



General
Chiropractic
Council

Fitness to Practise Annual Report

2023



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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)

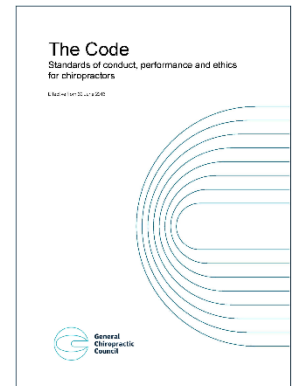
The Code

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

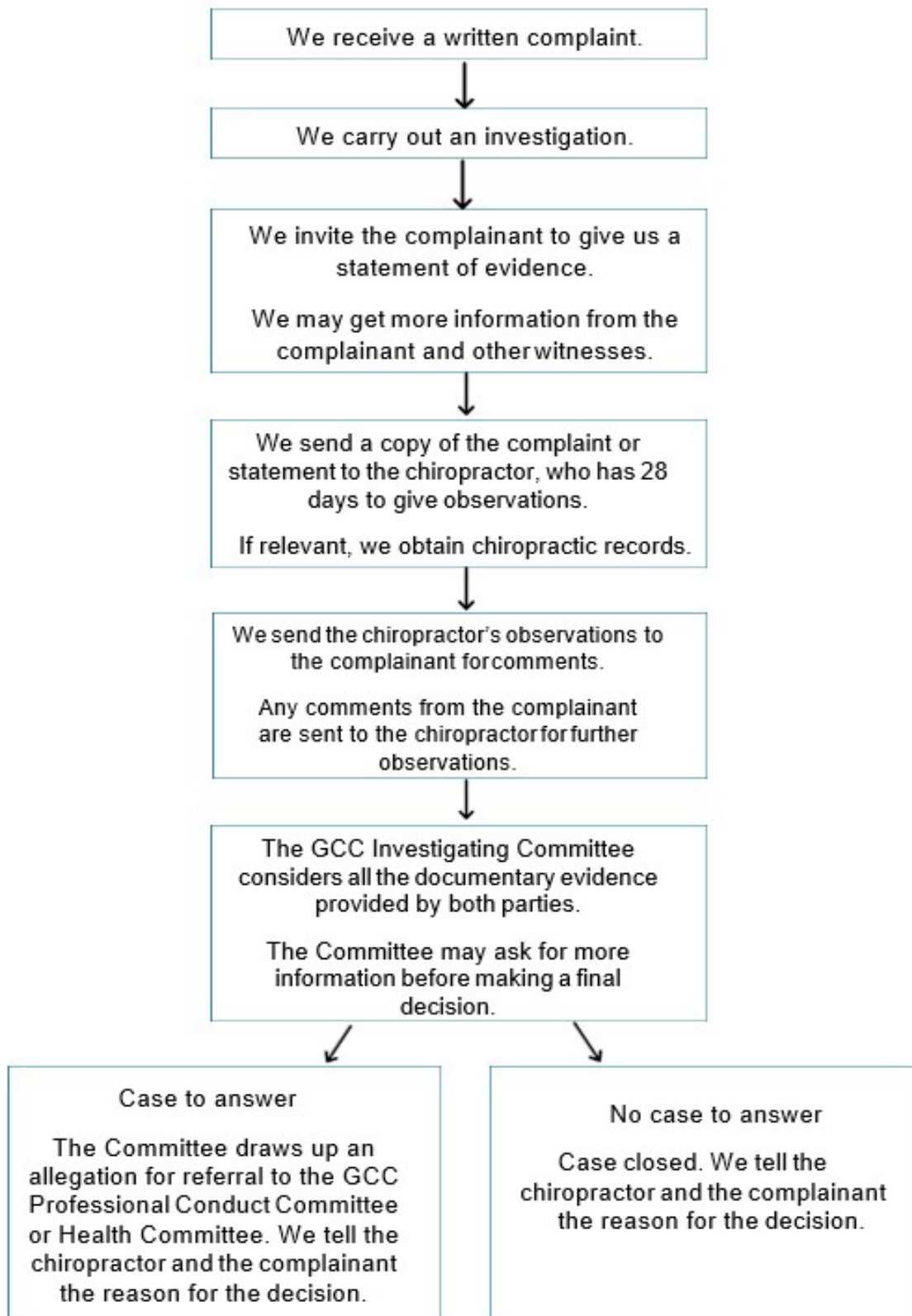
The GCC must investigate any complaint made about a registrant. The types of complaint it can investigate are:

