

2006 No. 3511

HEALTH CARE AND ASSOCIATED PROFESSIONS

OSTEOPATHS

**The General Osteopathic Council (Continuing Professional
Development) Rules Order of Council 2006**

Made - - - - - *18th December 2006*

Laid before Parliament *19th January 2007*

Coming into force - - - *1st March 2007*

At the Council Chamber, Whitehall, the 18th day of December 2006

By the Lords of Her Majesty's Most Honourable Privy Council

The General Osteopathic Council has made the General Osteopathic Council (Continuing Professional Development) Rules 2006 as set out in the Schedule to this Order, in exercise of its powers listed in the preamble of the Schedule.

In accordance with sections 35(1) and 36(1) of the Osteopaths Act 1993^(a) the approval of the Privy Council is required for this exercise of the powers of the General Osteopathic Council.

Having considered the Rules, their Lordships approve them.

This Order may be cited as the General Osteopathic Council (Continuing Professional Development) Rules Order of Council 2006 and shall come into force on 1st March 2007.

Christine Cook
Deputy Clerk of the Privy Council

^(a) 1993 c.21.

SCHEDULE

The General Osteopathic Council (Continuing Professional Development) Rules 2006

The General Osteopathic Council makes the following Rules in exercise of its powers conferred by sections 6(2) and (3), 17 and 35(2) of the Osteopaths Act 1993.

The General Osteopathic Council has consulted in accordance with section 17(3) of that Act.

Citation and commencement

1. These Rules may be cited as the General Osteopathic Council (Continuing Professional Development) Rules 2006 and shall come into force on 1st March 2007.

Interpretation

2. In these Rules—

“the Act” means the Osteopaths Act 1993;

“CPD” means training which comprises lectures, seminars, courses, practical sessions, individual study or other activities undertaken by an osteopath which could reasonably be expected to advance his professional development as an osteopath;

“CPD end date” means the last day of the month which is three months before the month in which an osteopath’s renewal date falls (for example, if an osteopath’s renewal date is 9th June, his CPD end date is 31st March); and for the purposes of calculating the CPD end date, “renewal date” means—

- (a) the anniversary of the date on which an osteopath’s name was first registered, except where his name has been removed from the register and subsequently restored in circumstances described in paragraph (b), or
- (b) in relation to an osteopath whose name has been restored to the register pursuant to an application received by the Registrar after the end of the period of 90 days beginning with the date on which his name was removed from the register, the anniversary of the date on which his name was restored to the register,

and if the date on which an osteopath’s name was first registered or restored to the register was 29th February, the anniversary of that date shall be taken to be 1st March;

“CPD period” means a CPD year, the first CPD year or the transitional CPD year (as the case may be), and those terms have the meanings given in rule 3;

“CPD requirement” shall be construed in accordance with rule 4;

“learning with others” means CPD which—

- (a) involves interaction with other osteopaths, health care professionals or other professionals, and
- (b) is verifiable, by or on behalf of the General Council; and

“osteopath” means a registered osteopath, and includes an osteopath practising full-time or part-time, or non-practising, or whose registration is suspended under any provision of the Act.

CPD year, first CPD year and transitional CPD year: definitions

3.—(1) This paragraph applies to an osteopath whose name is first registered or restored to the register on or after the date on which these Rules come into force.

(2) In relation to an osteopath to whom paragraph (1) applies—

- (a) the first CPD year shall be the period beginning with the date on which his name was registered or restored to the register, and ending on the next CPD end date after that date (in these Rules referred to as “the first CPD year”); and

(b) any subsequent CPD year shall be a period of twelve months ending on the CPD end date (in these Rules referred to as a “CPD year”).

(3) This paragraph applies to an osteopath whose name was already registered on the date on which these Rules come into force.

(4) In relation to an osteopath to whom paragraph (3) applies—

(a) the transitional CPD year shall be the period beginning with the date on which these Rules come into force and ending on the next CPD end date after that date (in these Rules referred to as “the transitional CPD year”); and

(b) any subsequent CPD year shall be a CPD year.

