



**Osteopathic Practice Committee
25 June 2014
Committee Annual Report**

Classification	Public
Purpose	For decision
Issue	The Osteopathic Practice Committee is required to review its work annually and to submit a report to the Council.
Recommendation	To agree the content of the report to be submitted to Council on 23 July 2014.
Financial and resourcing implications	None
Equality and diversity implications	None
Communications implications	None
Annex	Osteopathic Practice Committee Terms of Reference
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Summary

1. This paper sets out a review of the work of the Osteopathic Practice Committee (OPC) in the financial year 2013-14. The report is due to be considered by Council at its meeting on 23 July 2014.
2. The Terms of Reference of the OPC are annexed to this paper.

Review of work during the financial year 2013/14

3. The OPC was established on 1 April 2013. The Committee has met on 3 occasions: 14 May 2013; 19 September 2013; and 27 February 2014.
4. The OPC replaced the Fitness to Practise Policy Committee and, in relation to continuing fitness to practise issues, will build on the work undertaken by the Revalidation Standards and Assessment Group.

Policy work

5. During the period, the OPC considered and commented on four draft policies:
 - a. Fitness to Practise Publication Policy
 - b. Notification of Fitness to Practise Outcomes and Investigations
 - c. Whistleblowing Policy
 - d. Protection of Title Enforcement Policy.
6. The OPC made a number of detailed drafting comments and suggestions before recommending to the Council that the FTP Publication Policy and Notification of Fitness to Practise Outcomes and Investigations should be adopted. The OPC recommended to Council that the Whistleblowing and Protection of Title Enforcement Policy should be approved for consultation.
7. As part of its discussions, the OPC considered issues such as the handling of anonymous complaints in the light of the recent High Court case of *White v NMC* (decision 11/2/14) and whether or not the Notification of Outcomes should include Health cases.

Review of Notice to Parties and Practice Notes

8. During the period, the OPC considered and commented on five draft Practice Notes and recommended that they be approved by the Council:
 - a. Rule 8 Practice Note and Process Flow Chart
 - b. Preparing for a Hearing

- c. Expert Witnesses
 - d. Evidence
 - e. Consideration of Undertakings at Interim Suspension Order Hearings.
9. In addition to providing detailed drafting comments on the Practice Notes, the OPC considered issues such as the draft suitability criteria for the application of the Rule 8 procedure; the definition of a 'single incident' that should be adopted as part of those criteria; the definition of an undertaking and the format in which it should be presented to a fitness to practise committee; whether a witness' evidence-in-chief should be given orally or whether it was preferable for the written statement of the witness to stand as their evidence-in-chief.
 10. The OPC also considered the evidential provisions (including provisions relating to Vulnerable witnesses) and time lines set out in the Practice Notes on Evidence and Preparing for a hearing, which replaced the Notice to Osteopaths and Legal Representatives published in November 2011.

Professional Indemnity Insurance

11. Following the introduction of the new EU Directive on cross border patient rights, the OPC considered five aspects of insurance requirements that might impact on future GOsC Professional Indemnity Rules. These were the extent to which any rules should seek to prescribe the risks to be covered; whether or not the rules should prescribe a minimum amount of cover; the evidence that registrants should be required to provide in order to demonstrate compliance with the Rules; whether or not the Rules should require run-off cover; and the requirements that should apply to registrants practicing overseas.
12. The OPC also considered a draft consultation document, and recommended that this be approved by the Council for consultation.

Guidance to Fitness to Practise Committees

13. The OPC considered draft Investigating Committee Decision Making Guidance and Flow Chart which had been prompted by the recent decision in *Spencer v General Osteopathic Council* [2012] (*Spencer*) and the fact that the guidance had not been reviewed since first publication in 2007.
14. The OPC recommended that with some drafting amendments, the draft Guidance should be approved by the Council.

Guidance to Registrants

15. The OPC considered in great detail draft guidance to registrants on *Obtaining Consent – Patients' Capacity to Give Consent*. In the light of the complexity of the subject, and the fact that the law on consent varied across the UK, the OPC

recommended that the GOsC should produce separate guidance on consent for each of the separate legal jurisdictions within the UK.

