

Osteopathic Council of Ireland

Disciplinary Procedures

1 Making a complaint

The Osteopathic Council of Ireland (the "OCI") considers complaints about members on the following grounds:

(a) **Professional misconduct**

Professional misconduct is:

1. Disgraceful or dishonourable conduct in the course of the osteopath's profession, or otherwise than in the course of the osteopath's profession if the conduct is of such a serious nature as would bring the profession of osteopathy into disrepute; and/or
2. Conduct connected with his or her profession in which the osteopath concerned has seriously fallen short by omission or commission of the standards of conduct expected amongst osteopaths.

(b) **Poor professional performance**

Poor professional performance means any failure by an osteopath to meet the standards of competence (whether in knowledge, skill or the application of knowledge, skill or both) that may reasonably be expected of osteopaths.

(c) **A Relevant Medical Disability**

A relevant medical disability is a physical or mental disability (including addiction to alcohol or drugs) of the osteopath, which may impair his or her ability to practise the profession of osteopathy or a particular aspect thereof.

(d) That his/her registration is erroneous due to a false or fraudulent declaration or misrepresentation.

(e) A failure to comply with a term or condition of registration.

(f) A failure to comply with an undertaking or to take any action specified in a consent or undertaking given to the OCI.

(g) A conviction in the State for an offence triable on indictment, or a conviction outside the State for an offence consisting of acts or omissions that, if done or made in the State would constitute an offence triable on indictment.

If a person wishes to make a complaint on any of the above grounds, he or she should download a copy of the complaint form which is available on the OCI's website. Once

completed, the complaint form can be returned to the OCI via post or email. The complaint form should be signed by the complainant and contain a description of the matter being complained about and be accompanied by any information or documentation which the complainant considers is relevant to the complaint. The Registrar of the OCI may make a complaint.

Conflicts of Interest

Where it appears to a member of the Committee or Appeal Board that he or she cannot properly exercise his or her functions in relation to the consideration of a complaint due to a personal interest in the matter, he or she must notify the relevant committee/board of his or her difficulty and he/she shall not exercise his/her function on such committee/board. The Council may then appoint a member of the Council to be a member of the Committee or Appeal Board.

2 The Complaint Screener

- 2.1 A Complaint Screener ("the **Screener**") shall be appointed by the Council to consider complaints as they arise.
- 2.2 The Screener will maintain a record of all complaints received by the Council. At the Council's request, the Screener will furnish reports to the Council in relation to all complaints he/she has received.
- 2.3 All complaints received will be provided to the Screener who will consider whether the complaint should be referred to the Complaints Committee (the "**Committee**") for consideration. This function may be carried out by another member of the Council from time to time, in the event that the Complaint Screener is unavailable, or not in a position to perform this function.
 - (a) If having considered the complaint, the Screener is of the view that the complaint should be referred to the Committee, the Screener shall refer the complaint to the Committee.
 - (b) If having considered a complaint, the Screener is of the view that the complaint should not be referred to the Committee, the complainant will be informed of this decision.
- 2.4 The Screener may decide not to refer a complaint to the Committee where the complaint is
 - trivial or minor in nature,
 - vexatious, made in bad faith, or an abuse of process.
- 2.5 Where the Screener decides not to refer a complaint to the Committee, the complainant is informed of the decision and the reasons for the decision and given an opportunity to appeal this decision to the Committee within 14 days of the date of the decision.

- 2.6 Where an appeal in respect of the Screener's decision is made by a complainant the Committee shall review the decision of the Screener and either.

- (a) Uphold the decision; or
- (b) Quash the decision and proceed to consider the complaint.

3. Consideration of a complaint by the Complaints Committee

- 3.1 The Committee shall be composed of three persons who are either members of Council or of a Subcommittee.

- 3.2 Where a complaint is referred to the Committee, the Committee shall, as soon as is practicable, notify the member the subject of the complaint in writing that a complaint has been received and has been referred to it for consideration.

- 3.3 The Committee shall provide a written notice to the member setting out the specific allegation(s). This notice may be varied at any stage during the consideration of the complaint by the Committee, provided that sufficient notice is given to the member to respond to the allegation(s).

- 3.4 The member may, within such period as may be specified by the Committee, submit in writing a response to the complaint. In the event that the member does not submit a response to the complaint within the time specified by the Committee, the Committee may proceed to consider the complaint in the absence of such a response.

- 4.4 On receipt of the member's response to the complaint, a copy of it shall be provided to the complainant. The complainant will be invited to submit a written response within such period as may be permitted by the Committee. In the event that no response is received from the complainant, the Committee may proceed to consider the complaint in the absence of such a response.

- 4.5 The Committee may seek further information or documentation from the member or complainant prior to making a decision in respect of the complaint, if the Committee considers this necessary. The member will be provided with all documentation received and will be provided with an opportunity to submit a response before the conclusion of consideration of the complaint.

- 4.6 The Committee may: -

- (a) Request any person to provide information.
- (b) Request any person to make available to it any documents or other evidence which it considers relevant to the consideration of the complaint.
- (c) Set time limits for the provision of any information or documentation to the Committee.

