



General
Chiropractic
Council

Fitness to Practise Annual Report

2022



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Introduction

This report published annually sets out information relating to the various stages in the fitness to practise process, the volume and type of complaints received and our performance in managing those complaints.

About Fitness to Practise (FtP)

The Code

The Code represents the benchmark of conduct and practice against which chiropractors are measured.

The Code became effective from 30 June 2016 replacing the Code of Practice and Standard of Proficiency (2010).

The Code is arranged around eight principles that require chiropractors to:

- Put the health interests of patients first
- Act with honesty and integrity and maintain the highest standards of professional and personal conduct
- Provide a good standard of clinical care and practice
- Establish and maintain a clear professional relationship with patients
- Obtain informed consent for all aspects of patient care
- Communicate properly and effectively with patients, colleagues and other healthcare professionals
- Maintain, develop and work within professional knowledge and skills
- Maintain and protect patient information



Investigating complaints

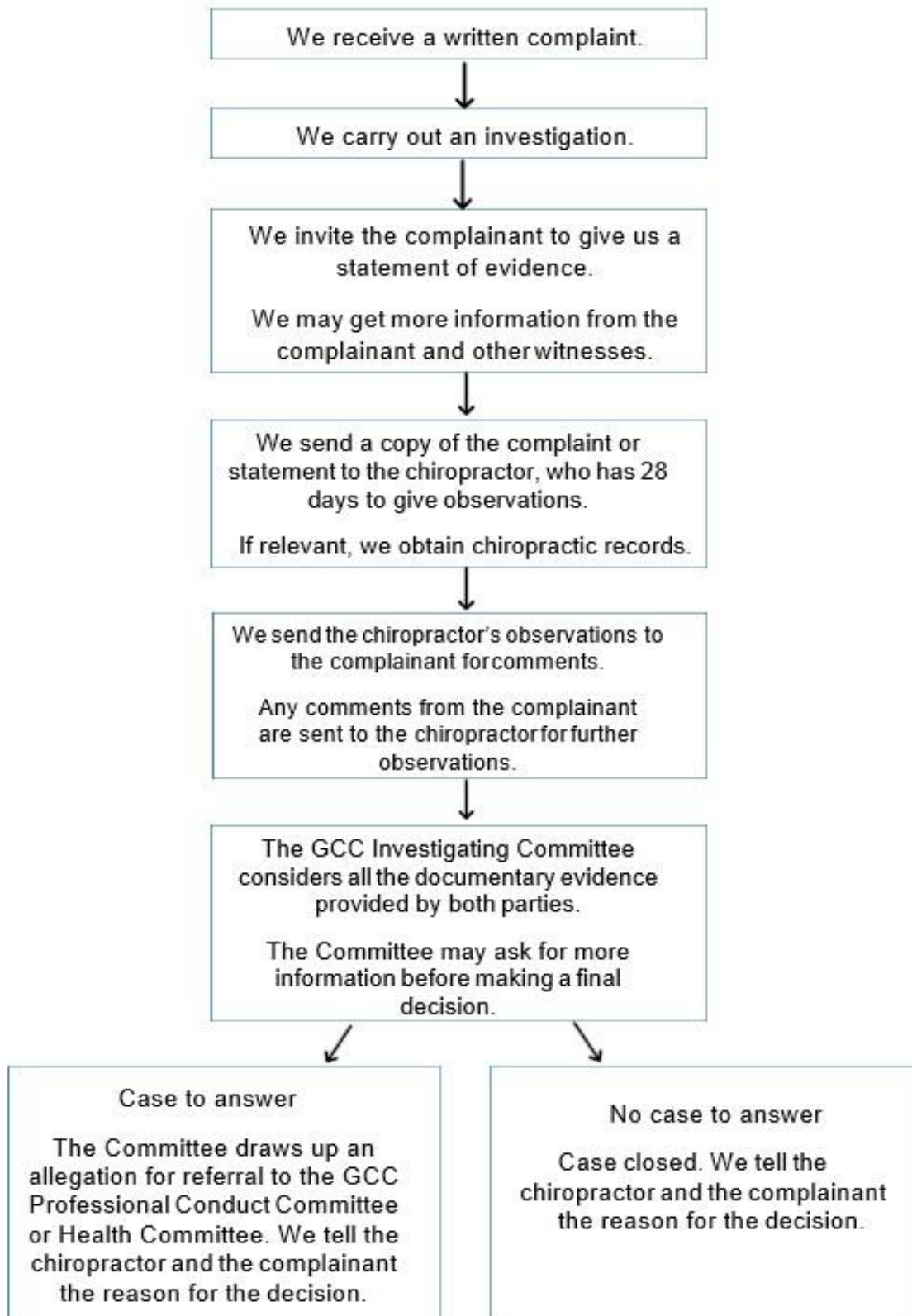
The GCC must investigate any complaint made about a registrant. The types of complaint it can investigate are:

