

334 - Complaints with Martin Matthews

Steven Bruce

Good afternoon and welcome to another of our lunchtime shows. Now we would normally have a case based discussion at this time of the week, but the slant is slightly different. Today we're going to look at a complaint brought against one of your fellow members a complaint which was only resolved within the last few weeks. The purpose of the show is to examine the ways in which complaints are handled, but also how you can prepare for such an eventuality yourself as well as shield yourself from the possibility of a complaint. My guest is Martin he's an osteopath. So the detail of what we discussed will concern the general osteopathic Council. But as I'm sure you know, the two general councils operate in nearly identical ways. So this is just as relevant to you if you're a chiropractor. I see nearly identical because although the osteopaths Act and the chiropractors act differ only in those two words, the rules they apply were developed by the regulator's themselves, and they affect all sorts of things about the way they administer our lives, things like CPD, but also fitness to practice. Those rules can only be changed by Parliament, so they're very difficult to change, so we're kind of stuck with them for a fairly long period of time. Now, well, both of the councils have an investigating committee and a Professional Conduct Committee to deal with fitness to practice. The gos C also has screeners who they play their part before a case is investigated by determining whether the case falls within the scope of the act. Now, that might sound a bit confusing, but some of it might well be relevant for what we discussed later. But anyway, let's hear from Martin Martin. Good afternoon, sir.

Martin Matthews

Good afternoon, Steven.

Steven Bruce

Martin, you're kind of a real old friend now, aren't you? You've been I don't mean that in a nasty way. You've been a member of the Academy I think almost since we started if not since we started and you and I have regular conversations one way or the other. How long have you been in practice?

Martin Matthews

37 years

Steven Bruce

is 3037 years of unblemished record? I think you said so. No,

Martin Matthews

I think you you suggested that it was 37 years of

Steven Bruce

unprimed crime. Yeah. We don't want to say that that gives the wrong impression, but you've had 37 years in practice as an osteopath, and no problems thus far. You know, you are also a what I might call a proper acupuncturist as well, aren't you?

Martin Matthews

Well, I'm a traditional Chinese medicine trained acupuncturist. Yeah. So I don't practice dry needling, but I do practice acupuncture. Yeah. Yeah.

Steven Bruce

Okay. So you had a complaint? Tell us tell us about that complaint when you first heard about it. Okay, so

Martin Matthews

first of all, I treated this individual last March. So that's March 2022. And nine months later, on December the 21st, the patient in concern took it upon themselves to make a complaint against me, to the general osteopathic council. And I heard about it first on January the 12th. This year, so that's nine months after the the three treatments that I gave, I got a letter of regulatory concern from the GR SC. Who said that this person's complaint had been reviewed by a screener. And the screener had decided that it should go to be referred to the investigating committee. And if they decided it would then pass on to the Professional Conduct Committee. But I have to say that the letter I received from the general osteopathic council had in big letters on the first paragraph, it had interim suspension written. So your eyes are immediately drawn to that and you think bloody hell on being suspended? And of course.

Steven Bruce

So from your point of view, the first you heard about this was on the 12th of January, that's when this sort of alarm was created in your mind, could we, before we go into the rest of the procedure, and I've got quite a lot of it on the notes beside me on my table. The patient consent, could you just outline what you had done with this patient, what you've come in for what the treatment was, yeah, this this

Martin Matthews

patient had come in for a knee problem. And her knee problem was just general knee pain and some inflammation. And it was caused by her pelvis being tilted in her carrying too much mechanical strain on to onto that limb. And she was a runner. And so it was, you know, the mechanical strain was causing quite a lot of pain for her. It was very straightforward. She was a very unremarkable patient. Indeed.

Steven Bruce

I think you said you were under some pressure to fix her quickly, didn't you? Because Didn't she have a training programme for a marathon or something? To

Martin Matthews

date? Yeah. And she was one of a number of runners that her running coach had sent to me over a period of years, actually. So yeah, there was a bit of a deadline, and we just had to get on with it. And I treated her three times, and she made very good improvements.

Steven Bruce

Okay. And in terms of the treatment, you apply it, what did you do?

Martin Matthews

Well, there was some osteopathic manipulation with regard to lower back and pelvis. But the main thrust of the treatment really was acupuncture around the knee joint.

Steven Bruce

Right now, the dry needling that I've been involved in is not traditional Chinese needling. So typically, the needles would go in and stay in for 510 seconds, maybe slightly longer if you're lucky. But I'd be fiddling with the needle all the time, one needle at a time, and then take the needle out. What was your practice? What was your question in this case?

