

GENERAL OSTEOPATHIC COUNCIL
PROFESSIONAL CONDUCT COMMITTEE

Cases No: 955/1358

Professional Conduct Committee Hearing

DECISION

Case of:	Matthew Voigts
Committee:	Melissa D'Mello (Chair) Nathalie Harvier (Lay Member) Yinka Fabusuyi (Osteopathic Member)
Legal Assessor:	Gary Leong
Representation for Council:	Andrew Faux
Representation for Osteopath:	Matthew Voigts was neither present nor represented
Clerk to the Committee:	Sajinee Padhiar
Date of Hearing:	8 to 10 April 2026 (remote)

Summary of Decision:

The Particulars found proved are 1, 2 (entirely), 3(entirely), and 5(a)

Unacceptable Professional Conduct found proved.

The Committee imposed Admonishment as the sanction.

The Committee's full decision is set out below.

Allegation and Facts:

The allegation is that Matthew Voigts (the Registrant) has been guilty of unacceptable professional conduct, contrary to section 20(1)(a) of the Osteopaths Act 1993, in that:

1. *On 16 April 2025, the Registrant attended the home address of Patient A (the Appointment).*
2. *During the Appointment, the Registrant failed to respect Patient A's dignity and modesty, in that he:*
 - a) *positioned the treatment table in front of windows overlooked by neighbours;*
 - b) *did not leave the room for Patient A to remove her gown and lay on the treatment table in her bra and knickers;*
 - c) *moved Patient A's knickers to the side without her consent;*
 - d) *removed a blanket covering Patient A, exposing her naked body;*
 - e) *did not inform Patient A when it was appropriate for her to put her knickers back on*
3. *During the Appointment, the Registrant:*
 - a) *asked Patient A "do you mind if you remove your knickers because I don't mind?" ", or words to that effect;*
 - b) *reached up under the blanket covering Patient A and pulled off her knickers;*
 - c) *provided treatment to Patient A's legs whilst she was not wearing knickers.*
4. *The Registrant failed to obtain and/or record valid consent for all aspects of treatment provided during the Appointment.*
5. *The Registrant's conduct as set out at Particulars 2 and/or 3 in their entirety was:*

- a) *inappropriate;*
 - b) *a breach of professional boundaries*
6. *The Registrant's conduct as set out at Particular 4 was inappropriate.*

Background:

1. This case arises out of a single appointment consisting of massage therapy where the Registrant was contracted as a massage therapist to provide deep tissue massage. Massage therapy is not osteopathy therapy but is adjunctive therapy that is subject to the standards set out by the Council when it is administered by a registered Osteopath.
2. The Registrant attended at the patient's own home. It is alleged that he set up a treatment table in a rear room of the property with a view out via patio doors onto the garden. The garden is said to be overlooked by neighbouring properties. It is further alleged that the Registrant acted in the manner stated in the Allegation above. There is no allegation that the actions of the Registrant amounted to sexual touching nor that they were sexually motivated.

Preliminary Matters:

3. 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.

Decision to proceed in the absence of the Registrant

4. The notice of this hearing was sent to the Registrant's email address on 3 February 2026. The notice contained the date, time and mode of this hearing. On 16 March 2026 the Registrant replied, acknowledging receipt of the hearing notice.

5. The Committee accepted the advice of the Legal Assessor, and is satisfied that all reasonable steps have been taken to serve the notice of hearing on the Registrant.
6. The Committee then went on to consider whether to proceed in the absence of the Registrant pursuant to Rule 20 of the Rules. In doing so, it considered the submissions of Mr Faux on behalf of the Council.
7. Mr Faux outlined the history of correspondence between the Council and the Registrant. He pointed out that the letter of 14 October 2025 from the Registrant's then legal representatives informed the Council that the Registrant would not be engaging in this process any longer and that the legal representatives were no longer instructed on this matter.
8. The Committee accepted the advice of the Legal Assessor. He advised that, if the Committee is satisfied that all reasonable efforts have been made to notify the Registrant of the hearing, then the Committee had the discretion to proceed in the absence of the Registrant. He cautioned the Committee that the discretion was to be exercised with care and caution.
9. The Legal Assessor also referred the Committee to the case of *GMC v Adeogba and Visvardis [2016] EWCA Civ 162* and advised the Committee that the *Adeogba* case reminded the Committee that its primary objective is the protection of the public and of the public interest. In that regard, the case of *Adeogba* was clear that "where there is good reason not to proceed, the case should be adjourned; where there is not, however, it is only right that it should proceed".
10. It was clear, from the principles derived from case law, that the Committee was required to ensure that fairness and justice were maintained when deciding whether or not to proceed in a Registrant's absence.
11. In reaching its decision the Committee took into account the following:
 - a) the indication that the Registrant would no longer engage in these proceedings and his conduct since that letter was consistent with that indication;
 - b) no application has been made to adjourn today's hearing; and
 - c) there is a public interest that this matter is concluded expeditiously.