- Treatment, care or advice given by a chiropractor
- The professional or personal behaviour of a chiropractor
- Serious impairment of fitness to practise due to the physical or mental health of a chiropractor

What complaints are the GCC unable to investigate?

- The GCC can only investigate registered chiropractors
- The GCC regulates individual chiropractors and does not accept complaints against clinics
- The GCC cannot resolve matters that relate solely to payment
- The GCC has no power in relation to compensation whatsoever

The investigating process followed by the GCC fitness to practise team is as follows:



Fitness to Practise in 2022 - summary

Our focus in 2022 was ensuring our system of regulation was innovative, flexible and transparent and that lessons learned during COVID-19 were absorbed and applied. As a regulator, we have a significant role to play in promoting equality and diversity and work to ensure that we are an inclusive regulator, committed to understanding the diversity of registrants and patients, working together with all our stakeholders and understanding the effect of differential outcomes to our work.

The PSA published its annual performance review of the GCC in July 2022, with the GCC meeting 17 of the 18 standards of good regulation. The GCC did not meet Standard 15, the time taken to process Fitness to Practise cases from the receipt of the complaint to the final consideration by the Professional Conduct Committee. Measures have been taken to identify ways to reduce time taken.

The meetings of the Investigating Committee (IC) proceeded to be held virtually as agreed in 2021.

A revised guidance for the GCC Investigating Committee was also consulted on and agreed – setting out a framework for its decision-making processes and ensuring transparency and clarity for all involved in the complaints process.

Building on the experiences from 2021 in holding virtual hearings in response to the pandemic and having published its Remote Hearing Protocol in February 2021, A Hearing Protocol setting out the basis of how hearings are held was consulted on and agreed by Council in 2022.

There was a reduction in the number of fitness to practise concerns raised in the year. There was a 13% decrease in the number of concerns received in 2022 compared to 2021.

It is too soon to determine if the reduction in concerns raised represents a trend. We disseminate best practice and lessons learned to the profession, identified from analysis of complaints made and so on, and are hopeful this is also contributing to reduced levels of complaints. We will continue to monitor developments.

However, we received fewer referrals this year (seven) requiring urgent consideration for interim suspension due to the nature of the concerns. Whilst a suspension order was made against two registrants, we must remain vigilant where concerns identified represent a potential risk to patients.

In 2022, ten cases were referred for hearings before the Professional Conduct Committee. One of the hearings were part-heard and carried forward into 2023 for completion. The median number of weeks taken from the receipt of the complaint to consideration by the PCC was 94 weeks.

Whilst seeing a decrease in the volume of complaints received, with some of these complaints raising serious concerns, they represent a small proportion of the number of treatments carried out by chiropractors.

Performance summary

		2022	2021	2020
Number of cases concluded by Investigating Committee		60	82	87
Number of cases concluded by Investigating Committee with the following outcome:	No Case to Answer	48	73	78
	Referral to Professional Conduct Committee	12	9	9
Number of cases concluded by Professional Conduct Committee		10	11	6
Number of registrants removed ('erased') from the register		1	2	0
Number of registrants suspended from the register		1	1	0
Number of registrants receiving a conditions of practice order		0	0	0
Number of registrants receiving an admonishment		3	2	2
Time from receipt of initial complaint to the final Investigating Committee decision (in weeks):	Median	46	36	33
	Longest case	163	123	156
	Shortest case	11	8	7
Time from receipt of initial complaint to the final PCC decision (in weeks):	Median	94	122	91
Number of open cases (at the end of the year) which are older than:	52 weeks	10	13	17
	104 weeks	0	4 ¹	0
	156 weeks	0	0	0