- (d) Appoint any person to assist the Committee in its consideration of the complaint, as deemed necessary by the Committee.
 - (e) Decide to hold an oral hearing, if the Committee considers it necessary to do so.
- 4.7 The Committee may at any time after a complaint is referred to it, request the member, the subject of the complaint to do one or more of the following:
- a) undertake to not repeat the conduct to which the complaint relates.
 - b) undertake to take such education course, training or other means of improving the registrant's competence to practise as may be specified by the Committee.
 - c) provide such other undertaking(s) as the Committee deems appropriate.
 - d) consent to undergo medical treatment.
 - e) consent to being admonished or censured by the Council.
 - f) provide such other consent(s) as the Committee deems appropriate.
- 4.8 The Committee may, at any time after a complaint is referred to it, request the member and complainant to consent to the matter being referred to mediation, if the Committee is of the view that mediation is appropriate. If mediation is successful, then the consideration of the complaint shall be considered to be concluded. If mediation is unsuccessful, then the Committee shall continue its consideration of the complaint.
- 4.9 In circumstances where it is alleged that the member suffers from a Relevant Medical Disability, the Committee shall request the member to attend an OCI appointed medical expert identified by it for the purposes of obtaining an independent medical report. Such report shall be furnished to the member who shall have an opportunity to respond to it.

5. Oral hearings

- 5.1 Where the Committee decides that an oral hearing is necessary, the hearing will be conducted in private.
- 5.2 A stenographer shall attend and prepare a transcript of the evidence at an oral hearing.
- 5.3 The Committee will provide the member and the complainant with an opportunity to attend at the oral hearing and make submissions to the Committee.
- 5.4 The member and the complainant may call witnesses and/or cross examine any witnesses.

- 5.5 For the purpose of the oral hearing, the Committee may examine any person relevant to the matters being considered on oath. The Committee may administer oaths.

6. Decision of the Committee

- 6.1 Once the Committee has considered the complaint and all documentation submitted by the member and the complainant as well as any evidence which may be given at an oral hearing, the Committee will proceed to decide whether any of the allegations set out in the notice have been proven.
- 6.2 The member shall be informed of the finding(s), if any, and the reasons of the Committee as soon as practicable.

7. Sanctions

- 7.1 In the event that the Committee makes a finding(s) in respect of the member, and having heard submissions, if any, in relation to sanction, the Committee may decide to do one or more of the following.
- (a) admonish or censure the member in writing.
 - (b) attach conditions to the registration of the member for a specified period, including restrictions on the practice of osteopathy.
 - (c) Suspend the member from the register for a specified period, or
 - (d) Cancel the member's registration and prohibit him or her from applying for registration for a specified period.
- 7.2 Where the member fails to comply with any conditions which may be attached to his or her registration within the specified period, as referred to at 7.1(b) above, the member's registration shall be cancelled.
- 7.3 Having decided on the issue of sanction, the Committee shall prepare a report containing the decision and the reasons for that decision ("the **Committee's Report**"). A copy of the Committee's Report shall be provided to the member as soon as practicable.

8. Appeal

- 8.1 Where the Committee has made a finding(s) against the member and decided to impose a sanction, the Committee will inform the member of his or her right to appeal the decision within such period as shall be specified by the Committee. The member may appeal the finding(s) made and/or the sanction decided on. Any such appeal shall be made within 28 days of receipt of the Committee's Report as referred to at paragraph 7.3 above.

- 8.2 The appeal may be considered by an Appeal Board comprising of no more than three members who are either members of Council or of a Subcommittee. No person who was a member of the Committee may consider the appeal.
- 8.3 The appeal shall take place within a reasonable time after the decision of the Committee has been provided to the member. In advance of the Appeal Board meeting to consider the matter, the member will be invited to make written submissions. Any submissions made will be provided to the Appeal Board for consideration. The Appeal Board will also be provided with a copy of the Committee's Report and all documentation considered by the Committee and any transcript(s) of an oral hearing.
- 8.4 The Appeal Board may: -
- (a) Uphold the decision of the Committee in whole or in part.
 - (b) Rescind the decision of the Committee in whole or in part.
 - (c) Vary the decision of the Committee in whole or in part.
 - (d) In the event of a serious procedural or other irregularity in the proceedings before the Committee, rescind the decision in whole and, where appropriate, direct that a new Committee be appointed to consider the complaint.
- 8.5 A report containing the decision of the Appeal Board and the reasons for that decision shall be prepared and provided to the member as soon as practicable.
- 8.6 The decision of the Appeal Board is final.

9. Council

- 9.1 Once the consideration of a complaint has concluded, report(s) prepared by the Committee and the Appeal Board during the course of the complaint process will be provided to Council for noting.

10.1 General

- 10.1 These Procedures will be reviewed and amended, if necessary, on a periodic basis.
- 10.2 Subject to these Procedures, a Committee and an Appeal Board may regulate its own procedure in a given case.
- 10.3 Non-compliance with these Procedures shall not render any proceedings or steps void unless a Committee or Appeal Board so directs. Such proceedings or steps may be set aside either wholly or in part as irregular or amended or

otherwise dealt with in such manner or upon such terms as a Committee or Appeal Board shall think fit.

Revised [21.12.25] Neil O'Grady Ethics Subcommittee