



## GENERAL OSTEOPATHIC COUNCIL

### Guidance for Screener

The Screener (who is a member of the IC appointed by the General Council and must be “a fully registered osteopath”) is required under the Osteopaths Act 1993 (“the Act”) to “*consider the allegation with a view to establishing whether, in his opinion, power is given by this Act to deal with it if it proves to be well founded*”<sup>1</sup> and “*if he considers that such a power is given, give the Investigating Committee a report of the result of his investigation*”.

The General Osteopathic Council (Investigation of Complaints) (Procedure) Rules Order of Council 1999 (“the Rules”) provides that:

- “6(1) *Where the Screener decides that the Investigating Committee has no power to deal with a complaint then he shall inform the complainant of his decision in writing and give reasons.*
- (2) *In such circumstances neither the complainant, nor the osteopath, shall have the right of access to any document relating to the case”*

Therefore, the Screener has a statutory duty to:

- (i) consider any allegation referred to him; and
- (ii) determine whether power is given by the Act to deal with the allegation, if it proves to be “well founded”; and
- (iii) if, he considers that such power is given in (ii) above, to provide a report to the Investigating Committee (IC) (section 20)

This means s/he has to decide whether any allegation falls within the scope

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<sup>1</sup> section 20(6)(a)

of section 20(1)(a) – (f) of the Act. Namely, where an allegation has been made against a registered osteopath (“the Registrant”) to the effect as follows:

- Unacceptable Professional Conduct;
- Professional Incompetence;
- Conviction;
- Ability to practise is Seriously Impaired because of his physical or mental condition;
- The Registrant has been included in a barred list; or
- The Registrant has been included in the children’s or adult’s list.

The Screener “*may seek information about or observations on the case from any person who, in the opinion of the Screener, might assist him in his consideration*”. (rule 5)

The role of the Screener is a narrow one. S/he has to be satisfied of a negative. Namely, that there is no power under the Act to deal with the matter. The Screener’s role does not involve consideration of the wider question of the prospects of success of the complaint or matters that fall within the purview of the Investigating Committee, applying the realistic prospect test.

The Screener should therefore ask him/herself the following questions:

- a. Is the person complained against a registered osteopath? If not, there is no jurisdiction and the case will be closed.
- b. Could the allegation fall within section 20(1) of the Act? In other words could the allegation, if it is proved, be
  - conduct falling short of the standard required of a registered osteopath (“unacceptable professional conduct”)? Or
  - Professional incompetence? Or

- a conviction? Or
  - Serious impairment to the ability to practise because of a physical or mental condition etc.
- c. In reaching the decision at (b) above, the Screener should take account of the General Osteopathic Council Guidance on Threshold Criteria for Unacceptable Professional Conduct. If the allegation does not meet the threshold for referral, then the Screener should answer “no” within the report and close the case as no power to investigate (threshold criteria applies). The Screener should identify which category of the threshold criteria is relevant within their decision.
- d. If the answer is “yes”, the Screener shall give a report to the IC. This should include his / her reasons and identify possible breaches of the standards / code of practice applicable at the time when the events of the complaint are said to have taken place.
- e. If the answer is “no”, whilst there appears to be no obligation under the Act or the Rules for the Screener to give any report to the IC, in practice this should always be done. Within the report the Screener should also identify which categories of the threshold criteria apply in the particular case.
- f. Any “no-power” case will be reviewed first by a lay member of the IC. If the lay Member disagrees with the Screener, his / her reasons should be captured and the case should be referred to the IC.
- g. Where the lay Member agrees with the Screener in any “no power” case then the complainant will be informed of his decision in writing and will be provided with a copy of the Screener’s reasons.

**Remember: written reasons need to be provided in all cases.**

**Reasons can be brief but should be clear and intelligible.**



General  
Osteopathic  
Council

Template Screener's Report

**GENERAL OSTEOPATHIC COUNCIL**  
**SCREENER'S REPORT**

**CASE NUMBER:**

*To be provided by GOSc*

**REGISTRANT:**

**DATE REGISTERED:**

**COMPLAINANT:**

**DETAILS OF COMPLAINANT:**

**DATE COMPLAINT MADE:**

**ALLEGATION:**

The allegation is that .... has been professionally incompetent and/or his/her conduct has fallen short of the standards required of a registered osteopath, in that he/she ...

**The relevant parts of the Osteopathic Practice Standards that might apply are:**

*Please list relevant section(s):*

**The relevant parts of the Code of Practice / Standards of Proficiency that might apply are:**

*Please list relevant section(s):*

**The relevant parts of the Threshold Criteria for Unacceptable Conduct that might apply are:**

*Please list the relevant category or categories:*



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**POSSIBLE STATUTORY BASIS:**

Article 20(1)(a) – “he has been guilty of conduct which falls short of the standard required of a registered osteopath.” or

Article 20(1)(b) – “ he has been guilty of professional incompetence”.

Article 20(1)(c) – “he had been convicted (at any time) in the United Kingdom of a criminal offence.”

Article 20(1)(d) – “his ability to practise as an osteopath is seriously impaired because of his physical or mental condition”.

Article 20(1)(e) – “the registered osteopath has been included by the [Independent Safeguarding Authority] in a barred list..”.

Article 20(1)(f) – the registered osteopath has been included by the Scottish Ministers in the children’s list or adults’ list..”

**Screener’s Decision:**

*Power given to investigate - refer to Investigating Committee.*

*No Power to investigate – refer to lay Member*

*No Power to investigate (threshold criteria applies) – refer to lay Member*

*Refer to IC to consider Interim Suspension Order hearing*

**Screener’s Reasons:****Screener:****Date:**