



General  
Chiropractic  
Council

# Fitness to Practise Annual Report 2021



# Contents

Introduction ..... 3

About Fitness to Practise (FtP)..... 3

Fitness to Practise and COVID-19 ..... 6

Performance summary ..... 8

Complaints received..... 9

Investigating Committee.....16

Professional Conduct Committee .....17

Health Committee .....19

Interim Suspension hearings .....21

Section 32 complaints .....22

## Introduction

This annual report 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 on 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:

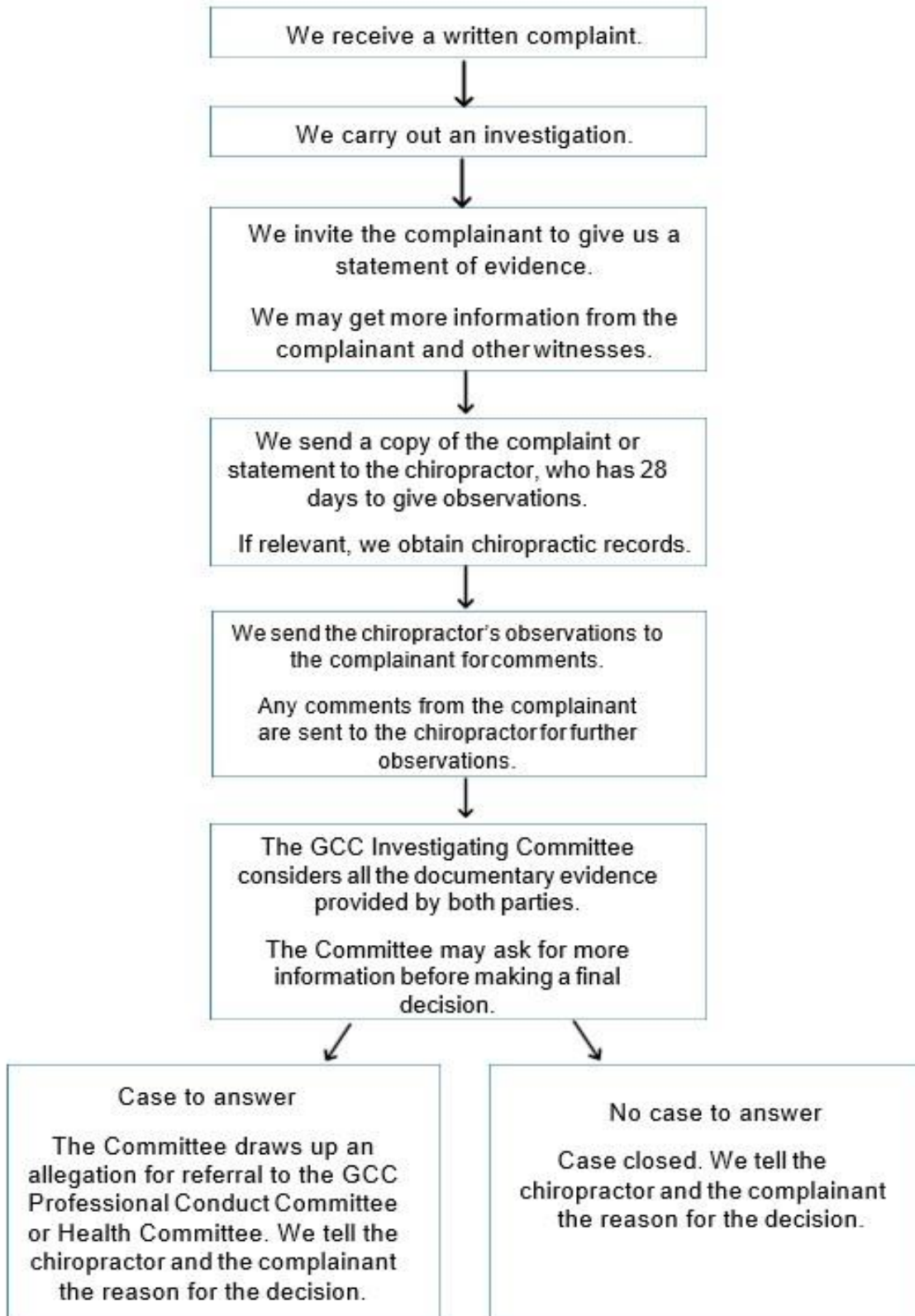
- Treatment, care or advice given by a chiropractor
- The professional or personal behaviour of a chiropractor
- Serious impairment of fitness to practise due to the physical or mental health of a chiropractor

