

Osteopathic Practice Committee
19 September 2013
Obtaining Consent Guidance

Classification	Public
Purpose	For decision
Issue	Following previous consultation and consideration by the OPC, the executive has amended draft guidance on obtaining consent.
Recommendation	To consider and agree the amended guidance at Annex B and the proposed next steps that will be taken by the Executive, set out in paragraphs 10 to 12.
Financial and resourcing implications	None at this stage.
Equality and diversity implications	None.
Communications implications	The draft amended guidance has been circulated to relevant stakeholders.
Annexes	Annex A – Osteopathic Practice Standard A4 Annex B – Amended draft <i>Obtaining Consent</i> guidance
Author	David Gomez

Background

1. The Osteopathic Practice Committee's role includes contributing to the development of standards of osteopathic practice. The *Osteopathic Practice Standards* (OPS) took effect on 1 September 2012 and clearly identify the standards of practice and conduct expected of osteopaths. Each Standard is supported by specific guidance, which is designed to help osteopaths understand and achieve the relevant Standard.
2. This paper relates specifically to Standard A4 and its supporting guidance. This section of the OPS is presented at Annex A for member's ease of reference. Members will see reference in the guidance to a further document *Obtaining Consent*.
3. A draft of *Obtaining Consent* was approved for consultation by Council in October 2012. The consultation was open for 11 weeks, closing on 16 January 2013.
4. On 14 May 2013, the OPC considered the consultation draft and the report of the consultation findings. The minutes of that meeting state:

'The Committee noted that the response to the consultation had been low. However, it had provided some valuable feedback on the content, language and format of the draft guidance. In light of this feedback and on further reflection, the executive proposed that it re-draft the guidance, using a narrative approach and a language that was more in tune with OPS. It would seek the views of some registrants on the new draft and aim to bring a final version to the Committee at its meeting in September 2013.'

The amended guidance and next steps

The amended guidance

5. The draft amended guidance is enclosed at Annex B.
6. The various technical tables in the consultation draft have now been removed and replaced with simple narrative. Attempts have been made to simplify the use of language and to avoid the use of legal jargon where possible.
7. However, it should be acknowledged that the subject of consent is complex. The law on consent varies across the UK and it is difficult to convey these nuances accurately while avoiding statutory language. This was one of the reasons why a decision was taken to provide this information separate to the main body of the Osteopathic Practice Standards.
8. The area of the law covered by the additional guidance relates specifically to the question of capacity. Therefore, we suggest an additional subtitle for the guidance 'Patient's capacity to give consent: Guidance for Osteopaths.'

Next steps

9. The GOsC will be holding two focus groups at the end of September 2013. The draft guidance will be considered by a patient group on 30th September and by a registrant's focus group on 2 October. The focus groups will be facilitated by an external facilitator-Mary Timms. We are particularly keen to explore with these groups, what further changes (if any) are needed to make the guidance more accessible and user friendly.
10. In addition, the GOsC is conducting a short focussed consultation on the amended guidance 1st September to 15 October 2013 with stakeholders, including the BOA and registrants. The consultation will be on the GOsC website and asks for feedback on the clarity and understandability of the amended draft guidance.
11. Following the consultation, the final draft will be taken to Council for approval.

Recommendation: to consider and agree the amended guidance at Annex B and the proposed next steps that will be taken by the Executive, set out in paragraphs 10 to 12.