- 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 2023 - summary

Our focus in 2023 was to improve our regulatory processes, further protecting patients, working towards swifter resolution for the benefit of complainants and registrants alike. This meant that the time to progress the more serious investigations was improved.

Having undertaken a scoping review in 2022 as to how investigations of fitness to practise could be sped up as well as reduce costs by the introduction of clinical advisers, we concluded there were many potential advantages in the introduction of clinical advisers. In 2023, the GCC finalised the model under which clinical advisers would work as well as recruiting and appointing the advisers to provide clinical input into fitness to practise investigations. The new model went live from August 2023 with efficiency savings to be seen in 2024.

The PSA published its annual performance review of the GCC in August 2023, with the GCC meeting all the Professional Standards Authority's Standards of Good Regulation – the first time for five years that the GCC met all the benchmarks. Standard 15, the time to progress investigations, saw the greatest improvement, with the time between receipt of referral and final hearing decision being significantly improved, a testament to the hard work of the FTP team and all partners involved in our work.

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

There were 66 fitness to practise concerns requiring investigation in the year. This was a 25% increase in the number received compared to 2022. The reasons are difficult to discern, albeit the number received in 2021 were similar to this year, indicating that 2022 was somewhat unusual.

However, we received fewer referrals this year (four) requiring urgent consideration for interim suspension due to the nature of the concerns. Whilst no suspension orders were made against the four registrants, we must remain vigilant where concerns identified represent a potential risk to patients.

In 2023, ten cases were referred for hearings before the Professional Conduct Committee. Two of the hearings were adjourned part-heard and carried forward into 2024 for completion. The median number of weeks taken from the receipt of the complaint to consideration by the PCC was 102 weeks.

Whilst seeing an increase in the volume of complaints received in 2023 compared to 2022, with some of these complaints raising serious concerns, they represent a small proportion of the number of treatments carried out by chiropractors.

Performance summary

		2023	2022	2021
Number of cases concluded by Investigating Committee		52	60	82
Number of cases concluded by Investigating Committee with the following outcome:	No Case to Answer	42	48	73
	Referral to Professional Conduct Committee	10	12	9
Number of cases concluded by Professional Conduct Committee		11	10	11
Number of registrants removed ('erased') from the register		1	1	2
Number of registrants suspended from the register		1	1	1
Number of registrants receiving a conditions of practice order		2	0	0
Number of registrants receiving an admonishment		1	3	2
Time from receipt of initial complaint to the final Investigating Committee decision (in weeks):	Median	48	46	36
	Longest case	111	163	123
	Shortest case	9	11	8
Time from receipt of initial complaint to the final PCC decision (in weeks):	Median	102	94	122
Number of open cases (at the end of the year) which are older than:	52 weeks	7	10	13
	104 weeks	1	0	4
	156 weeks	0	0	0