CPD requirement for osteopaths

4.—(1) Subject to rule 7, every osteopath shall, during a CPD period, comply with the CPD requirement specified in this rule in relation to that period.

(2) Subject to rule 7, the CPD requirement for a CPD year shall consist of the completion of at least 30 hours of CPD and at least 15 of those hours shall involve the participation of the osteopath in learning with others.

(3) Subject to rules 5 and 7, the CPD requirement for the first CPD year shall consist of the completion of at least two and a half hours of CPD for each whole month in the first CPD year and at least one and a quarter of those hours for each such month shall involve the participation of the osteopath in learning with others.

(4) Subject to rule 7, the CPD requirement for the transitional CPD year shall consist of the completion of at least two and a half hours of CPD for each whole month in the transitional CPD year and at least one and a quarter hours for each such month shall involve the participation of the osteopath in learning with others.

(5) CPD completed in compliance with a conditions of practice order made under section 22(4)(b) or (8)(b) (consideration of allegations by the Professional Conduct Committee) or section 23(2)(a) or (5)(b) or (c) (consideration of allegations by the Health Committee) of the Act shall count towards the CPD requirement.

Exemption from CPD requirement (newly registered osteopaths)

5.—(1) An osteopath whose name is first registered—

(a) on or after the date on which these Rules come into force, and

(b) within a period of three months beginning with the day on which he was awarded a recognised qualification,

shall be exempt from the CPD requirement for the first CPD year specified in rule 4(3).

(2) In relation to an osteopath to whom paragraph (1) applies, rules 8 and 9 shall not apply during the first CPD year.

CPD during suspension

6. An osteopath whose registration is suspended under any provision of the Act shall not engage during the period of his suspension, without the prior agreement in writing of the General Council, in any CPD that involves him in the management or treatment of, or the giving of advice to, a patient.

Power to extend time or vary the CPD requirement

7.—(1) An osteopath may apply to the Registrar for—

(a) a reduction or other variation in his CPD requirement for a particular CPD period; or

(b) an extension of time in which to complete his CPD requirement for that period.

(2) An application under paragraph (1) must—

- (a) be made in writing;
- (b) include the osteopath's reasons for seeking an extension of time, reduction or other variation; and
- (c) be accompanied by any supporting evidence.

(3) If, in the opinion of the Registrar, the osteopath has good reason for seeking an extension of time, reduction or other variation, the Registrar may—

- (a) provide that a specified number of hours of CPD, being all or part of the CPD requirement for a particular CPD period, may be completed in the next CPD period;
- (b) reduce the CPD requirement for a particular CPD period; or
- (c) otherwise vary the CPD requirement for a particular CPD period.

(4) Where a decision has been made by the Registrar under paragraph (3)(a), the amount of CPD so specified shall form an additional part of the CPD requirement for the next CPD period.

(5) The amount of CPD specified by the Registrar in a decision under paragraph (3)(a) may be the subject of a further application by the osteopath under this rule.

CPD record

8.—(1) An osteopath shall keep an up to date record of CPD completed during a CPD period (“a CPD record”), and it shall contain—

- (a) a description of each item of CPD completed by him;
- (b) the learning need identified by the osteopath for each item of CPD completed by him; and
- (c) as far as reasonably practicable, documentary evidence in respect of each item of CPD completed by him.

(2) An osteopath shall retain his CPD record for a minimum of five years following the end of the CPD period to which it relates.

(3) On receipt of a notice from the Registrar, the osteopath shall deliver his CPD record to the Registrar by the date specified in the notice, and the date so specified must be after the end of the period of 28 days beginning with the date on which the Registrar sent the notice to the osteopath.