Key points

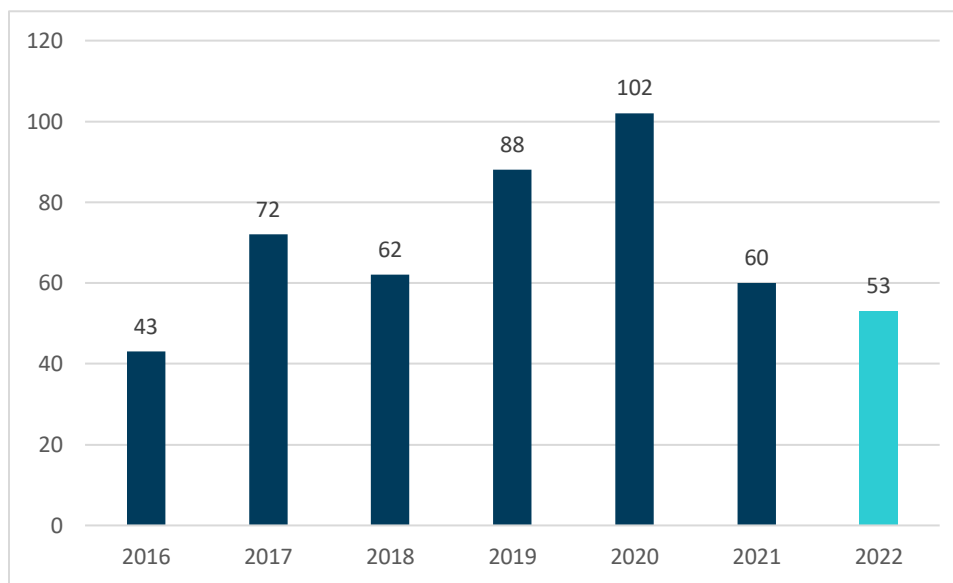
- In 2022, the number of complaints received about chiropractors' fitness to practise decreased by 13% compared to 2021.
- A lower number of cases were considered by the Investigating Committee in 2022 compared to 2021.
- Complaints were made about 53 chiropractors.

- Most complaints were received from patients or relatives of patients.
- Most complaints related to clinical care and communication.
- Of the cases concluded by the Investigating Committee, 12 of these were referred to a Professional Conduct Committee hearing.
- Five chiropractors were found guilty of unacceptable professional conduct by the Professional Conduct Committee.

Complaints received

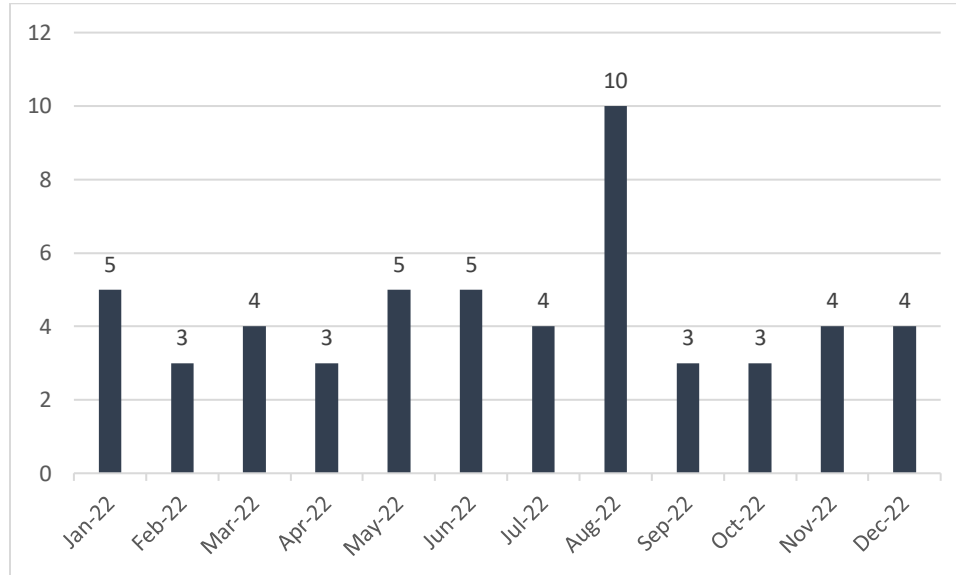
In 2022, the GCC received 53 complaints about chiropractors. This is a 13% decrease in complaints compared to 2021. Over the last five years, the GCC has, on average, received 72 complaints per year.