Key points

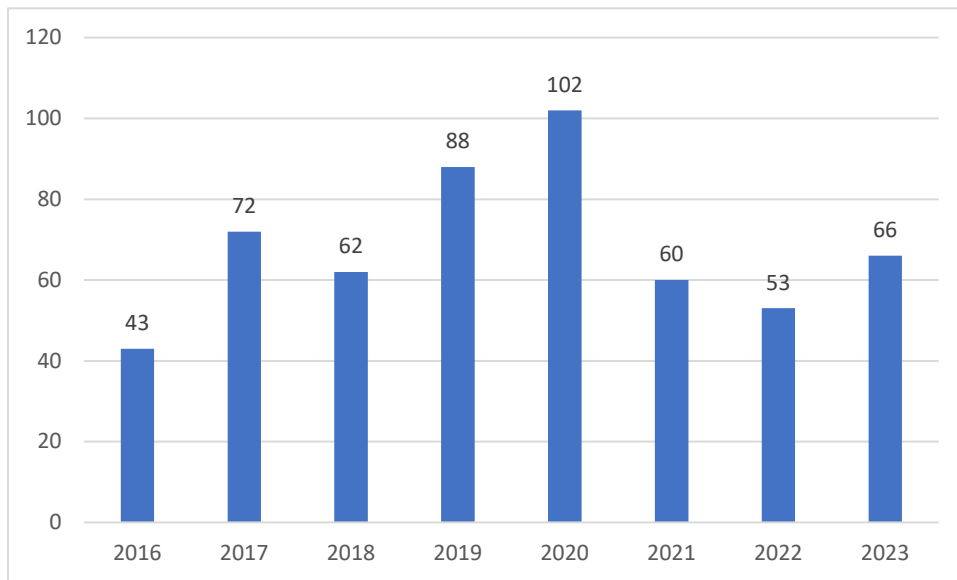
- In 2023, the number of complaints received about chiropractors' fitness to practise increased by 25% compared to 2022.
- A lower number of cases were concluded by the Investigating Committee in 2023 compared to 2022.
- Complaints were made about 63 chiropractors.
- Most complaints were received from patients or relatives of patients.
- Most complaints related to clinical care and communication.

- Of the cases concluded by the Investigating Committee, 10 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

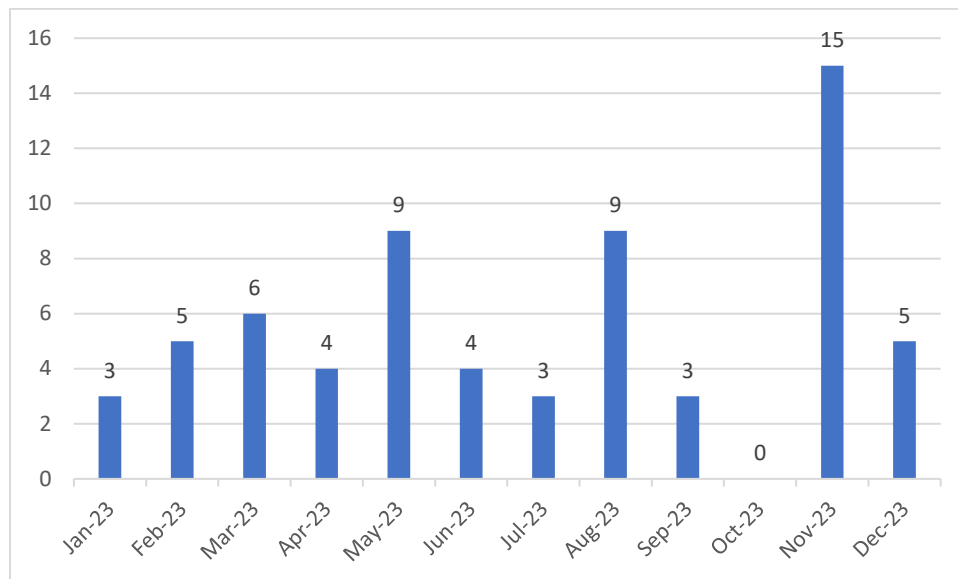
In 2023, the GCC received 66 complaints about chiropractors, a 25% increase in complaints compared to 2022. Over the last five years, the GCC has, on average, received 74 complaints per year.

The complaints related to 63 registered chiropractors.