12. The Committee was satisfied that the Registrant was absent voluntarily. There is a distinction between a case where the Registrant is clearly aware of the hearing date, and one where there has been no response from the Registrant. It determined that it was unlikely that an adjournment would result in the Registrant's attendance at a later date, in the light of the non-engagement of the Registrant. Having weighed the public interest for expedition in cases against the Registrant's own interest, the Committee decided to proceed in the Registrant's absence.

The Committee's Determination on the Facts

13. The Committee received a bundle consisting of 95 pages of documentary evidence.
14. The Committee heard evidence from Patient A, and Mr Hearsey as the expert witness.
15. The Registrant did not participate in these proceedings but previously had provided a statement underpinned with a statement of truth in response to the accusations made against him and an application by the Council for an interim suspension order. The Committee had that statement before it and took its contents into account when making its decision. The Committee also had a second statement from the Registrant, that was underpinned by a statement of truth signed on 14 August 2025. The Legal Assessor advised the Committee to bear in mind that it did not have the opportunity to test the veracity of its contents and therefore the weight to be ascribed to it will be adversely affected.
16. The Committee has carefully considered all the evidence in this case. It has noted the submissions of Mr Faux on behalf of the Council.
17. The Committee found Patient A to be an open and honest witness who did their best to assist the Committee. It also found her evidence to be cogent and credible.
18. The Committee found Mr Hearsey to be a competent expert witness who did his best to assist the Committee. He was not wedded to his opinion, which was based upon information that he was provided. When some of that information was further clarified, he modified his opinion in line with that clarification.

19. The Committee also reminded itself of the Legal Assessor's advice that it could take into account the Registrant's good character and that the fact that he has not transgressed in the past may make it less likely that he acted as is now alleged against him. The Legal Assessor cautioned the Committee and advised that character evidence of itself does not amount to a defence to any of the particulars or the allegation. The weight that is to be given to character evidence in any particular case is a matter for the Committee. Whilst it is not evidence in that it goes directly to the allegation, it is a matter to be put into the balance when the Committee is evaluating all of the evidence in the case.
20. The Committee received and accepted the advice of the Legal Assessor. The Committee was advised that the Council bears the burden of proof throughout and the standard of proof is the civil standard namely the balance of probabilities. The Committee was advised to look carefully at the wording of the Allegation and each particular in turn, in order to see precisely what the Council has charged and therefore what it has to prove.
21. The Committee's attention was drawn to the fact that Patient A had spoken to friends about the events. The Legal Assessor advised that it was a matter for the Committee, but it should be alive to the possibility that her recollection might have been tainted by the speculation of others.

Particular 1

1. *On 16 April 2025, the Registrant attended the home address of Patient A (the Appointment).*
22. There was no dispute between the evidence of Patient A and the statement of the Registrant that he had attended her home address on the above date for the deep tissue massage appointment.
23. Therefore the Committee finds Particular 1 proved.

Particular 2

2. *During the Appointment, the Registrant failed to respect Patient A's dignity and modesty, in that*

24. The stem of Particular 2 is worded such that the word “failed’ denotes a duty to respect Patient A’s dignity and modesty. Therefore, the Committee first considered whether such a duty existed.
25. The Patient A’s evidence was clear in that:
 - a) She had advertised on Bark.com by putting her mobile number into the website for a massage therapist to provide her with a full body massage and the Registrant was one of three massage therapists who contacted her the mobile number that she had provided;
 - b) She was not looking for Osteopathy treatment, nor was she looking for an Osteopath to provide the full body massage;
 - c) She did not know that the Registrant was an Osteopath until after the massage session when she looked him up on Bark.com which led to his website.
26. The expert witness, Mr Hearsey, made it clear to the Committee that he had been asked to provide his opinion on whether the Registrant’s conduct complied with the Osteopathic Practices Standards (“OPS”) published by the Council on the basis that the Registrant was providing osteopathic treatment to Patient A. He had not been asked to give his opinion as to whether the session that had taken place was in fact an osteopathic consultation.
27. When Mr Faux asked Mr Hearsey for his opinion as to whether the session was an osteopathic consultation, Mr Hearsey replied that he did not think it was an osteopathic consultation. He said that this was the Registrant entering into a “transactional relationship” to provide a massage and in the light of the circumstances, it was not an osteopathic consultation.
28. Mr Faux drew the Committee’s attention to the Council’s guidance document on adjunctive therapies and submitted that even where an osteopath is not providing osteopathic therapy but rather massage therapy, the osteopath is nevertheless bound to act in a manner that would uphold the reputation of the profession. He submitted that if the Committee finds that the Registrant had failed to respect Patient A’s dignity and modesty, then the reputation of the profession could be adversely affected and that would be a breach of OPS D7.