Martin Matthews

Okay, so I use a technique called surrounding the dragon, which you put it in about 10 acupuncture needles right around the kneecap in acupuncture points, you don't put them in painful points, you put them in specific acupuncture points, which and you leave the needles for a good 20 minutes.

Steven Bruce

Okay, so 20 minutes. Now, the first thing that struck me about this, as I'm looking at the letter that you got on the ninth of August, is when the general osteopathic counsel in the form of Sandy Palmer, who's the regulating officer regulation officer, wrote to you and said, I am writing further to my letter of the 12th of January. So on the ninth of August, you got a letter referring to the first day you'd heard about this, which is on the 12th of January, which we're talking seven months, seven months from to do anything after they've told you you should be worried.

Martin Matthews

No, no. It was referred on the 21st of December 2022. And then on the 12th of January, so A month later, I got a letter from the regulatory have a letter of regulatory concern. And then subsequent to that Sandeep had contacted me so okay. But it was nine months after the treatment had finished that I'm this girl decided to make a complaint. Right?

Steven Bruce

What was her complaint?

Martin Matthews

There were a few things. But it was the the main source of complaint was the way I did my communication, basically. So there were two main things the way I spoke to her. And I am extremely careful the way I speak to people. And also that I left the room, I just walked out of the room and left her with needles in without even saying I was going to do that. I just left the room, and subsequently came back, I guess, and finish the treatment. So the two complaints were the way I spoke and my actions when I supposedly left this room without even suggesting I was going to do that, and didn't come back until 20 minutes later.

Steven Bruce

How long would you say you were out of the room for

Martin Matthews

20 minutes? And just yeah, that's just No, I've never heard of anybody ever doing that, let alone leaving a patient without suggesting to them that they if it's okay for them to leave? Are you comfortable? Are you feeling secure? You're careful leave the room. I've never heard of anybody ever doing that.

Steven Bruce

And I certainly didn't do you leave the room sometimes when you've got patients with needles and yes, like many

Martin Matthews

osteopath, acupuncturist, I leave the room and go in and start another person's treatment, I treat more than one person at a time, which is treatments overlap, which is extremely common in a busy practice. But if I do room, it's with the patient's consent with their full knowledge. They know how long I'm going to be away for, which typically would be five minutes, and then I'll be back frequently to check on them to make sure they're okay.

Steven Bruce

Right. So she complained nine month what prompted her to complain? Do you think so long after the treatment?

Martin Matthews

Well, I don't I'm not sure it's true at mental status. To be honest, she's, I think I felt quite a sort of, I don't say paranoid but she was one of those hyper, hyper intelligent people who, you know, could do all sorts of things, but maybe wouldn't be able to work out their bus timetable.

Steven Bruce

I remember so she's a doctor, but not a medical doctor. Yeah,

Martin Matthews

but she also suggested that an osteopath friend of hers it was training had suggested that it was malpractice.

Steven Bruce

I wonder if he was talking to an osteopath and a trainee? Who's just done that part of their training where they've been taught about standards of practice, and they're looking for things like this. I mean, he does I mean, I, you know, I'd like to think I know you reasonably well, I can't imagine. I can't imagine anybody walking out of a room and not saying something to the patient. You've just, you just can't do it. It's that all right, and you'd wait for a response, wouldn't you? It's unimaginable. I've

Martin Matthews

never heard of anybody doing that. You just don't. So

Steven Bruce

yeah, I guess the first the first thing I'm drawing from this is that, as many people will be aware anyway, that patients can complain for all sorts of reasons. Some of them could be valid, some of them might not be valid, but we have to be alert to the fact that anything we do that could give them cause or justification for a complaint nine months down the line, it has to be in the back of your mind, but we don't want we don't want our practices to be so formal, that everything is stilted and written. They sign for everything we do. Okay, so she's complained in January this year, or the complaints or complaints been notified to you in January this year. What then did you have to do as far as the investigating committee was concerned,

Martin Matthews

but they sent me a letter, as I mentioned, a letter of regulatory concern. And then they want me to send full notes for that patient, as well as a fitness to practice questionnaire they want you to fill out which has nothing to do with anything to do with your case has no bearing whatsoever on it. It's something that complies with equality legislation. Anyway, you have to get all your notes together. You have to get your head together. And you have to, you've got seven days to return this.

