General Osteopathic Council
Professional Conduct Committee

Case No: 949/10444

Professional Conduct Committee Hearing

Decision

Case of:	Mark Mshila
Committee:	Sue Ware (Chair) Caroline Easter (Osteopathic Member) Sarah Cant (Lay Member)
Legal Assessor:	Gary Leong
Representation for Council:	Andrew Colman
Representation for Osteopath:	Mark Mshila was present but not represented
Clerk to the Committee:	Sajnee Padhiar
Date of Hearing:	30 April 2026

Summary of Decision:

The Committee has found the facts proved and serious enough to amount to Unacceptable Professional Conduct. It has decided to impose a sanction of Admonishment.

The Committee's full decision is set out below.

Allegation*:*

It is alleged that Mr Mark Mshila (the Registrant), has been guilty of Unacceptable Professional Conduct, contrary to Section 20(1)(a) of the Osteopaths Act 1993 in that:

1. *From 09 December 2024 to 19 December 2024, inclusive of both dates ("the relevant period"), the Registrant:*

   a. *was registered and / or practised as an Osteopath;*

   b. *failed to obtain and maintain insurance cover as required by Rule 3 of The General Osteopathic Council (Indemnity Arrangements) Rules Order 2015 ("the Order").*

2. *During the relevant period the Registrant knew that in holding themselves out to the public as a registered Osteopath, they were required to hold professional indemnity insurance.*

3. *The Registrant's conduct as set out at paragraph 1(b):*

   a. *was misleading and / or*

   b. *demonstrated a lack of integrity.*

Background:

1. The Registrant is a registered Osteopath. On 20 December 2024, the Registrant submitted a request to be registered as 'non-practising' from that date. However, he asked to reverse that change later that day on the basis that he might have a potential patient.

2. The Registrant was told that he needed to provide a copy of his professional indemnity insurance to change his status back to 'practising'. The insurance cover document that he sent back revealed that the Registrant's insurance cover had expired on 8 December 2024.

3. Following enquiries, it was found that the Registrant had not renewed his insurance and was not covered after 8 December 2024 and that he had been practising as an Osteopath from 9 December 2024 to 19 December 2024.

The following facts are alleged:

4. It is alleged that the Registrant's indemnity insurance expired 8 December 2024 and he had not renewed his policy, nor informed the GOsC ("the Council") that his indemnity insurance cover had ceased. It is also alleged that the Registrant continued practising as an Osteopath in that time.

Preliminary Matters:

5. In accordance with Rule 6 of the General Osteopathic (Professional Conduct Committee) (Procedure) Rules Order of Council 2000 ("the Rules"), the Committee considered whether there was any reason why any member of this panel of the Committee would not be eligible to hear this case. The Committee determined that there was no such reason.

Determination on the facts:

6. At the start of proceedings, the Registrant admitted charges 1(a), 1(b), 2, and 3(a). In accordance with Rule 27(1) of the Rules, the Committee finds those facts proved by way of the Registrant's admissions. Charge 3(b) was denied.

7. The Committee has carefully considered all the evidence in this case. It has noted the submissions of Mr Colman on behalf of the Council and of the Registrant. It has accepted the advice of the Legal Assessor.

8. On behalf of the Council, the Committee received a bundle of documents. On behalf of the Registrant, the Committee heard oral evidence from the Registrant.

9. The Committee found the Registrant to be candid and credible in his responses.

10. The Committee reminded itself that the burden of proving the facts is on the Council alone and that the standard of proof is the ordinary civil standard, namely the balance of probabilities.

Charge 3(b)

3. *The Registrant's conduct as set out at paragraph 1(b);*

b. demonstrated a lack of integrity.

11. The Committee received oral evidence from the Registrant. He gave the background to the situation and made clear that there were personal issues on-going at the time.

12. However, it was clear from the Registrant's evidence, that during the relevant period of time he was working at a clinic and he had put himself out as an Osteopath. The Rules are such that it is incumbent upon all practising Osteopaths to ensure that they have adequate public indemnity cover.

13. The Committee accepted the Legal Assessor's advice. He advised that the concept of 'lack of integrity' is not the same as the concept of 'dishonesty'. Whilst 'dishonesty' always encompasses a 'lack of integrity', 'lack of integrity' does not always encompass 'dishonesty'. This is because a dishonest act is always an intentional act but an action lacking in integrity can be intentional but it can also be as a result of a reckless act.

14. The Legal Assessor advised that integrity connotes adherence to the ethical standards of one's own profession and that an Osteopath will be expected to take particular care not to mislead. They are expected to be even more scrupulous about their practice than a member of the general public in daily discourse.

15. The Rules are clear that a practising Osteopath must have appropriate public indemnity cover. Therefore, a practising Osteopath (including one who offers their services) is indirectly representing to potential patients that they have appropriate public indemnity cover.

16. The Committee found that the Registrant's actions in continuing to practise would mislead the public into thinking that he did have public indemnity when he did not. As such the Committee determined that the Respondent's actions lacked integrity.

17. Accordingly, the Committee finds Charge 3(b) proved.

Determination on Unacceptable Professional Conduct

18. The Committee next considered whether the facts it had found proved amounted to conduct falling short of the standard required of a registered Osteopath – namely, whether they amount to unacceptable professional conduct ("UPC"). The Committee took into account the submissions of Mr Colman and the Registrant.