Summary form

9.—(1) The Registrar shall send to every osteopath annually—

- (a) a summary form;
- (b) a notice requiring the osteopath to complete the summary form in accordance with paragraph (2) and return it to the Registrar before the end of the period of 28 days beginning with the osteopath's CPD end date (“the return date”); and
- (c) a warning that if the osteopath fails to—
 - (i) complete the summary form to the satisfaction of the Registrar, including the provision of the information specified in paragraph (2), or
 - (ii) deliver that form to the Registrar by the return date,

the osteopath's name may be removed from the register.

(2) The summary form shall require the osteopath to—

- (a) state the total amount of CPD completed by him during the CPD period and in addition specify the number of hours of CPD involving the osteopath in learning with others;
- (b) list each item of CPD and state the date it was completed;
- (c) indicate the relevance of each item of CPD completed to his professional development as an osteopath;
- (d) provide such other details as the Registrar may require; and
- (e) sign and date the form.

(3) Where the summary form is not received by the Registrar by the return date, or it is received but it is not completed in accordance with paragraph (2), the Registrar shall send a notice of final warning to the osteopath warning him that—

- (a) if he fails to complete the summary form to the satisfaction of the Registrar, including the provision of the information specified in paragraph (2), or
- (b) if that form is not received by the Registrar before the end of the period of 14 days beginning with the day on which the notice was sent,

the osteopath's name may be removed from the register.

Removal from the register

10.—(1) Where, following a notice of final warning sent in accordance with rule 9(3), the summary form—

- (a) is not received before the end of the period specified in that notice, or
- (b) is received but is not completed in accordance with rule 9(2),

the Registrar may remove the osteopath's name from the register.

(2) Where the osteopath delivers the summary form duly completed but the Registrar is not satisfied from the information contained in it or otherwise that the osteopath has complied with the CPD requirement in respect of a particular CPD period, he shall send a notice to the osteopath which shall—

- (a) include a statement of the reasons why he is not satisfied that the osteopath has complied with the CPD requirement; and
- (b) invite the osteopath to submit written representations on the matter by the date specified in the notice, and the date so specified must be after the end of the period of 28 days beginning with the date on which the Registrar sent the notice to the osteopath.

(3) Where, after considering any written representations submitted by the osteopath pursuant to paragraph (2)(b), the Registrar is not satisfied the osteopath has complied with the CPD requirement, the Registrar may—

- (a) remove the osteopath's name from the register; or
- (b) require the osteopath—
 - (i) to complete a further amount of CPD within a specified period (in this rule and in rule 11(3)(a) referred to as "further CPD hours"), and
 - (ii) to complete in relation to the further CPD hours a summary form, which the Registrar shall send to the osteopath for the purpose, and which shall require the provision of the information specified in rule 9(2).

(4) Where the Registrar has made a decision under paragraph (3)(b) to require an osteopath to complete further CPD hours, the osteopath shall deliver the completed summary form to the Registrar before the end of the period specified in the decision, and if—

- (a) the osteopath fails to do so, or
- (b) the Registrar is not satisfied that the osteopath has completed the further CPD hours,

the Registrar may remove the osteopath's name from the register.

(5) Where the Registrar makes a decision under paragraph (1), (3) or (4), he shall notify the osteopath in writing of the decision and the reasons for it and (except in the case of a decision under paragraph (3)(b)) of his right to appeal against it under rule 12.

(6) A decision by the Registrar under paragraph (1), (3)(a) or (4) shall take effect on the day when the period specified in rule 12(a) expires or, where there is an appeal by the osteopath, on the withdrawal or dismissal of the appeal.

Restoration to the register following removal under rule 10

11.—(1) A person whose name has been removed from the register under rule 10 may apply to have his name restored to the register.

(2) Rules 4 and 5 of the General Osteopathic Council (Application for Registration and Fees) Rules 2000(a) shall apply to an application under paragraph (1), except that rule 4(2) and (3) of those Rules (requirement for character and health reference etc.) shall not apply in the case of an applicant whose application under paragraph (1) is received by the Registrar before the end of the period of 90 days beginning with the date on which his name was removed from the register under rule 10.