Steven Bruce

Seven Days Gone.

Martin Matthews

You got seven days. Yeah. Right.

Steven Bruce

I presume that also your first port of call is to go to your insurer and notify them that this is happening.

Martin Matthews

That's right. Yeah. And they I think the geoscape suggest you do that. So I did that and I was put in contact with a solicitor, who I felt was he kept referring to going to a hearing with a Professional Conduct Committee, which I felt was just nonsense, because I didn't feel it should go that far it should go to an investigating committee. We shouldn't be talking in terms of going to a Professional Conduct Committee, because it's not it's not a series of provable case. But he seemed to be intent on on that happening. And I, we had we had a few discussions about that. And I really felt that we needed to nip this in the bud as quickly as possible.

Steven Bruce

Just to clarify, in case you aren't familiar with the process, that the gos see, the procedure is that a screener will look at the case first, as I've said, to say that, to determine whether it falls within the scope of the osteopaths act, then it will go to the investigating committee who will determine whether there is a likelihood or possibility of a conviction on the basis of the complaint, and based on the evidence that's submitted to them by both parties. And then if there is a likelihood of a conviction, then it will go to the Professional Conduct Committee. And as I've said on the shows in the past, you can compare the Professional Conduct Committee to a conventional court which is effectively what it is. It's very, very similar to a Magistrate's Court. The people who make it up the chairman who could be a layperson or an osteopath, a professional member, the Osteopath and a layperson who is not an osteopath. They need not have any legal experience, but they might have legal experience, but they will be advised by the general osteopathic counsel's legal counsel who will

be a barrister. So it is very, very like a normal court of law. And you can regard it in all intents and purposes for that. And the only difference of the chiropractic Council is that there's no screener involved, and I'm not quite sure how that affects whether Casey go to the investigating committee or not. So Martin, back to you, seven, seven days to respond. So in that seven days, essentially, you take paper notes or computer notes. I take paper notes. So you photocopied these and sent them off to the JOC? I did. Yeah. Yeah. And did they acknowledge receipt? No,

Martin Matthews

they did not know. So I sent them off for four days later, for very stressful days later, you know, you have all sorts of things going through your mind. Because of course, you know, there is a possibility you might be suspended, or, I mean, I have, I'm afraid I have very little confidence in this in the in the GRC, I'm afraid and in this process. So I was thinking all sorts of things about what might happen. It was very, very stressful. Anyway, I sent the notes off, and I asked for confirmation upon receipt. And I didn't get it. I had to phone them twice. I had to leave voicemails. And eventually, I got a reply from them saying, Oh, they're sorry, in the delay in in confirming receipt, it's just because they were very busy preparing for another case.

Steven Bruce

You see this is this is one of the issues that I would take up with the general osteopathic counsel or any other counsel is the fact that if you are told that these notes have to be within within seven days, and I think in bold writing, there is something that says if you don't send the notes, it's basically an admission that you did what was you were accused of, and you are in breach of whatever regulation. But at the same time, if they don't acknowledge receipt, you can sweat for days or weeks thinking that they will accuse you of that even if you submitted the notes. And I imagined they went by registered post and all the rest of it. But even so it's still a big worry, isn't it? If I may, Martin, I just for the benefit of the audience. Again, I just want to draw the distinction between the investigative process the fitness to practice process and the general osteopathic council because the gos C is a regulator. And they are separate from the fitness to practice process in the same way that the government is separate from our legal processes. So they don't in theory, at least they don't have any influence over how the PCC particularly does its business or the investigating committee. But obviously there are a lot of people involved who work full time at the the council's so when Martin saying he doesn't have a lot of faith in the gos See, that may. That may also be the case but I think here he's referring to his faith in the fairness of the process. We wouldn't get into one's faith in the general osteopathic Council, after all we fought for and well, we our profession fought for years to become regulated. And we're all terribly proud when we became regulated. And regulation. As you and I discussed before, this is quite important in terms of maintaining standards. If I tell you what, before we go on somebody's already asked a question that asked whether your patient referred a complaint to the acupuncture council as well. No. Do you know you have any idea why that is?

Martin Matthews

I don't know. I do.