---

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 to compensate whatsoever

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



## Fitness to Practise in 2021 - summary

As with many organisations, 2021 was a challenging year, with the pandemic's effects continuing to impact GCC activities. Yet, our statutory duties were met by adapting and using the knowledge and experience gained from the previous year, alongside the continuing dedication of our employees and partners. Indeed, the advantages of a hybrid office/home-working model, developed during the pandemic, was adopted into our new operating framework in September.

The Investigating Committee (IC) meetings continued to be held virtually, with feedback indicating that such arrangements were effective and had little or no impact on volumes or timescales. Given the advantages of cost and efficiency, but with no reduction in the quality of decision-making, the IC will continue to meet within a virtual setting as a permanent change to its working practices.

Building on the experiences of holding virtual hearings, the GCC published its Remote Hearing Protocol in February 2021. The Protocol sets out the factors to be considered, on a case-by-case basis, when deciding whether a Professional Conduct Committee (PCC) case is suitable for hearing remotely, in-person or as a hybrid. By applying this Protocol, all PCC cases were held remotely in 2021. In 2022, the GCC will be consulting on a Protocol for holding hearings in the future.

Although the working environment for registrants has remained challenging, most chiropractors adapted well to changing infection prevention and controls, including carrying out risk assessments. The professional associations and Royal College of Chiropractors continued to provide informative and timely guidance to registrants in an ever-changing environment, often with different requirements for each home nation.

In line with our commitment to take a proportionate approach, the GCC continued to consider the context in which care was provided, in the event of having to investigate complaints brought about by a registrant's departure from established standards and guidance.

### **Fitness to Practise activity**

There was a 41% decrease in the number of concerns received from the previous year. COVID-19 concerns, such as adherence to PPE and infection control protocols and chiropractors' decisions on whether to treat or not treat a patient, also decreased.

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

The GCC received nine interim suspension order referrals in 2021, which required urgent consideration due to the nature of the concerns. While only a single order was granted, we must remain vigilant where concerns identified represent a potential risk to patients.

The Professional Conduct Committee dealt with the backlog of hearings deferred from 2020 and 2021 because of the pandemic. In 2021, six cases were referred for hearings to take

place in 2022, and three hearings were part-heard and carried forward into 2022 for completion. The median number of weeks taken from the receipt of the complaint to consideration by the PCC was 122 weeks.

While 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

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

### Key points

- In 2021, the number of complaints about chiropractors' fitness to practise decreased by 41% from 2020.
- The Investigating Committee considered a similar number of cases in 2021 as in 2020.

<sup>1</sup> Reasons for delay in four cases over 104 weeks: First, a referral from another regulator and awaiting receipt of further evidence. Second a complex complaint involving records of 33 patients. Third and fourth complaints are complex investigations relating to wide ranging allegations dating back many years involving several individuals.