19. Mr Colman submitted that practising without insurance cover was a serious matter for an Osteopath and that it was serious enough to amount to UPC.

20. The Registrant told the Committee of the personal, financial and health-related circumstances that led to his practising without insurance cover during those weeks in December 2024. Nevertheless, he was clear that he was aware that he did not have adequate public indemnity at the time.

21. The Committee accepted the advice of the Legal Assessor. It bore in mind that there is no standard of proof to be applied at this stage and that the consideration as to whether the threshold for unacceptable professional conduct has been reached is a matter of its professional judgment. The Committee took into account the guidance of Mr Justice Irwin in *Spencer v The General Osteopathic Council [2012] EWHC 3147 (Admin)* in which it was stated that a finding of UPC implies "*moral blameworthiness and a degree of opprobrium*."

22. The crux of this case is that the Registrant practised as an Osteopath for a period of eleven days without insurance. Notwithstanding the personal circumstances in the Registrant's, or any other registrant's, life, indemnity insurance is a fundamental requirement of an Osteopath's practice. It underpins the confidence the public have in going to see an Osteopath for treatment, and provides protection for patients if things go wrong.

23. The Committee concluded that the Registrant's failing was serious enough to be regarded as deplorable conduct by fellow practitioners and serious enough to pass the threshold for UPC.

Determination on Sanction

24. Having determined that the Registrant's failures amount to UPC, the Committee was required to impose a sanction under s. 22 (2) of the Act.

25. The Committee heard representations from Mr Colman and the Registrant. Mr Colman told the Committee that Sanctions was a matter for the Committee and the Council did not have any representation as to what sanction should be imposed and confirmed that the Registrant did not have any previous regulatory history.

26. The Registrant submitted that this matter arose because he was under pressure at the time due to the abovementioned financial, personal and

health-related issues. He also told the Committee how he found the environment he was working in at the time to be very stressful.

27. The Committee heard and accepted the advice of the legal assessor. It made its decision in relation to sanction with the assistance of the Guidance for the Hearings and Sanctions (May 2025) ("the Guidance"). It has borne in mind that the purpose of a sanction is not to be punitive, although a sanction may have that effect. Rather, the purpose of a sanction is to protect the public interest, which includes the protection of members of the public, the maintenance of public confidence in the profession, and declaring and upholding proper standards of conduct and performance.

28. The Committee did not consider there to be any aggravating features in this case.

29. The Committee also considered the following to be mitigation:

- the personal circumstances of the Registrant at the time;
- the short period of time that the Registrant practised without insurance;
- the Registrant's previous good character;
- no evidence that any harm was caused to a patient.

30. The Committee was satisfied that there were circumstances in the Registrant's life at the time of which he had given precedence over the renewal of his insurance and allowed it to lapse.

31. The Committee also took into account that the Registrant has engaged with these proceedings and has been open and very candid with the Committee. It was clear that the Registrant was a relatively newly qualified practitioner at the time and was not used to working in a busy clinical environment. It is unfortunate that he did not appear to have a mentor to guide him.

32. The Committee considered, first, whether an admonishment would be a sufficient sanction. It concluded that most of the factors identified at paragraph 64 of the Guidance are present in this case –

- this was an isolated incident. The Committee noted that up until that point in time, he had maintained appropriate indemnity cover;

- there is no evidence to suggest that the Registrant poses any danger to the public. The competence of the Registrant is not in issue;

- the Registrant has shown insight into his failings. He recognised the importance of having valid indemnity insurance when practising;

- he also recognised that this matter arose out of his lack of resilience to personal circumstances at the time and has now taken steps to increase his resilience and to avoid those circumstances;

- there has been no repetition of the Registrant's failings. Other than the current finding against him, he has a previous good history;

- the Registrant has expressed genuine remorse and apologised for his lapse; and

- the Registrant has put in place financial systems with regard to his annual insurance renewal.

33. The Committee concluded that an admonishment would be a sufficient sanction to declare and uphold proper standards of conduct, and to maintain confidence in the profession. An admonishment is the appropriate response to remind the profession of the importance of having indemnity insurance in compliance with Rule 5 of The General Osteopathic Council (Indemnity Arrangements) Rules Order 2015, and the possible consequences of a departure from acceptable standards.

34. The Committee considered whether a more serious sanction was required, and concluded that it was not. A Conditions of Practice Order would not be appropriate in this case as there are no identified areas of the Registrant's clinical practice in need of remediation.

35. The Committee also considered suspending the Registrant's registration but determined that such a course would be punitive and disproportionate, given that the Registrant poses no danger to the public, where no harm was done to patients and the period in question was less than two weeks, in which the Registrant's practice was *sporadic* and not busy. It was not clear whether any patients had in fact been treated by him during this period.

36. Therefore, the Committee decided that the appropriate and proportionate sanction in this case is admonishment.

Under Section 31 of the Osteopaths Act 1993 there is a right of appeal against the Committee's decision.

The Registrant will be notified of the Committee's decision in writing in due course.

Section 22(13) of the Osteopaths Act 1993 requires this Committee to publish a report that sets out the names of those osteopaths who have had Allegations found against them. The Registrant's name will be included in this report together with details of the allegations we have found proved and the sanction that that we have applied today.