Steven Bruce

It's because I Acupuncture is not a formally regulated body. Oh, yeah, whereas osteopathy is and while you can complain to the the non regular non formal bodies that have their call, it doesn't really give you the same information as complaining to the grsc or the GCC, because complaining to the General Counsel is free of charge. And if you're successful at the hearing at the GCC, then you

probably got grounds to go to a solicitor and say, right, well, I want some compensation now, because the council's can't award compensation, but they give you a good idea of whether in law your case has any merit. So you've got your notes back, tell us the course of the case, after that you've sent in your note, okay,

Martin Matthews

so what happened was, I was told that by the end of March, so I sent my notes of 16th of January, by the end of March, I would, the expert witnesses would have given their statements and, you know, a decision would be forthcoming. So on, on the 15th of March, I was told that the witness statements had been received and the expert witnesses, reports would be available by the 30th of March, and I would be sent them. And that's this never happened. That just never happened at all. So I just left it a little bit. sixth of April, I wrote again, asking for clarification as to when I'd be receiving the bundle, as they call it, didn't receive a reply to that at all. Eight days later, I received a reply from them saying their lack of communication was due to annual holidays.

Steven Bruce

And I was staggered when you told me this because their annual holidays are fair, this was before Easter. And of course, people can take their annual holiday outside, but there must have been people around who could at least acknowledge what you were you were doing. Yeah.

Martin Matthews

So that was on the 14th of April. The annual holidays thing on another week later thinking maybe something would have happened. I emailed him again, expressing my concerns about the delays and the stress involved. And this case, not proceeding in a timely manner. I received a reply four days after that, stating there had been more delays. Unbelievably another three months passed by saying that they had now instructed an expert witness. And the report was due on the third of August, when I was told it initially it'd be done at the very end of March, as five months late. An expert witness to expert witnesses were appointed their their statements came in. And two weeks after that. I was told that the investigation was completed. And it would be put before the investigating investigating committee for their consideration. And so the expert witnesses or their things or their opinions were received by the 20/21 of July. And their report was issued on the third of August. And it still took them another six weeks to email me to say that the case had been closed.

Steven Bruce

Yes. And perhaps that's a bit of a spoiler for the story. Because before, before it got to the Professional Conduct Committee, the investigating committee decided that there was no likelihood of a conviction. And you were, I wouldn't say exonerated. But of course, I didn't put it in those terms. They simply there was no they say there's no likelihood of a conviction. Not you are innocent of the charges. But that means that you don't need to face any more. We have got somebody has asked whether you are allowed to practice throughout this period. Yes,

Martin Matthews

I was. Yeah. Yeah.

Steven Bruce

Thank you. And you know, so that is an important point because one of the sanctions which the investigating committee the Professional Conduct Committee has is to suspend you if the if the case

is serious enough, but it is very, very rare for anyone to be suspended from practice before it gets to the Professional Conduct Committee and they've reached a decision.

Martin Matthews

Had I been suspended? Had I been suspended from the outset, I would have been off work for nine months for what should have been a three month process. Yeah.

Steven Bruce

And during that nine months, you said in an email to me some time ago, there wasn't a single day, perhaps even a single hour when this wasn't on your mind. And now your own personal circumstances are such that you've got enough stresses in your life as it is but throughout the last year, everybody has had stresses with the increasing bills and decreasing revenues and so on. And on top of this to add in the possibility of complaint adds emphasis to that need for the process to be completed as quickly as possible, doesn't it?

Martin Matthews

Well, one of the complaints against me was to do with communication. And then it turns out the worst communicators were the you know, with the with the G Oscar out sorry with with with this investigation. It was appalling, absolutely appalling. And, you know, what's annoyed me most is that they dare to question the way I communicate with people. In fact, they've they've passed judgement on the way I communicate with people have never met me and never spoken to me. How dare they do that?

Steven Bruce

Yes. And that might not be clear to members of the audience. But I looked at the the statement from the investigating committee in the letter saying that you were off the hook as it were. And it wasn't they didn't say there was a possibility that this miscommunication could have occurred, they said that it was likely that this misclassification occurred, and they could have had no basis from that other than evidence from a witness who they'd already decided was of questionable merit. Going back to

Martin Matthews

the we're sorry, the witness, by their own confession had an extremely poor memory.

Steven Bruce

Yes. Haley asked how old the patient was, I think he was worried that it might have been a child, but I mean, she's got a PhD. So we know she's an adult.

Martin Matthews

Yeah, kind of, I'd say around 27 ish.

Steven Bruce

Yeah. Okay. And then, of course, the issue of how is this all being funded? Which I mean, there's fairly good news there, isn't it? Gary says, Did you need to pay for the solicitor? And old osteo says, Did your insurance provide funds for PCC legal advice?