29. The Committee noted that the guidance document entitled “*Guidance on the application of the Osteopathic Practice Standards in relation to adjunctive therapies, non-osteopathic treatments or other work undertaken by osteopaths*” July 2022 edition does cover this situation. The guidance states at page 5:
2. *Providing professional services other than osteopathy What do the OPS say?*
- *D1 states: ‘You must act with honesty and integrity in your professional practice’.*
 - *D7 states: ‘You must uphold the reputation of the profession at all times through your conduct, in and out of the workplace’.*
 - *The associated guidance for standard D7 states: ‘The public’s trust and confidence in the profession (and the reputation of the profession generally) can be undermined by an osteopath’s professional or personal conduct. You should have regard to your professional standing, even when you are not acting as an osteopath’.*
30. Essentially, the guidance is reminding all practising Osteopaths that they are firstly an Osteopath and must be conscious at all times that their professional and personal conduct can have an adverse impact on the reputation of the profession.
31. The Committee determined that the Registrant was under a duty to respect Patient A’s dignity and modesty. That is because in these circumstances, if an Osteopath providing non-osteopathic service had failed to do so and it later became known that they were an Osteopath, the reputation of the profession could be adversely affected.

Particular 2(a)

- a) *positioned the treatment table in front of windows overlooked by neighbours;*
32. Patient A’s evidence was that it was the Registrant who positioned the treatment table and the Registrant’s statement confirms this. The Committee was also provided with pictures of the room in which the appointment took place. It can be seen that the windows, which are actually

patio doors, in front of which the treatment table was positioned could be seen by some of Patient A's neighbours. Patient A told the Committee that whilst there were curtains on the doors, they were not drawn.

33. Therefore, the Committee finds Particular 2(a) proved.

Particular 2(b)

b) did not leave the room for Patient A to remove her gown and lay on the treatment table in her bra and knickers;

34. Patient A told the Committee that the Registrant did not leave the room when she removed her gown and lay on the treatment table in her bra and knickers. She said that the Registrant did hold up a blanket between himself and her when she did that, but that he only held it up to his chin and he could see her as his head was above the level of the blanket.
35. The Registrant in his statement said that he did hold up the blanket but it was above his head and as such he could not see Patient A when she removed her gown and lay on the treatment table. He said that he lowered the blanket over her body when she was ready for the session to begin.
36. The Committee preferred the evidence of Patient A. Whilst they noted what the Registrant said in his statement, the Committee bore in mind that it had not been able to test the veracity of what the Registrant said in his statement.
37. Therefore, the Committee finds particular 2(b) proved.

Particular 2(c)

c) moved Patient A's knickers to the side without her consent;

38. Patient A said that the Registrant had moved her knicker band further up her body in order to massage that part of her body. She said that the motion did not expose any more of her buttocks. She said that he had not indicated that he was going to do so nor he asked for her consent before doing so.
39. The Registrant does not comment on this in his statement.

40. The Committee finds particular 2(c) proved.

Particular 2(d)

- d) *removed a blanket covering Patient A, exposing her naked body;*
41. Patient A told the Committee that the Registrant did at one stage, after working on one side of her body, remove the blanket completely leaving her exposed.
42. In his statement, the Registrant denies that he completely removed the blanket. He stated that he moved the blanket around in order to access the areas that he was massaging.
43. Again, the Committee bore in mind that it was unable to test the veracity of the Registrant's evidence. In the circumstances, the Committee preferred the evidence of Patient A.
44. Therefore, the Committee finds particular 2(d) proved.