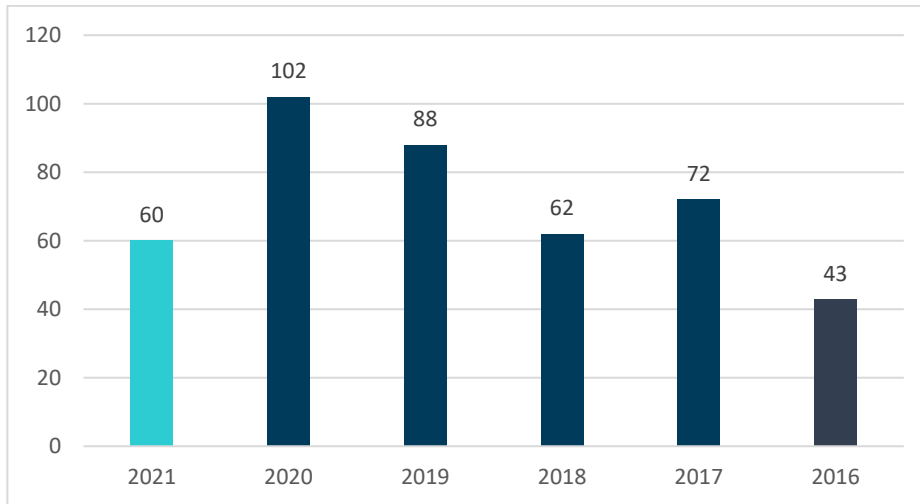


- Complaints were made about 58 chiropractors.
- Most complaints received were from patients or relatives of patients.
- Most complaints related to substandard treatment.
- Increase in the number of interim suspension hearings, albeit one suspension.
- Of the cases concluded by the Investigating Committee, nine were referred to a Professional Conduct Committee hearing.
- Five chiropractors were found guilty of unacceptable professional conduct by the Professional Conduct Committee.

## Complaints received

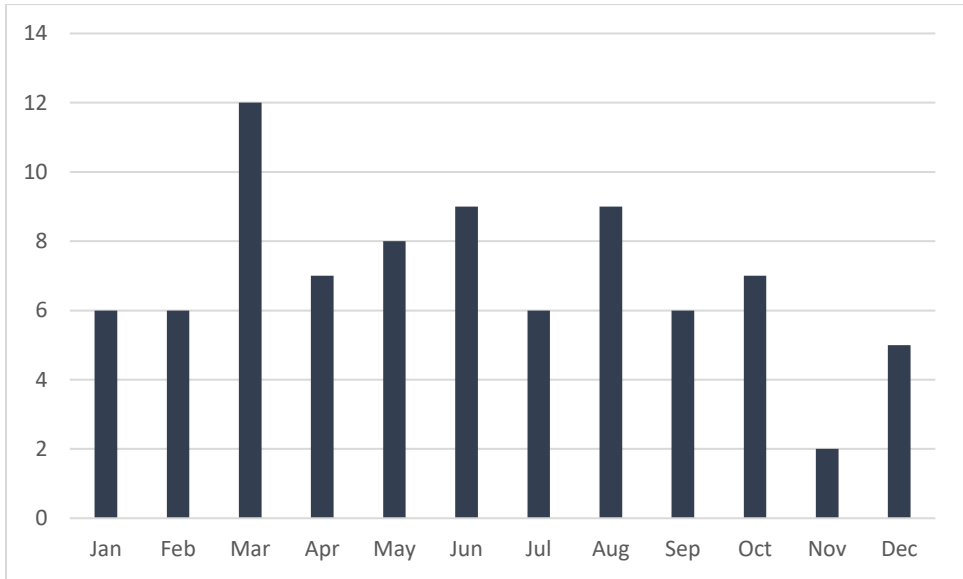
In 2021 the GCC received 60 complaints about chiropractors, a 41% decrease compared to 2020. Over the last five years, the average number of complaints received is about 76 per year.

The complaints received related to 58 registered chiropractors. Two Complaints were received about two registrants.



## Complaints received by month

The GCC receives an average of seven complaints per month, with a peak of 12 in March.



### Source of complaints

Most complaints are made by a patient or a relative of a patient, accounting for 44 or two-thirds of all complaints in 2021.