Martin Matthews

Yes, they did. So it was all covered under my insurance. But I, I have to confess that I didn't feel that the solicitor that I dealt with was, he seemed to, he seemed to have seemed to have conceded defeat, before we even started, he seemed to have sort of had an acknowledgement that we were going to go to a Conduct Committee, when, of course, it has never had to go that far at all. So it's a bit, I was a bit annoyed about that. I must say, I felt I felt he could have done better.

Steven Bruce

Yeah, and I can't remember what I said to you while this was all going on, because but I do remember thinking, irregardless of your guilt or innocence. It's the sort of charge which was likely to go that far. And maybe he was, I mean, his experience is far greater than mine. And I know the solicitor you're talking about, obviously,

Martin Matthews

I think he was quite surprised. But also, you know, once once you submit all your evidence and speak to your solicitor, etc, etc. He then writes a letter to the investigating committee, and his letter was dreadful. So I, he sent his letter to me, I had to change it. I had to add all sorts of things. I had to correct his English, and I thought it was poor. I got I know, I sound terribly critical. But then, you know, this is serious stuff now. And it I just didn't think it was good enough.

Steven Bruce

Have you made that known to the solicitor from concerned? No,

Martin Matthews

because I and I'm intending to change insurers.

Steven Bruce

Yeah. Well, that's, that is another issue. But so yes, I share your suspicion about certain solicitors, I don't think they necessarily produce high quality work. And I suspect that the insurance companies who employ the solicitors to deal with these things in the early stages are intent on saving as much money as they can. And I wonder whether that's a real saving because if the solicitors aren't good, then it goes further down the legal process and they then have to employ a barrister as well.

Martin Matthews

Well, I had that discussion with the barrister, that it was a false economy. But this is the way it's done. That's the protocol and you're stuck with it. Yeah.

Steven Bruce

We had some questions about the expert witnesses. Kelly, carry sorry, asked whether they were friends of the of the patient. Of course, expert witnesses are never friends of the patient or the the defendant, the the complainant or the registrant, they are always going to be independent people with legal expertise in specific aspects. Who were they in this case, Martin? There was

Martin Matthews

I can't remember their names, but they were. They were two osteopaths one of which was also an acupuncturist. And it's very it's extremely difficult to comment on another acupuncturist work really because it's a bit you know, osteopathy is in the eye of the beholder, and acupuncture is too but anyway, they came up with these two expert witnesses. And, you know, they, they found it, there was no case to answer. Yes.

Steven Bruce

And I read what they'd said as well. And yeah, as you say, it all comes down to your notes, doesn't it, which is what Morgan has said here. She says, How would your notes help this particular claim? As we don't note that we are well I certainly don't imagine you don't write in it that you left the room and got consent to do that. Or she says in this case, is she talking about the way that she was spoken to? Well, that was part of it, as you said. Yeah. And the notes only stage consent for treatment. This is more of a case of he sheds. He Said, She Said, so how can we protect ourselves from that? If you've got any opinions on that?

Martin Matthews

Well, I felt it should never I felt it is a case of he said, she said, and I felt the screener to begin with should have stopped this in its path and said, Look, we're not going to be able to prove anything either way.

Steven Bruce

Yeah, that's not the screeners job though.

Martin Matthews

Did that and then pass that on to the IC if necessary?

Steven Bruce

Well, in the complaint that was raised against me, I thought the screener went beyond the screeners, responsibilities as well, technically, their job is simply to determine that it falls within the scope of the act as the investigating determine whether it might stand a chance of success. But again, it's all adding to the time taken, isn't it?

Martin Matthews

It is, I mean, what really upsets me about this case is, it's not just that they are passing judgement on the way I communicate with people. And they have no idea how to communicate with people at all. But really, the the timelines involved here that this took nine months instead of three months that they promised, and they're very lacks attitude to timekeeping. I think it's really unprofessional. And it really leaves me with a very bitter taste in my mouth. And I really feel that I don't really want to fund them. I don't want to put myself in a position where I might have to go through this again, in a process that I just do not trust.