(3) Subject to paragraphs (4) and (5), an application made under paragraph (1) shall be accompanied by evidence that the applicant has—

- (a) complied with the CPD requirement for the CPD period in respect of which his name was removed from the register and, where applicable, completed the further CPD hours; and
- (b) completed at least two and a half hours of CPD for each whole month in the period beginning with the day after the end of the CPD period in respect of which his name was removed from the register and ending with the date of his application for the restoration of his name to the register.

(4) In respect of the CPD mentioned in paragraph (3)(b), at least one and a quarter hours for each such month shall be CPD which involves the participation of the applicant in learning with others.

(5) The maximum amount of CPD for which any applicant under this rule shall be required to provide evidence to the Registrar shall be 150 hours for the five years immediately preceding the date of the application.

(6) Whenever the Registrar refuses an application made under paragraph (1), he shall notify the applicant in writing of the decision and the reasons for it, and of his right to appeal against it under rule 12.

Appeals against decisions of the Registrar

12. A person may appeal to the General Council against a decision by the Registrar to remove his name from the register under rule 10 or to refuse an application for restoration under rule 11 and that appeal—

- (a) must be made before the end of the period of 28 days beginning with the date on which notice of the Registrar's decision is sent to the person concerned; and
- (b) shall be subject to the rules set out in the General Osteopathic Council (Fraud or Error and Appeals) Rules 1999(b) which apply to appeals under section 29 of the Act (appeals against decisions of the Registrar), with the modification that "a relevant decision" referred to in those Rules shall be taken to mean a decision to remove a person from the register under rule 10 or to refuse an application for restoration under rule 11 (as the case may be).

Publication of names

13. Where a decision by the Registrar to remove the name of a person from the register under rule 10 has taken effect in accordance with rule 10(6), the General Council may publish the name of the person in such manner as it deems fit.

CPD documents as evidence in fitness to practise procedures

14. Any documents relating to CPD, compliance with the CPD requirement or sent in accordance with these rules may not be adduced in evidence in any fitness to practise hearing without the consent of the osteopath concerned unless—

- (a) the purpose of the hearing is to determine whether the osteopath has complied with these Rules; or
- (b) the purpose is to verify or disprove a statement by the osteopath relating to his completion of CPD.

(a) Scheduled to S.I. 2000/1038.
(b) Scheduled to S.I. 1999/1846.

Sending of notices

15.—(1) Subject to paragraphs (2) and (3), any notice or form to be sent by the Registrar under these Rules shall—

- (a) be sent by first class post to the person’s address as it appears in the register, or, if his last known address differs from the address in the register or if his name is not registered, to his last known address; and
- (b) be treated as having been sent on the day that it was posted.

(2) Subject to paragraph (3), a notice of final warning to be sent by the Registrar under rule 9(3) shall—

- (a) be sent by a postal or courier service in which delivery is recorded to the address of the osteopath as it appears in the register, or, if his last known address differs from the address in the register, to his last known address; and
- (b) be treated as having been sent on the day that it was posted or delivered by the courier.

(3) Any notice or form to be sent by the Registrar under these Rules may be served by an electronic communication, but only if—

- (a) the intended recipient consents in writing to the receipt of such notices or forms by electronic communication; and
- (b) the communication is sent to the number or address specified by that person when giving consent.

(4) In this rule, “electronic communication” has the same meaning as in the Electronic Communications Act 2000^(a).

Given under the official seal of the General Osteopathic Council on 5th December 2006



Nigel Clarke
Chairman

(a) 2000 c.7.

EXPLANATORY NOTE

(This note is not part of the Order)

This Order, which is made under the Osteopaths Act 1993, approves Rules made by the General Osteopathic Council which set out the requirements in respect of post registration training which have to be met by registered osteopaths. In particular, rule 10 provides for the circumstances in which an osteopath may be removed from the register for non-compliance with these Rules, and rule 11 makes provision regarding applications for restoration to the register following such removal.

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