Complaints received by month

On average we received 5 complaints per month with a peak of 15 complaints received in November, an increase from the average of 4 per month in 2022.



Source of complaints

Most complaints are made by a patient or a relative of a patient, accounting for 46 of the complaints received in 2023.

Source of complaint	Number
Patient/Relative of	46
Member of public/private organisation	7
Other Chiropractor/Clinic where worked	6
Anonymous	2
Other Healthcare Professional	2
Public Sector Organisation (e.g. Police)	1
Registrar	0
Self-Referral	2
Total	66

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 (184) is greater than the number of complaints received in the year (66).

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 6.

Of the 66 complaints received, there were 101 allegations of a failing relating to *clinical care*.

In 60 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: 66 cases (received in 2023)

Nature of Complaint	Number of allegations raised
Clinical care	101
Communication/Consent/Professional Relationships	60
Probity	10
Conviction/Criminality	2
Health	2
Working with colleagues	7
Other	0
Teaching/Supervision	1
Business/employment issues	1
Promoting anti-vaccination	0
Compliance with GCC investigations	0
Total	184

Clinical care allegations - by type and subtype

The most commonly occurring allegation relating to clinical care was the concern about treatment technique/approach/dissatisfied with treatment.

Type	Number of allegations raised
Substandard treatment	95
Breach of patient confidentiality	2
Inadequate record keeping	3
Poor hygiene practice	0
Clinic facilities/premises	1

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	30
Rough/aggressive treatment causing injury/pain	22
Inappropriate/contraindicated/excessive treatment/lack of clinical justification	20
Misdiagnosis/No diagnosis	6
Lack of further investigation/follow up/review	1
Lack of clinical justification for investigations/x-rays	2
Failure to work within limits of knowledge, skills and competence	3
Failure to cease treatment	2
Failure to refer, when appropriate	0
Inadequate assessment/case history	5
Failure to examine/inadequate examination	2
Failure to adhere to x-ray guidelines	2

Communication/Consent/Professional Relationships by type and subtype

The second largest category of complaint is Communication/Sexual Boundaries and Consent.

Type	Number of allegations raised
Communication	28
Sexual boundaries	15
Consent	11
Intimidation of patient/pressure/undue influence to undergo treatment	2
Failure/delays in providing access to records	0
Failure to preserve patient's privacy and dignity/not providing chaperone	4
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	10
Inappropriate comments/language	6
Failure to respond to communication from complainant/comply with patient request	3
Failure to explain or agree diagnosis/treatment or treatment plan/results	3
Failure to explain fees adequately/mechanisms for payment	1
Failure to provide adequate information about complaints procedure/poor complaint handling	4
Failure to explain refusal to treat	0
Bullying/Harassment/discrimination	1

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 15 separate complaints alleging sexual behaviour by a chiropractor. This is a large increase from the previous year where there was five.

Subtype (Sexual boundaries)	Number of allegations raised
Inappropriate personal/sexual relationship with patient	3
Indecent/sexualised behaviour	3
Inappropriate contact with patient's body/intimate areas	7
Use of sexualised language/comments	2

Probity

In this category, the largest number of allegations related to dishonesty/failure to fulfil duty of candour to be open and honest with all patients.

Subtype (Probity)	Number of allegations raised
Financial deception/fraud/improper charging	0
Misleading advertising/claims made on website	2
Improper alteration of records/clinic diary	2
False representation of skills/experience/registration/use of doctor title	1
Practising while not registered/Practising on non-practising register/ Practising without indemnity insurance	0
Removal of patient records/data from clinic	1
Dishonesty/Failure to fulfil duty of candour to be open and honest with all patients	3
Improper use of patient database/soliciting patients	1

Commonly occurring allegations in 2023

The most commonly occurring allegations in 2023 were:

1. Concern about treatment techniques/approach/dissatisfied with treatment —¹
2. Rough or aggressive treatment causing injury or pain to the patient —
3. Inappropriate/contraindicated/excessive treatment/lack of clinical justification —
4. Communication - rudeness to patient/lack of respect or sympathy/treat patient fairly —
5. a. Consent - failure to obtain informed consent ↑²
b³. Sexual boundaries - inappropriate contact with patient's body/intimate areas ↑
6. Misdiagnosis/No diagnosis —
7. Communication - inappropriate comments/language ↓⁴
8. Inadequate assessment/case history*⁵

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 may have avoided this type of allegation being referred to the GCC.