The complaints related to 53 registered chiropractors.



Complaints received by month

On average we received 4 complaints per month with a peak of 10 complaints received in August.



Source of complaints

Most complaints are made by a patient or a relative of a patient, accounting for 39 of the complaints received in 2022.

Source of complaint	Number
Patient/Relative of	39
Member of public/private organisation	3
Other Chiropractor/Clinic where worked	4
Anonymous	2
Other Healthcare Professional	1
Public Sector Organisation (e.g. Police)	1
Registrar	0
Self-Referral	3
Total	53

Nature of complaints

Understanding the nature and volumes of complaints contributes to the development of the profession. We want to support the profession by being transparent about complaints and where necessary provide guidance where there are common themes or trends – so that the learning shared informs practice.

Importantly, allegations raised are just that, *allegations*. Whether or not these are proven is not a consideration in this section of the report, and in highlighting serves to aid understanding where complaints have been made.

Our approach

A complaint received by the GCC is reviewed by a member of the fitness to practise team, who completes an initial case report recording the allegation and issues raised by the complainant. This case report records all allegations made, including where more than one allegation is made by a complainant. This explains why the number of allegations (149) is greater than the number of complaints received in the year (53).

Cases are assigned a category and broken down into type and, in some cases, subtype. For example, a complaint concerning injury from treatment is categorised as *clinical care*, the type would be *substandard treatment* and the subtype *rough or aggressive treatment causing injury/pain*.

Category	Type	Subtype
Clinical care	e.g. substandard treatment/inadequate record keeping etc.	e.g. Rough/aggressive treatment causing injury/pain

Nature of complaint by category

Most complaints contain more than two allegations about the chiropractor. The highest number of allegations made in a complaint was 13.

Of the 53 complaints received, there were 69 allegations of a failing relating to *clinical care*.

In 23 separate complaints there was an allegation of a failing in *communication/consent or professional relationships*.

In ten cases there was an allegation made about a chiropractor's *probity*.

All allegations made are listed in the table below.

Base: 53 cases (received in 2022)

Nature of Complaint	Number of allegations raised
Clinical care	69
Communication/Consent/Professional Relationships	41
Probity	12
Conviction/Criminality	8
Health	3
Working with colleagues	2
Other	1
Unprofessional behaviour outside practice	0
Business/employment issues	0
Promoting anti-vaccination	0
Compliance with GCC investigations	0
Total	136

Clinical care allegations - by type and subtype

The most commonly occurring allegation relating to clinical care was the patient receiving substandard treatment.

Type	Number of allegations raised
Substandard treatment	62
Breach of patient confidentiality	3
Inadequate record keeping	2

Poor hygiene practice	1
Clinic facilities/premises	0

Substandard treatment

This covers a wide variety of concerns raised, the most common examples being concerns about the treatment technique/approach or the patient was injured.

Subtype (Substandard treatment)	Number of allegations identified
Concern about treatment techniques/approach/dissatisfied with treatment	19
Rough/aggressive treatment causing injury/pain	15
Inappropriate/contraindicated/excessive treatment/lack of clinical justification	11
Misdiagnosis/No diagnosis	6
Lack of further investigation/follow up/review	3
Lack of clinical justification for investigations/x-rays	2
Failure to work within limits of knowledge, skills and competence	2
Failure to cease treatment	1
Failure to refer, when appropriate	1
Inadequate assessment/case history	1
Failure to examine/inadequate examination	1
Failure to adhere to x-ray guidelines	0

Communication/Consent/Professional Relationships by type and subtype

The second largest category of complaint is Communication/Consent/Professional Relationships.