Source of complaint	Number
Patient/relative of	44
Member of public/private organisation	1
Other chiropractor/clinic where worked	6
Anonymous	1
Other healthcare professional	4
Public sector organisation (eg. Police)	4
Registrar	0
Self-referral	0
<b>Total</b>	<b>60</b>

### Nature of complaints

Understanding the nature and volumes of complaints contributes to the profession’s development. We want to support the profession by being transparent about complaints and, where necessary, providing guidance on 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 considered in this section of the report. However, highlighting these allegations serves to aid understanding where complaints have been made.

### **Our approach**

All complaints received by the GCC are reviewed by a member of the fitness to practise team. Upon receiving a complaint, they will complete an initial case report recording all allegations and issues raised by the complainant. This recording explains why the number of allegations (149) is greater than the number of complaints received (60).

Cases are assigned a category and broken down into types and, in some instances, subtypes. 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.

<b>Category</b>	<b>Type</b>	<b>Subtype</b>
Clinical care	eg. Substandard treatment, inadequate record keeping etc.	eg. Rough or aggressive treatment causing injury or pain

### **Nature of complaint by category**

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

Of the 60 complaints received, 69 allegations were for failings related to clinical care. Forty-one complaints alleged a failing in communication/consent or professional relationships. In six complaints, an allegation was made about a chiropractor's probity.

All allegations made are listed in the following table.

Base: 60 cases

Nature of Complaint	Number of allegations raised
Clinical care	69
Communication/Consent/Professional Relationships	41
Probity	6
Working with colleagues	4
Conviction/Criminality	5
Unprofessional behaviour outside practice	1
Business/Employment issues	0
Health	2
Promoting anti-vaccination	2
Compliance with GCC investigations	0
Covid related	8
Other	11
<b>Total</b>	<b>149</b>

### 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	66
Inadequate record keeping	0
Breach of patient confidentiality	3
Poor hygiene practice	0
Clinic facilities/premises	0

## Substandard treatment

Substandard treatment covers a wide variety of concerns raised. The most common examples are concerns about the treatment technique/approach or the injured patient.

Subtype (Substandard treatment)	Number of allegations identified
Concern about treatment techniques/approach/dissatisfied with treatment	17
Rough/aggressive treatment causing injury/pain	14
Inappropriate/contraindicated/excessive treatment/lack of clinical justification	8
Failure to cease treatment	4
Lack of further investigation/follow up/review	3
Lack of clinical justification for investigations/x-rays	4
Misdiagnosis/No diagnosis	5
Failure to refer, when appropriate	3
Inadequate assessment/case history	1
Failure to adhere to x-ray guidelines	2
Failure to work within limits of knowledge, skills and competence	2
Failure to examine/inadequate examination	3

## 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	24
Sexual boundaries	7
Failure to preserve patient's privacy and dignity/not providing chaperone	3
Financial impropriety with patients	0
Consent	3
Intimidation of patient/pressure/undue influence to undergo treatment	4
Failure/delays in providing access to records	0

### Communication

Poor communication between patient and chiropractor consistently forms an element of or reason for a referral.

Subtype (Communication)	Number of allegations raised
Rudeness to patient/lack of respect or sympathy/empathy	8
Failure to respond to communication from complainant/comply with patient request	6
Inappropriate comments/language	5
Failure to explain or agree diagnosis/treatment or treatment plan/results	3
Failure to provide adequate information about complaints procedure/poor complaint handling	1
Failure to explain fees adequately/mechanisms for payment	0
Failure to explain refusal to treat	1
Bullying/Harassment/discrimination	0

The most common complaint is related to the chiropractor's rudeness to a patient/lack of respect or sympathy/empathy.

### Sexual boundaries

There were seven separate complaints alleging sexual behaviour by a chiropractor. This is a decrease from previous years.

Subtype (Sexual boundaries)	Number of allegations raised
Inappropriate contact with patient's body/intimate areas	3
Indecent/sexualised behaviour	3
Inappropriate personal/sexual relationship with patient	0
Use of sexualised language/comments	1

### Probity

In this category, the largest number of allegations related to misleading advertising/claims made on websites and dishonesty/failure to fulfil the duty of candour to patients.