16. The OPC also considered and commented on draft Guidance for Registrants on the use of the Rule 8 Procedure.

Development of Common Classification System for Recording Complaints

17. The OPC noted progress on the development of the Common Classification System by the GOsC and partner organisations including the British Osteopathic Association and professional insurers, which was a recommendation from the NCOR Adverse Events Project No 3.
18. The OPC noted that the primary aim of this project was to develop a better understanding of the circumstances that give rise to patient complaints and claims in order to inform education, training and guidance. The OPC suggested that the system should record that age and gender of the complainant and registrant, and also record the date of registration of registrants subject to a complaint or claim. This would allow us to identify whether the length of time in practice had any impact on the type of complaints/claims being received

Draft Quality Assurance Framework and risk assessment in fitness to practise cases

19. The OPC considered and commented on a draft quality assurance framework being introduced by the Regulation Department. The Framework included a new method of assessing risk and indicating whether or not the GOsC should apply for an Interim Suspension Order.
20. The OPC commented on the scoring criteria and risk factors; and the draft Key Performance Indicators and timescales set out in the draft framework. set out in the framework. The OPC also noted progress in development of further iterations of the framework.

Matters for noting

21. During the period, the OPC received papers and presentations on the following matters:
 - a. the 2012/13 Annual Performance Review of the GOsC published by the Professional Standards Authority on June 2013.
 - b. the GOsC response to the request for views by the Professional Standards Authority, on how professional regulation can encourage health professionals to be more candid when care goes wrong
 - c. an analysis of fitness to practise cases closed between 1 June 2012 and 31 July 2013

- d. changes to the Continuing Professional Development (CPD) audit process in relation to sampling and feedback in which all registrants now received feedback on their CPD submissions as part of the audit process.
- e. the scoping report and progress of research commissioned by the GOsC into the effectiveness of regulation: 'Exploring and explaining the dynamic of osteopathic regulation, professionalism and compliance with standards in practice.

Osteopathic Practice Standards Evaluation

- 22. The OPC received a detailed paper evaluating the GOsC's implementation of the Osteopathic Practice Standards which became effective in September 2012.
- 23. The OPC made a number of suggestions and recommendations on mechanisms for evaluating the implementation of future projects.

Membership

- 24. During the period April 2013 to March 2013 the Osteopathic Practice Committee membership comprised:

Name	Member details	Dates of membership	Meetings attended
Julie Stone (Chair)	Council lay member	All year	3/3
Jonathan Hearsey	Council registrant member	All year	2/3
Haidar Ramadan	Council registrant member	All year	2/3
Jenny White	Council lay member	All year	3/3
Alison White	Council lay member	All year	3/3
Dr Jane Fox	External lay member	From August 2013	2/2
Manoj Mehta	External registrant member	From January 2014	1/1

Cost of Osteopathic Practice Committee-related work

25. It is estimated the costs of running the Osteopathic Practice Committee and its related activities, excluding staff time, is approximately £24k. This is calculated as follows:

Activity	Cost £
Committee member: fees and expenses	6,626
Continuing fitness to practise framework/ Revalidation (DH grant)	2,935
Osteopathic Practice Standards	8,392
Complainant/Registrant research	1,258
Publications and subscriptions	4,727
Total	23,938

Recommendation: to agree the content of the OPC Annual Report to be considered by Council in July 2014

Osteopathic Practice Committee (OPC) Terms of reference

The role of the Osteopathic Practice Committee is to contribute to the development of: standards of osteopathic practice; policies aimed at ensuring registrants remain fit to practise; and policies relating to fitness to practise procedures. To do this it will:

- a. Advise Council on all matters relating to standards of osteopathic practice including, where appropriate, post-registration education and training, and the requirements for continuing professional development under Section 17 of the Act and any other matters relating to the continuing fitness to practise of registrants (including revalidation).
- b. Advise Council on appropriate means for ensuring osteopaths remain fit to practise including the requirements for: annual re-registration; assessment of applications before returning to practise; and revalidation.
- c. Advise Council on any questions of policy relating to the management, investigation and adjudication of concerns about the fitness to practise of registrants.
- d. Take into account the decisions of fitness to practise, information from the PSA and other relevant sources, and external legal or other requirements in developing policy on professional practice.
- e. Ensure that the views of the fitness to practise committees are incorporated into the work of the Committee where appropriate.
- f. Consider and assist in the development and/or revision of documents published on behalf of fitness to practise committee and of legislation governing fitness to practise procedure.
- g. Advise Council on matters relating to the exercise of powers under Section 32 of the Osteopaths Act (protection of title).
- h. Advise Council on measures to encourage research and research dissemination within the osteopathic profession.
- i. Advise Council on any research needs to support the work of the Committee.
- j. Make an annual report for Council on the work of the Committee.