Type	Number of allegations raised
Communication	30
Sexual boundaries	5
Consent	3
Intimidation of patient/pressure/undue influence to undergo treatment	2
Failure/delays in providing access to records	1
Failure to preserve patient's privacy and dignity/not providing chaperone	0
Financial impropriety with patients	0

Communication

Poor communication between patient and chiropractor or inappropriate language/comments forms an element of or reason for a referral.

Subtype (Communication)	Number of allegations raised
Rudeness to patient/lack of respect or sympathy/empathy	11
Inappropriate comments/language	8
Failure to respond to communication from complainant/comply with patient request	6
Failure to explain or agree diagnosis/treatment or treatment plan/results	3
Failure to explain fees adequately/mechanisms for payment	2
Failure to provide adequate information about complaints procedure/poor complaint handling	0
Failure to explain refusal to treat	0

Bullying/Harassment/discrimination	0
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The most commonly occurring complaint received related to the chiropractor's rudeness to a patient / lack of respect or sympathy / empathy.

Sexual boundaries

There were five separate complaints alleging sexual behaviour by a chiropractor. This is a decrease from the previous year where there was seven.

Subtype (Sexual boundaries)	Number of allegations raised
Inappropriate personal/sexual relationship with patient	3
Indecent/sexualised behaviour	2
Inappropriate contact with patient's body/intimate areas	0
Use of sexualised language/comments	0

Probity

In this category, the largest number of allegations related to financial deception / fraud/ improper charging, misleading advertising or claims on websites as well as improper alteration of records / clinic diary.

Subtype (Probity)	Number of allegations raised
Financial deception/fraud/improper charging	3
Misleading advertising/claims made on website	3
Improper alteration of records/clinic diary	3
False representation of skills/experience/registration/use of doctor title	1
Practising while not registered/Practising on non practising register/ Practising without indemnity insurance	1
Removal of patient records/data from clinic	1

Dishonesty/Failure to fulfil duty of candour to be open and honest with all patients	0
Improper use of patient database/soliciting patients	0

Commonly occurring allegations in 2022

The most commonly occurring allegations in 2022 were:

1. Concern about treatment techniques/approach/dissatisfied with treatment –
2. Rough or aggressive treatment causing injury or pain to the patient –
3. Inappropriate/contraindicated/excessive treatment/lack of clinical justification –
4. Rudeness to patient/lack of respect or sympathy/empathy –
5. Inappropriate comments/language ↑
6. Misdiagnosis/No diagnosis ↑
7. Failure to respond to communication from complainant/comply with patient request ↑
8. Sexual boundaries / lack of further investigation / failure to obtain informed consent

It is of note that whilst the most common occurring allegation may relate to substandard treatment, if appropriate or clear communication between chiropractor and patient had taken place, this could have avoided this type of allegation being referred to the GCC. 1-4 above remain in the top four commonly occurring allegations as 2021. Although 5-7 appears in the list of commonly occurring allegations in 2021, they have moved up in the list with lower number of sexual boundary cases than 2021.

Investigating Committee

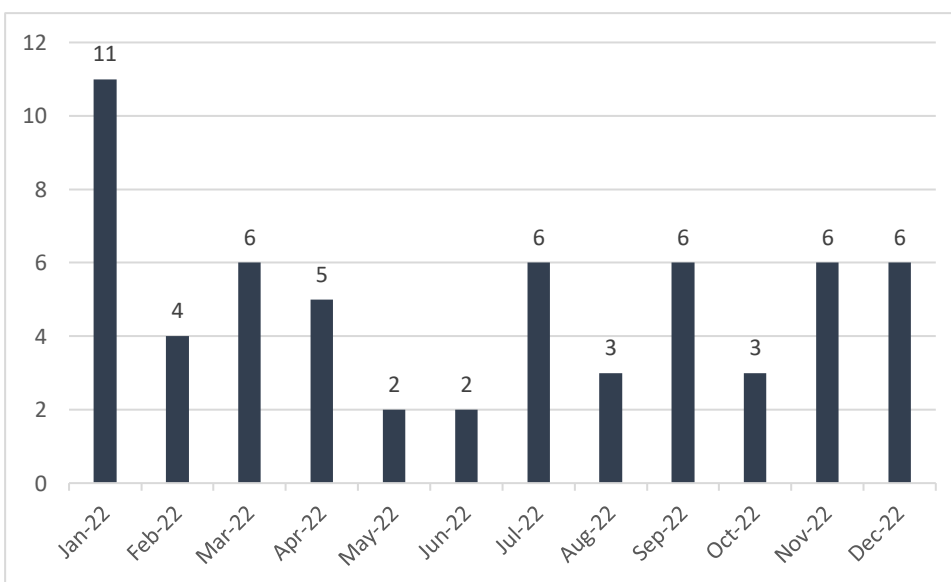
The GCC Investigating Committee (IC) investigates complaints made to the GCC about a chiropractor's conduct, professional incompetence or health, to establish whether there is a 'case to answer'. If there is a case to answer, the IC will refer the complaint for consideration by the GCC Professional Conduct Committee (PCC) or Health Committee (HC).