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

## Commonly occurring allegations in 2021

The most commonly occurring allegations in 2021 were:

1. Concern about treatment techniques/approach/dissatisfaction 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. Sexual boundaries
6. Failure to respond to a communication from complainant/comply with patient request
7. Misdiagnosis/No diagnosis
8. Inappropriate comments/language

While 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 prevented this allegation from being referred to the GCC.

## 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).

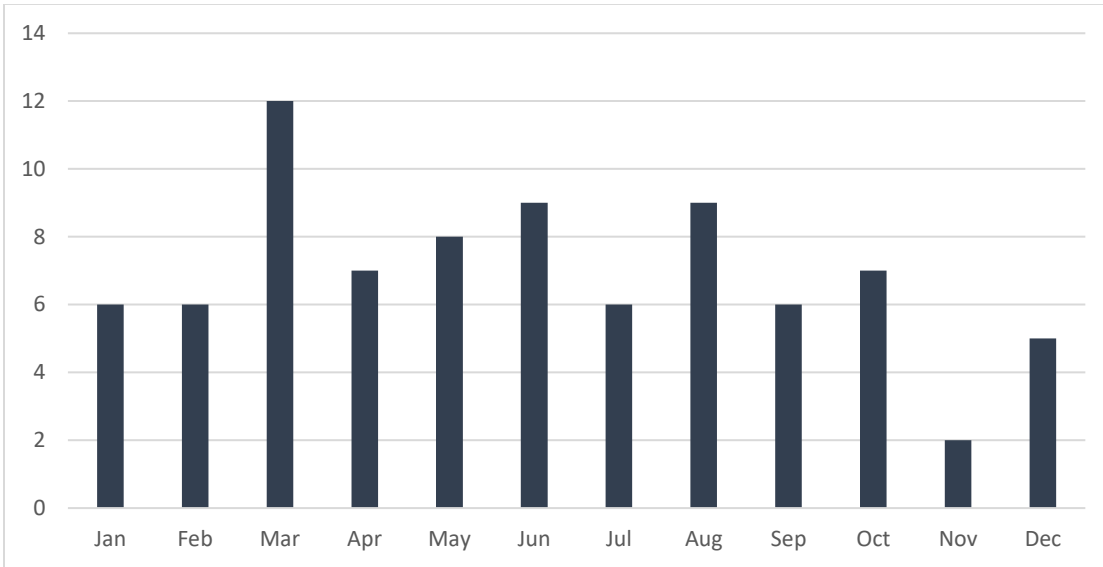
IC meetings are not held in public. The Committee sits with a Legal Assessor to advise them on points of law and procedure, but the Legal Assessor has no decision-making role.

In 2021, the IC determined 82 cases compared to 87 in 2020.

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



### Cases determined by month



### Decisions of the Investigating Committee

Of the 82 cases determined by the IC in 2021, nine were referred to the PCC (11%). While this is a slight increase from 2020, there has been a reduction in the proportion of referrals made to the PCC over the last five years.

Decision of the IC	2021	%	2020	%	2019	%	2018	%	2017	%
No Case to Answer	73	89%	78	90%	54	87%	47	81%	51	76%
Referred to PCC	9	11%	9	10%	8	13%	11	19%	16	24%
<b>Total</b>	<b>82</b>		<b>87</b>		<b>62</b>		<b>58</b>		<b>67</b>	

### 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 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. There must be at least three PCC members present at each hearing, 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 an 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 2021, 11 cases were determined by the PCC.

Five chiropractors were found guilty of unacceptable professional conduct in 2021. Of those, two chiropractors were removed from the register, a further two were given admonishment, and one chiropractor was suspended. Further details of each are set out in the table below.

