact the Regulation Department at:

[regulation@osteopathy.org.uk](mailto:regulation@osteopathy.org.uk)

020 7357 6655 x224

General Osteopathic Council  
Osteopathy House  
176 Tower Bridge Road  
London  
SE1 3LU