IC meetings are not held in public. The Committee sits with a Legal Assessor to advise them on points of law and procedure, but the Legal Assessor has no decision-making role.

In 2022, the IC determined 60 cases compared to 82 cases in 2021.

	2022	2021	2020	2019	2018	2017
Cases determined	60	82	87	62	58	67

Cases determined by month



Decisions of the Investigating Committee

Of the 60 cases that were determined by the IC in 2022, twelve were referred on to the PCC (20%). Whilst there was a slight increase in 2021, overall there has been a reduction in the proportion of referrals made to the PCC over the last 5 years.

Decision of the IC	2022	%	2021	%	2020	%	2019	%	2018	%	2017	%
No Case to Answer	48	80%	73	89%	78	90%	54	87%	47	81%	51	76%
Referred to PCC	12	20%	9	11%	9	10%	8	13%	11	19%	16	24%
Total	60		82		87		62		58		67	

Professional Conduct Committee

The Professional Conduct Committee (PCC) determines allegations about a chiropractor’s conduct or professional incompetence referred to it by the IC.

Allegations that have been referred to the PCC are considered at a public hearing. On rare occasions, parts of a hearing may be held in private.

The PCC members are both chiropractors and, non-chiropractic lay members. At each hearing there must be at least three PCC members present, including one chiropractor and one lay member. The panel is chaired by a lay member. The PCC sits with a Legal Assessor, advising the Committee on points of law and procedure, and who has no decision-making role.

If the PCC decides that the allegation against the chiropractor is not well founded, no further action will be taken. However, if the PCC decides that the allegation is well founded, it must impose a sanction.

Sanctions available to the PCC are:

- Admonishment
- Conditions of practice order
- Suspension
- Removal from the register

In 2022, 10 cases were determined by the PCC.

Five chiropractors were found guilty of unacceptable professional conduct in 2022. Of those, one chiropractor was removed from the register, a further three were given admonishment and one chiropractor was suspended. Further details of each are set out below.

In five cases the chiropractor was found not guilty of unacceptable professional conduct.

PCC decision	2022	2021	2020	2019	2018	2017
Removal	1	2	0	0	1	1
Suspension	1	1	0	0	0	2
Conditions of Practice	0	0	0	1	2	0
Admonishment	3	2	2	1	2	5

No UPC	5	6	4	5	4	6
GCC offered no evidence	0	0	0	0	2	2
Total	10	11	6	7	11	16

The median number of weeks taken from the receipt by the GCC of the initial complaint to the decision taken by the PCC was 94 weeks for decisions made in 2022.

Review hearings

Where a chiropractor has been either suspended or a conditions of practice order imposed at a previous hearing, a review hearing may be held to ensure the chiropractor is safe to return to the register.

There were no review hearings held in 2022.

PCC Caseload

At the end of 2022 there were 11 cases that were yet to be determined by the PCC. This is an increase of two cases compared to those at the end of 2021.

Health Committee

The Health Committee (HC) determines allegations of serious impairment of a chiropractor's fitness to practise due to ill physical or mental health.

The HC did not meet in 2022.