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

<b>PCC decision</b>	<b>2021</b>	<b>2020</b>	<b>2019</b>	<b>2018</b>	<b>2017</b>
Removal	2	0	0	1	1
Suspension	1	0	0	0	2
Conditions of Practice	0	0	1	2	0
Admonishment	2	2	1	2	5
No UPC	6	4	5	4	6
GCC offered no evidence	0	0	0	2	2
<b>Total</b>	<b>11</b>	<b>6</b>	<b>7</b>	<b>11</b>	<b>16</b>

The median number of weeks taken from the receipt by the GCC of the initial complaint to the decision taken by the PCC was 122 weeks for decisions made in 2021.

### **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 2021.

## PCC Caseload

At the end of 2021, nine cases were yet to be determined by the PCC. This is a decrease of two cases compared to 2020.

## 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 2020.

## 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
Leeper, Peter	27/01/2021	Patient/Relative of	Suspension
<p><b>Summary of facts found proved and amounting to UPC</b></p> <p>For a period of approximately nine months the Registrant crossed patient boundaries by engaging in a sexual relationship with Ms A, who the Registrant was aware, was a particularly vulnerable patient.</p> <p>The Registrant had also breached patient confidentiality by sending a photograph of another semi naked patient to Ms A.</p>			

Name and registration number of Registrant	Date of Decision	Source of complaint	Outcome
Le Mare, Lorraine	04/02/2021	Member of public/private organisation	Admonishment
<p><b>Summary of facts found proved and amounting to UPC</b></p> <p>The Registrant carried out spinal manipulation on a patient with hypermobility and therefore contra-indicated and failed to obtain informed consent.</p>			
Butcher, Aaron	10/06/2021	Relative of Patient	Admonishment
<p><b>Summary of facts found proved and amounting to UPC</b></p> <p>The Registrants behaviour crossed patient boundaries multiple times.</p> <p>The clinical failings related to the taking and recording of a clinical history, the carrying out and recording of the findings of a physical examination, the formulation and recording of a diagnosis and rationale for care, the formulation and recording of a plan of care and the recording of treatment provided and the outcome of treatment.</p>			
Welch, Julian	04/11/2021	Member of public organisation	Removal from register
<p><b>Summary of facts found proved and material relevance of the criminal offence</b></p> <p>The Registrant was convicted of four counts of voyeurism (recording a private act) related to a video recording of he and a person described as 'Relationship A' having sexual intercourse. The other three counts involved photographs of three patients in a state of undress, viewing up their gowns, two of whom were under the age of eighteen, in the Registrant's clinic whilst they were undergoing treatment.</p>			

Name and registration number of Registrant	Date of Decision	Source of complaint	Outcome
Bloom, James	09/12/2021	Chiropractor where worked	Removal from register
<p><b>Summary of facts found proved and amounting to UPC</b></p> <p>Registrant acted in a dishonest manner in creating inaccurate chiropractic records for the purposes of making a false claim for compensation for personal injury.</p> <p>With regards to clinical matters there was systematic failure to contemporaneously record matters relating to X-rays</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.

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.

Nine registrants were the subject of interim suspension hearings in 2021, an increase from the previous year following the receipt of more high-risk cases received in the year requiring referral. One of those referred for an interim suspension hearing resulted from two separate complaints against the registrant.

	2021	2020	2019	2018	2017	2016
<b>Hearings held</b>	9	3	10	3	7	13
Interim suspension ordered	1	0	2	0	1	3
Interim suspension not ordered	8	3	8	3	6	10

## Professional Conduct Committee

If the PCC decides that a complaint 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 was one PCC interim suspension hearing held in 2021.

## 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 the year, several complaints relating to individuals who describe themselves as above but are not registered chiropractors were received.

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 a very serious concern, the Registrar will consider whether to prosecute. One prosecution has been instigated in 2021, which is still ongoing.

In 2021, the GCC continued to focus on clearing a backlog of section 32 complaints. Seventeen complaints were reviewed and closed in 2021, leaving seven complaints open at the end of 2021, a reduction from 16 at the end of 2020.