Allegations relating to clinical care (1-3) and communication (4) continue to be the most commonly occurring in 2023. 1-4 above remain in the top four commonly occurring allegations as 2022.

There are more allegations about consent and sexual boundaries than last year. Although *Consent* (5a) and *Sexual boundaries* (5b) appears in the list of commonly occurring allegations in 2022, they have moved up in the list in 2023.

Misdiagnosis (6) remains at the same position as 2022. There are slightly lower number of allegations relating to *inappropriate comments / language* (7) than 2022.

Inadequate assessment / case history (8) did not appear in the list of commonly occurring allegations in 2022 and is therefore new in the list for 2023.

¹ — Indicates that allegation is at same position in list of common allegations compared to previous year

² ↑ Indicates that allegation has moved up in list of common allegations compared to previous year

³ 5a and 5b are of equal number of allegations

⁴ ↓ Indicates that allegation is lower in list of common allegations compared to previous year

⁵ * Indicates that allegation is new addition to list of common allegations compared to previous year

Investigating Committee

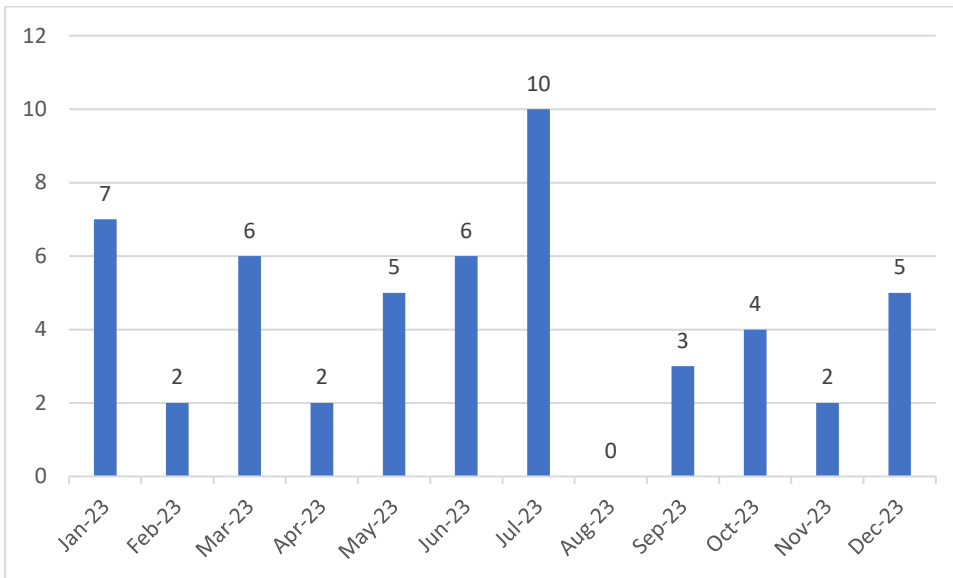
The GCC Investigating Committee (IC) investigates complaints made to the GCC about a chiropractor’s conduct, professional incompetence or health, to establish whether there is a ‘case to answer’. If there is a case to answer, the IC will refer the complaint for consideration by the GCC Professional Conduct 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 2023, the IC determined 52 cases compared to 60 cases in 2022.

	2023	2022	2021	2020	2019
Cases determined	52	60	82	87	62

Cases determined by month



Decisions of the Investigating Committee

Of the 52 cases that were determined by the IC in 2023, ten were referred on to the PCC (19%). Whilst there was a slight reduction of cases determined by the IC, the proportion of referrals to the PCC remained nearly the same as 2022.