PCC cases where the chiropractor was found guilty of Unacceptable Professional Conduct (UPC)

This section of the report is produced in accordance with the Chiropractors Act 1994, Section 22(14), which requires the Committee to publish a report setting out the names of those chiropractors in respect of whom it has investigated allegations and found the allegations to be well founded.

Name and registration number of Registrant	Date of Decision	Source of complaint	Outcome
Waller, Thomas	20/01/2022	Patient/Relative of	Admonishment
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant treated Patient A at sessions lasting approximately 3 minutes which was insufficient to be able to adequately or properly conduct those appointments. The registrant also failed to adequately review Patient A's care on two occasions and failure to accurately record Patient A's treatment.</p>			
Welsh, Peter	02/02/2022	Other Chiropractor	Removal
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant made a number of inappropriate comments on social media relating to the Covid-19 pandemic, the government's response to it and the public health measures that were being used to prevent the spread of the virus such as mask wearing, vaccination, isolation and PCR testing.</p>			
Fraser-Nash, Jamie	07/04/2022	Patient/Relative of	Admonishment
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant failed to offer a chaperone to a young female patient before conducting an intimate examination.</p>			

Name and registration number of Registrant	Date of Decision	Source of complaint	Outcome
Owen, Gareth	14/06/2022	Patient/Relative of	Suspension
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant failed to provide Patient A with the opportunity to have a chaperone present or consider the need for a chaperone to be present during the course of the intimate examination.</p>			
McAllister, Zacchariah	23/06/2022	Patient/Relative of	Admonishment
<p>Summary of facts found proved and amounting to UPC / material relevance of the criminal offence.</p> <p>The registrant failed to obtain Patient A's informed consent to the treatment (which consisted of dry needling) in that he did not explain the nature and/or objectives of the proposed intervention and did not explain the risks of that intervention.</p>			

Interim Suspension hearings

Investigating Committee

If a complaint received raises an immediate concern for the protection of the public, the Investigating Committee (IC) will hold an 'interim suspension' hearing to consider whether it should suspend the registration of the chiropractor being investigated.

If the IC decides that it needs to suspend the registrant to protect the public, the order cannot last longer than two months and will be in place while the complaint is investigated. If granted, the Interim Suspension Order is effective immediately. The Committee has no power to revoke an order once it has been made.

There were seven registrants who were the subject of interim suspension hearings by the Investigating Committee in 2022, a decrease of two from the previous year.

	2022	2021	2020	2019	2018	2017	2016
Hearings held	7	9	3	10	3	7	13
Interim suspension ordered	2	1	0	2	0	1	3
Interim suspension not ordered	5	8	3	8	3	6	10

Professional Conduct Committee

If the PCC decides that a complaint that has been referred to it by the IC is so serious that the public might need immediate protection, it will hold an interim suspension hearing. If the PCC decides that it needs to impose an Interim Suspension Order to protect the public, the Order is effective immediately, and it lasts until the end of the PCC process.

There were two PCC interim suspension hearings held in 2022, an increase of one from the previous year. Of the two, one was a result of suspension for a registrant.

Section 32 complaints

Under Section 32 of the Chiropractors Act 1994, a person who (whether expressly or by implication) describes themselves as a chiropractor, chiropractic practitioner, chiropractitioner, chiropractic physician, or any other kind of chiropractor, is guilty of an offence unless they are a registered chiropractor.

Over the course of a year, several complaints are received relating to individuals that describe themselves as above where they are not a registered chiropractor.

Following review, the GCC can take several courses of action. These include:

- Issuing advice to result in changes to websites, publications and other relevant marketing materials
- Sending a 'cease and desist' letter
- Instructing inquiry agents to obtain more information
- Recommending that the case is closed.

Where letters have been sent, the GCC checks that appropriate action has been taken.

In cases where the breach or potential breach of section 32 is of very serious concern, the Registrar will consider whether to prosecute. One prosecution was instigated in 2021, however no evidence was offered in 2022 relating to this matter due to the witness being unfit to attend the hearing.

During 2022, the GCC continued to focus on clearing older section 32 complaints. 19 complaints were reviewed and closed in 2022, leaving 40 complaints open at the end of 2022, an increase from 7 open at the end of 2021.