

**EXPLANATORY MEMORANDUM TO
THE GENERAL OSTEOPATHIC COUNCIL (CONSTITUTION)
(AMENDMENT) ORDER 2015**

2015 No. 1906

1. This explanatory memorandum has been prepared by the Department of Health and is laid before Parliament by Command of Her Majesty.
2. **Purpose of the instrument**
 - 2.1 This Order amends the General Osteopathic Council (Constitution) Order 2009 (S.I. 2009/263 (“the 2009 Order”)) to:
 - (a) amend the constitution of the General Osteopathic Council (GOsC) by reducing its composition from 14 members to 10 members;
 - (b) reduce the quorum of that Council from 8 to 6; and
 - (c) make transitional provisions in relation to the continuation in office of the incumbent chair of the GOsC.
3. **Matters of special interest to the Joint Committee on Statutory Instruments**
 - 3.1 None
4. **Legislative Context**
 - 4.1 The GOsC is constituted in accordance with section 1(4) of, and paragraph 1B(1)(a), (f) and (4) of the Schedule to, the Osteopaths Act 1993. Section 1(4) provides that the GOsC must be set up as provided for by order of the Privy Council. The 2009 Order is the principal order which is being amended by this Order.
5. **Territorial Extent and Application**
 - 5.1 This Order applies to all of the United Kingdom.
6. **European Convention on Human Rights**
 - 6.1 As the instrument is subject to negative resolution procedure and does not amend primary legislation, no statement is required.
7. **Policy background**
 - 7.1 In 2011, the Department of Health published a command paper *Enabling Excellence: Autonomy and Accountability for Healthcare Workers, Social Workers and Social Care Workers*. This paper set out proposals for the

regulatory system for healthcare workers across the UK and social workers in England. The command paper can be found at Gov.UK

7.2 Following the command paper, the Department wrote to the Professional Standards Authority for Health and Social Care (PSA) asking for its advice on the merits of moving to smaller councils for regulatory bodies as a way of delivering more board-like and effective governance.

7.3 In September 2011, the PSA reported on this issue in its report *Board size and effectiveness: advice to the Department of Health regarding professional regulators*. It recommended the optimum size, to be conducive to effectiveness, for council membership was between eight and twelve members.

7.4 Based on a review of literature and its own experiences in overseeing the regulators the PSA found a number of benefits in having smaller governing councils. These included the following:

- Smaller boards struggle to involve themselves in operational management issues that should be delegated to the executive, therefore a smaller size of council helps them to focus their efforts on core governance issues;
- Governing councils cannot operate in a ‘board-like’ manner if they are too large; and
- Smaller sized groups are able to communicate more effectively and reach decisions more quickly than larger ones.

7.5 The full report can be found at www.professionalstandards.org.uk.

8. Consultation outcome

8.1 The consultation document, General Osteopathic Council (Constitution) (Amendment) Order, *A paper for consultation* was posted on Gov.UK and the Department of Health’s Citizen Space website. The consultation ran from 31st July 2015 to 25th September 2015.

8.2 The consultation concerned the changes to the Council’s constitution, quorum and transitional provisions in relation to the chair of the council.

8.3 The Department of Health received ten responses to its consultation. However, only nine responses provided answers to the questions in the consultation document. Responses were from the education sector, the health and social care sector, osteopaths and the GOsC.

8.4 100% of the respondents agreed with the proposed reduction of the membership to the GOsC.

8.5 The responses to the consultation underlines the evidence in the PSA Report that smaller councils are more effective in terms of strategic oversight and holding the executive to account.

8.6 Taking into consideration the positive nature of the responses to the consultation, the evidence in PSA's report and the GOsC's agreement to the proposals, the Department has decided to reduce the GOsC's membership from 14 to 10 with a quorum of six.

8.7 A full analysis of the consultation responses will be made available on the GOV.UK website.

9. Guidance

9.1 The Department of Health has not issued any guidance in relation to this order.

10. Impact

10.1 There is no or minimal impact on business, charities or voluntary bodies.

10.2 An Impact Assessment has not been prepared for this instrument as the cost impact is likely to be minimal.

11. Regulating small business

11.2 The legislation does not apply to small business.

12. Monitoring & review

12.1 This legislation will be subject to internal review within the Department of Health after 3 years.

13. Contact

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