Particular 2(e)

- e) *did not inform Patient A when it was appropriate for her to put her knickers back on*
45. Patient A told the Committee that she was the one who put her knickers back on and that the Registrant appeared surprised that she would want to put her knickers back on at that point in time.
46. In this statement, the Registrant does not mention that he informed Patient A when to put her knickers back on.
47. The Committee finds particular 2(e) proved.
48. The Committee then considered whether the actions of the Registrant, set out in particulars 2(a) to 2(e) above demonstrated that he had failed to respect Patient A's dignity and modesty.

49. The Committee was satisfied that the Registrant's actions, taken as a whole, demonstrated that he had failed to respect Patient A's dignity and modesty.
50. Therefore, the Committee finds Particular 2 proved in its entirety.

Particular 3(a)

3. *During the Appointment, the Registrant:*
 - a) *asked Patient A "do you mind if you remove your knickers because I don't mind?" ", or words to that effect;*
51. Patient A told the Committee that this happened during the appointment. In his statement, the Registrant appears to corroborate this at paragraph 31 and 32:
 31. *I did not suggest the removal of the underwear until I got to the part of the treatment that necessitated it.*
 32. *I obtained her consent for the removal of the knickers and they were removed.*
52. Therefore, it does not appear that there is a dispute between the parties that this occurred during the appointment.
53. The Committee finds particular 3(a) proved.

Particular 3(b)

3. *During the Appointment, the Registrant*
 - b) *reached up under the blanket covering Patient A and pulled off her knickers;*

54. Patient A confirmed to the Committee that this occurred and the Registrant corroborates this in his statement.
55. Therefore, the Committee finds particular 3(b) proved.

Particular 3(c)

3. *During the Appointment, the Registrant*

- c) *provided treatment to Patient A's legs whilst she was not wearing knickers.*

56. Both Patient A and the Registrant, in his statement, speak of this occurring during the appointment. Therefore, there is no dispute between the parties that this did happen during the appointment.
57. The Committee finds particular 3(c) proved.

Particular 4

4. *The Registrant failed to obtain and/or record valid consent for all aspects of treatment provided during the Appointment.*

58. The evidence from Patient A and that of the Registrant is clear. At several points in time during the session, the Registrant had sought Patient A's consent for the massage being provided at that point in time. Patient A was also clear from her evidence that she had given consent with regards of various aspects of the treatment when the Registrant asked for her consent.
59. The Committee finds that it is not proved that the Registrant had failed to obtain valid consent for ALL aspects of treatment provided during the appointment.
60. Therefore, the Committee finds particular 4 not proved.

Particular 5(a)

5. *The Registrant's conduct as set out at Particulars 2 and/or 3 in their entirety was:*

a) *inappropriate;*

61. The Committee was satisfied that the actions of the Registrant, as set out in Particular 2, were inappropriate. For an Osteopath not to respect the dignity and modesty of a client to whom he was providing massage is obviously inappropriate.
62. The Committee considered the appropriateness of the Registrant's actions, as set out in Particular 3, taking into account the circumstances prevailing at the time of the appointment. Whilst his actions, taken in isolation, might not be inappropriate, they were inappropriate in the circumstances. He did not ascertain the appropriateness of his actions and their possible impact upon his client. Patient A made it clear to the Committee that some of the Registrant's actions were unexpected because the Registrant had not forewarned her. The Committee determined that his actions as set out in Particular 3 were inappropriate in the circumstances.
63. Therefore, the Committee finds Particular 5(a) proved.

Particular 5(b)

5. *The Registrant's conduct as set out at Particulars 2 and/or 3 in their entirety was:*

b) *a breach of professional boundaries*

64. The Registrant had been contracted as a massage therapist to provide massage to Patient A. She was not aware that he was an Osteopath nor was she expecting the massage to be provided by an Osteopath.
65. The Registrant was not providing his services as an Osteopath nor had he intended to do so or informed Patient A that he was an Osteopath.
66. The expert, Mr. Hearsey, was clear in his evidence that this was not an osteopathic consultation. The Committee agrees with his analysis of the situation.
67. The Council made it clear that there was no sexual motivation alleged to the Registrant's actions. Upon consideration of the evidence, the Committee

agrees and is satisfied that there is no sexual motivation involved in his actions. The Committee also finds no evidence that the Registrant in any way emotionally manipulated Patient A. Indeed, there is no such allegation. Whilst there may be certain aspects of the service provided by the Registrant that have raised concerns, he did not do anything other than provide full body massage. The Committee finds no evidence that he has breached professional boundaries.