Decision of the IC	2023	%	2022	%	2021	%	2020	%	2019	%
No Case to Answer	42	81%	48	80%	73	89%	78	90%	54	87%
Referred to PCC	10	19%	12	20%	9	11%	9	10%	8	13%
Total	52		60		82		87		62	

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 2023, 11 cases were determined by the PCC.

Five chiropractors were found guilty of unacceptable professional conduct in 2023. Details of the decision of each are set out below.

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

PCC decision	2023	2022	2021	2020	2019
Removal	1	1	2	0	0
Suspension	1	1	1	0	0
Conditions of Practice	2	0	0	0	1
Admonishment	1	3	2	2	1
No UPC	6	5	6	4	5
GCC offered no evidence	0	0	0	0	0
Total	11	10	11	6	7

The median number of weeks taken from the receipt by the GCC of the initial complaint to the decision taken by the PCC was 102 weeks for decisions made in 2023.

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 three review hearings held in 2023, in comparison to no review hearings in 2022.

PCC Caseload

At the end of 2023 there were 10 cases that were yet to be determined by the PCC. This is a decrease of one case compared to those at the end of 2022.

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 2023.

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
Jaimon Patel 4719	20/04/2023	Patient/Relative of	Conditions of Practice
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant failed to provide an adequate standard of clinical care to Patient A, including failing to obtain / document Patient A's case history and failure to conduct / record any adequate review or reassessment. The registrant failed to review or modify the plan of care or refer to another health professional and recommended a plan of care which was excessive in the circumstances.</p>			
Nina Eghani 4172	07/06/2023	Patient/Relative of	Suspension
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant failed to provide an adequate standard of clinical care to Patient A, in particular, inadequately conducted / recorded one or more components of Patient A's physical examination, failing to adequately or at all formulate / record a diagnosis or rationale for care, caused or allowed Patient A to receive a document containing inaccurate / misleading information and did not obtain Patient A's informed consent.</p>			

Name and registration number of Registrant	Date of Decision	Source of complaint	Outcome
Andrew Coombs 3816	26/07/2023	Public Sector Organisation	Conditions of Practice
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant made inappropriate comments to Patient A which abused the position of trust that he occupied as a professional when treating Patient A. The registrant had a responsibility to ensure that his communication with Patient A was always professional, and this responsibility was enhanced because the registrant had identified and described the patient's vulnerability and her tendency to be overfamiliar. The registrants use of language was found to be unprofessional, demeaning and coarse.</p>			
Stephen Blinman 2946	22/08/2023	Other Regulator	Removal
<p>Summary of facts found proved and amounting to UPC</p> <p>The registrant failed to maintain professional and sexual boundaries with Patient A in that he groomed, pursued an improper sexual relationship and engaging in a sexual act with her. The registrants' actions were not clinically justified and were sexually motivated.</p>			
Sylvan Richardson 4513	14/11/2023	Patient/Relative of	Admonishment
<p>Summary of facts found proved and amounting to UPC</p> <p>The Professional Conduct Committee considered concerns against the Registrant wholly in private. The PCC concluded the Registrant's actions amounted to UPC and determined that an admonishment was the appropriate outcome.</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 four registrants who were the subject of interim suspension hearings by the Investigating Committee in 2023, a decrease of three from the previous year.

	2023	2022	2021	2020	2019
Interim Suspension Hearings held	4	7	9	3	10
Interim suspension ordered	0	2	1	0	2
Interim suspension not ordered	4	5	8	3	8

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 no PCC interim suspension hearings held in 2023, in comparison to two hearings held in the previous year.

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 2023, the GCC continued to focus on clearing older section 32 complaints. 48 complaints were reviewed and closed in 2023, leaving 24 complaints open at the end of 2023.