

**General Osteopathic Council  
Professional Conduct Committee (PCC)**

**Practice Note**

**Preparing for PCC hearings**

**Effective from: [date]**

This Note provides important information for those who need to prepare for a PCC hearing. It explains some important statutory time-limits and requirements of the PCC.

The procedures followed by the PCC are set out in the Osteopaths Act 1993 (the Act), section 22, and the GOsC (Professional Conduct Committee) (Procedure) Rules 2000 (PCC Rules). Both of these documents are available in full on the GOsC website: [www.osteopathy.org.uk](http://www.osteopathy.org.uk).

The PCC has the power under paragraph 21 of the Schedule to the Act to regulate its own procedures. It has used this power to set additional requirements that should be complied with when preparing for a hearing. These are identified below.

The parties to the PCC hearing are the Council (bringing the case against the registrant) and the registrant. Both parties are entitled to be, and are usually, legally represented. The information in this Note will assist both parties and their legal representatives in meeting the requirements of the legislation and the PCC's expectations. It is not, however, a comprehensive guide and the parties should also consult the full relevant legislation mentioned above.

**Preparing for a hearing**

When preparing for a hearing, both parties need to be aware of the time limits set by the legislation and the PCC. These time limits relate to the provision of documentary evidence, names of witnesses and skeleton arguments. They are:

<b>Time limit</b>	<b>Action</b>	<b>Relevant provision</b>
At least 28 days before the first day of the hearing	The Council should serve notice of the hearing and the allegation and factual particulars on the registrant.	PCC Rules 7, 9 and 10
At least 28 days before the first day of the hearing	The Council should serve on the registrant the documentary evidence that it intends to rely upon during the hearing. This will include relevant witness statements, medical records and expert witness reports.	PCC Rules 7 and 10
At least 7 days before the first day of the hearing	The Council and the Registrant should provide a list of the names of the witnesses they intend to call to give evidence at the hearing. This list should be provided to the PCC's Clerk	PCC Rule 12

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	and to the other party.	
At least 6 days before the first day of the hearing	The Registrant should provide a copy of their expert witness report, where appropriate. Six copies of the report should be provided to the PCC's clerk. One copy of the report should be provided to the other party.	PCC requirement
At least 6 days before the first day of the hearing	The Council and Registrant should provide written witness statements for those witnesses that they intend to call to give evidence at the hearing. Six copies of each statement should be provided to the PCC's Clerk. One copy of each statement should be provided to the other party.	PCC requirement
At least 6 days before the first day of the hearing	The Council and Registrant should provide their skeleton arguments to the PCC Clerk and to the other party.	PCC requirement
At least 4 days before the first day of the hearing	The Council and the Registrant should provide any further documentary evidence that it intends to rely upon during the hearing and which has not previously been provided. Six copies of the documentary evidence should be provided to the PCC Clerk, One copy should be provided to the other party.	PCC Rule 13

Please note that these time limits are the last days upon which the action should be taken. If a party is able to comply with the action at an earlier date, then it is expected that it will do so.

### **Skeleton Arguments**

A skeleton argument should identify and summarise the party's case. It will usually contain an outline of the argument the party will present and an outline of the evidence upon which their argument will rely. It should also include a chronology of events, identifying the people involved, glossary of terms used and references to any relevant case law that will be relied upon.

It is recognised that a registrant who is not legally represented may not be able to produce a skeleton argument in this form. In such circumstances, it would assist the PCC if the registrant could prepare a simple statement but this is not a requirement.

### Complying with the time limits

The PCC will enforce these time limits and both parties are expected to comply fully with them. Failing to do so may mean that the party cannot rely on a piece of evidence or witness at the hearing.

The PCC is very concerned to ensure that both parties are treated fairly and equally. It is also concerned to ensure that it operates efficient procedures and that unnecessary delays or frustrations do not occur. The PCC will only exercise its discretion to dis-apply the time limit if there is a good reason for it and it would cause a potential injustice.

If you have difficulty meeting any of the time limits set out above, you should notify the PCC Clerk at the earliest opportunity. You will be asked to explain in writing the time limit that you cannot meet and the reason why you cannot meet it. You will be asked to provide any evidence that supports your reasons for not meeting the time limit. For example, if a requirement cannot be met because of the registrant's ill health, this should be supported by a medical certificate or note from the registrant's GP or medical advisor.

The reason for not meeting a time limit must be a 'good reason'. This can be any circumstance that in the opinion of the PCC is genuine, beyond the party's control and can reasonably be expected to render the party's compliance with the time limit impracticable.

Treating the PCC process with insufficient priority would not be a good reason. For example, seeking legal representation at a late stage and leaving the representative with little time to prepare. Other circumstances that are normally regarded as good reasons include:

- holidays – while the PCC may sympathise with a registrant who had booked a holiday before receiving notification of the hearing, it will have less sympathy for those who book holidays after such receipt
- a legal representative's unavailability – a lawyer's unavailability or lack of capacity to diligently pursue a party's instructions is rarely a good reason to delay the process
- unavailability of a witness, including expert witnesses – while the unavailability of a vital witness may be a good reason, the importance of a witness to the party's case and the reason for the lack of availability will be material to the PCC's exercise of discretion.

### Further information

The GOsC has also produced Practice Notes relating to:

- Postponement and adjournment requests
- Proceeding in the absence of the registrant

For further information about the PCC's procedures and guidance, please see the GOsC's website - [www.osteopathy.org.uk](http://www.osteopathy.org.uk) – or contact the Regulation Department on 020 7357 6655 x224.