- 68. In these circumstances where there has been no breach of sexual boundaries, emotional boundaries or physical boundaries, the Committee finds that there has been no breach of professional boundaries.
- 69. Therefore, the Committee finds Particular 5(b) not proved.

Particular 6

- 6. *The Registrant's conduct as set out at Particular 4 was inappropriate.*
- 70. The fact that Particular 4 was not found proved means that this particular also fails.
- 71. Therefore, the Committee finds Particular 6 not proved.

The Committee's Decision on Unacceptable Professional Conduct

- 72. Mr Faux on behalf of the Council reminded the Committee that this matter arises out of a single incident, and outlined the law in relation to Unacceptable Professional Conduct ("UPC").
- 73. Mr Faux also pointed out that the Registrant has had an unblemished career to date and that this was a matter that the Committee should take into account. Mr Faux submitted that in the context of a long unblemished career as that of the Registrant's, a single isolated incident might not give rise to a finding of UPC. However, the fact that it was a single isolated incident in a long unblemished career is not a bar to a finding of UPC, depending upon the seriousness of the behaviour and the circumstances surrounding such behaviour. Mr Faux submitted that the Registrant's complete disregard for Patient A's dignity and modesty amounted to serious misbehaviour and breached the high threshold for UPC.

74. The Legal Assessor advised the Committee that whether the conduct found proved amounted to UPC was a matter for the Committee exercising its professional judgement. There was no standard of proof nor burden of proof. He advised the Committee that UPC was to be determined from the matters found proved alone, taking the conduct of the Registrant in context.
75. As part of his advice, the Legal Assessor referred the Committee to the following cases:
 - a) *Spencer v General Osteopathic Council [2012] EWHC 3147 (Admin)*;
 - b) *Shaw v General Osteopathic Council [2015] EWHC 2721 (Admin)*
 - c) *Roylance v General Medical Council (No 2) [2000] 1 A.C. 311*
 - d) *Calhaem v GMC [2007] EWHC 2606 (Admin)*
76. The Legal Assessor also reminded the Committee that the substance of the allegation is that the Registrant had acted in a manner that was inappropriate and as such had breached standard D7 of the OPS, namely his conduct had the propensity to undermine public confidence in the profession and the regulator. Therefore, the Committee is tasked with determining whether or not standard D7 has been breached, and whether such breach was serious enough to warrant a finding of UPC.
77. In coming to its decision on UPC, the Committee took into consideration the evidence in relation to the matters found proved, and the submissions of Mr Faux. The Committee reminded itself of the advice of the Legal Assessor. He had advised the Committee that there was no difference between 'Unacceptable Professional Conduct' and 'Misconduct' as is used in the medical and dental legislation. He advised that Misconduct is "*a word of general effect, involving some act or omission which falls short of what would be proper in the circumstances*". His advice was that Misconduct is a term of art in regulatory proceedings and that it meant 'serious professional misconduct'.
78. The Legal Assessor stressed that Misconduct is qualified by the word "serious". He advised that this is why the Court stated in the *Spencer* case that UPC has an implication of '*moral blameworthiness, and a degree of opprobrium.*' He had also stressed that whether professional conduct amounts to UPC is dependent on the circumstances, and that the Committee must bear that in mind.

79. The Committee reminded itself that not every instance of falling short of what would be proper in the circumstances, and not every breach of the GOsC standards would be sufficiently serious such as to amount to UPC in this context. Therefore, the Committee has had careful regard to the context and circumstances of the matters found proved.
80. The Committee reminded itself that, in this instance, the Registrant was not providing his services as an Osteopath, and that it was a contractual relationship between his client Patient A, and himself. As the Committee has already found, Patient A was not a patient as there was no treatment being applied for any ailment.
81. The Committee took into consideration that this was a single incident in an otherwise unblemished career.
82. The Committee considered Standard D7 as set out in the OPS, which states:

D7. You must uphold the reputation of the profession at all times through your conduct, in and out of the workplace.
83. The Committee determined that the proper approach to whether or not the Registrant's conduct as breached Standard D7 was to ask two questions, namely:
 - a) *Would the ordinary and decent person with full knowledge of the facts of the massage session (excluding the knowledge that the Registrant is an Osteopath), consider his conduct to be serious and shocking behaviour? If so,*
 - b) *If that person then became aware that the Registrant was also a registered Osteopath, could the reputation of the profession be undermined?*
84. The Committee determined that the ordinary and decent person with full knowledge of the facts of the case, would consider the Registrant's conduct to be serious and shocking behaviour. Notwithstanding the session took place in Patient A's home, the Registrant appeared to be unaware that Patient A was feeling vulnerable and uncomfortable in the circumstances. The fact that she was in a state of undress meant that there was a power imbalance between the Registrant and Patient A, and the Registrant should have been alive to this imbalance. The Committee determined that a person

providing massage services commercially, did not need to be an Osteopath to be aware of such issues.

85. The Committee acknowledged that there was no complaint about the massage that the Registrant had given Patient A, but rather the complaint was about his 'bedside manner', namely, his lack of awareness leading to actions that were inappropriate in the circumstances.
86. The Committee also determined that the abovementioned ordinary and decent person would be further shocked if they were to learn that the Registrant was also an Osteopath, especially one who had the experience that the Registrant has.
87. In the circumstances, the Committee determined that the Registrant's conduct breached standard D7 of the OPS.
88. The Committee then went on to consider whether or not such a breach was serious enough to warrant a finding of UPC. It bore in mind that not every breach of the OPS would amount to UPC.
89. The Committee recognised that the Registrant in this case was not acting as an Osteopath providing osteopathic treatment to a patient. Nevertheless, an Osteopath cannot disregard their training as to how they are to behave with patients and other associated people when providing other services such as a massage session. In fact, such training should enable them to have better a 'bedside manner' than an average massage therapist.
90. The Committee considered that the Registrant's conduct in this case was so serious that it would have undermined the reputation of the profession in the mind of the ordinary decent person, referred to above.
91. Therefore, the Committee determined that the Registrant's conduct, as found proved, was so serious as to amount to Unacceptable Professional Conduct.

Determination on Sanction

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

93. The Committee heard representations from Mr Faux. He informed the Committee that the Council was maintaining a neutral position as to sanction and that it was wholly a matter for the Committee. Mr Faux reminded the Committee that this was a case where there are no concerns about the Registrant's practice, it was not related to the Registrant's practice as an Osteopath, and no harm was caused to any patient. The matter is about the offence caused to the Registrant's massage client, Patient A.
94. The Committee heard and accepted the advice of the Legal Assessor. It made its decision in relation to sanction with the assistance of the Hearings and Sanctions Guidance (May 2025 edition). 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.
95. The Committee also bore in mind that its over-arching objective is
- a) to protect, promote and maintain the health, safety and wellbeing of the public;
 - b) to promote and maintain public confidence in the Osteopathic profession; and
 - c) to promote and maintain proper professional standards and conduct for members of the Osteopathic profession.
96. In the circumstances of this case, the Committee did not find any aggravating feature.
97. The Committee considered the following factors to mitigation:
- there are no identified deficiencies in the Registrant's practice as an Osteopath;
 - there has been no complaint about his practice in the 37 years he has been practising as an Osteopath;
 - this is an isolated incident where he has acted with poor 'bedside manner' outside of his Osteopathic practice that has adversely affected the reputation of the profession; and

- no actual harm was caused to patients or the public.
98. The Committee bore in mind that this case is not about the Registrant's practice as an Osteopath, nor is it within the Committee's jurisdiction to regulate the Registrant's right to provide massage services or the standard of such massage services when unrelated to Osteopathy.
99. The Committee considered, first, whether an Admonishment would be a sufficient sanction. It took into account the following
- 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's failings were not deliberate and constituted an isolated incident. The Committee has determined that the failing of the Registrant was that the manner in which he conducted the massage appointment was insensitive and caused offence to Patient A;
 - there has been no repetition of the Registrant's failings. The Registrant has practised as an osteopath for over 30 years. Other than the current finding against him, he has a good professional history; and
 - the Committee determined that there was a low risk of repetition on the basis that these proceedings would have been a salutary lesson that the Registrant. It should reinforce in the Registrant's mind that he is firstly and always an Osteopath, and that he must always be alive to possible situations outside his practice as an Osteopath that might affect the reputation of the profession.
100. 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 the reputation of the profession at the back of their minds in everything they do and say.
101. 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.

102. 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 risk to the public and bearing in mind the matters in this case did not relate to osteopathy. It also took into account the possible effect on the Registrant's patients, and that to deprive them of their Osteopath would not be in their interests nor would it be in the public interest in this case.
103. Therefore the Committee decided that the appropriate and proportionate sanction in this case is Admonishment.