Steven Bruce

Yeah, and I can understand how you feel that way. Keith has asked Keith actually sent in a message to me yesterday about a complaint that was against him, but this is not about that complaint. He says he's just checking when you say insurance, do you mean or indemnity insurance because he says he's got so many doesn't actually know what covers what and I don't think that's uncommon, is it? But actually there are two parts to our insurance. There's the medical indemnity is of course some injuries or somebody they can get compensation from the insurance, but there will also be a legal expenses part of it. And curiously, it's the legal expense. Is it curious, legal expenses is the very expensive part of our insurance. The medical indemnity is trivial because there are very few claims that ever get compensation allocated to them. But it will be in the medical indemnity I think it's das are the main providers D A. 's at the moment. And so you'll see that in your documentation somewhere, Keith. Charlotte says was the misconceived miscommunication because you have two

titles and osteopath and acupuncturist Marton, or was it because she thought you'd left the room without saying something? And do you explain that you use both techniques?

Martin Matthews

Absolutely. I explain I use both techniques. Yes. Yeah. I mean, you don't you know, if you ask if you put acupuncture needles in somebody without their consent without explaining what you're doing and getting their consent, that's a salt, it's a salt appears somebody's skin without their consent. So I do with every patient. And even if I've seen that patient five times, I'll ask them every single time for their consent before I give them acupuncture. So I don't think there was any communicate any misunderstanding there about what I do. And of course, this runner had been sent to me by her running coach who previously sent lots of people to me, so I think she was aware of what I did. Yeah. But even if even if he wasn't, she would have been having spoken to me in the consultation, because I explain everything that I do. But

Steven Bruce

also she came to you three times. And I imagine you use acupuncture every time. Every time. You know if she'd been taken aback by the acupuncture, she wouldn't have come back for the second appointment. One imagined

Martin Matthews

No, no, I think she said she, you know, on one occasion, I'd frightened or something. But she still came back for more treatment. It just doesn't add up at all.

Steven Bruce

Well, I'm sure the audience can see that what a frightening character you are Martin

Martin Matthews

terrifying, terrifying myself. Yeah.

Steven Bruce

Kim says, Are you allowed to change your solicitor or choose your own solicitor?

Martin Matthews

I believe you are. Is that correct, Steven?

Steven Bruce

Well, the thing is, we are insured by whichever company we're insured by personally I recommend BGI that people we've just, I wouldn't say taken on but sort of developed an arrangement with they will employ a solicitor and it's very hard to for you to tell your insurers which solicitor you want to use. I know Martin, you put a lot of pressure on Baylands to engage Jonathan Goldring, the barrister as an early stage. Jonathan has been on the show many times before. He has a hugely impressive track record in getting people off the hook of the General Counsel. And his. His personal perspective is that if people engaged him earlier on he would prevent cases going to the PCC it might still take three months or in your case million months. But if it had gone to the PCC it would have taken a hell of a lot longer. But of course, a barrister is a lot more money than a solicitor and the insurers have to pay both because they work in conjunction with each other. Peter says,

Martin Matthews

I can tell you how much my solicitor charged if you if you want to hear that,

Steven Bruce

I'd be interested in both.

Martin Matthews

So to look at my notes and communicate with me, and then write a letter that I had to absolutely change 80% off before it was sent in that was just over 1000 pounds.

Steven Bruce

Good work if you can get it, isn't it? I think we're in the wrong business. Well, I

Martin Matthews

think if you're a barrister, you're looking at five times out of mind. Yeah.

Steven Bruce

Peter says who was the insurer? Well, I gave that away a moment ago, it was Baylands. Yeah, he says he got quite good support from the Iowa insurers when he was facing a complaint. And I've heard that from others, including Keith, that the IO was supportive. I like to think that we here at APM are very supportive. And I've been very impressed with the insurers that we recommend here, which is BGI, who also give a discount to IPO? APM members, so a bit of a plug there for them. So I gotta say,

Martin Matthews

I mean, on that subject, you know, I have to say that, you know, I've got a lot going on here, with family illness, and people dying relatives, and so forth this in the past few months. And I don't think I would have been able to get through this quite so well, if it wasn't for the support I received from the APM.

Steven Bruce

That's kind of you to say thank you. It's true. It's not just because we know you so well. I mean, I feel I feel for anybody who's going through the complaints process, because I've seen I've gone in for this purpose to see what people have to go through at the Professional Conduct Committee, and it is just hideous and then of course, I had a complaint against myself, which I have to say. I wasn't terribly worried about and quite enjoyed the process, but nonetheless, it was a long winded process.

Charlotte says, Do you have an association like the UCA BCA and chiropractor Well, of course we do is called the Institute of osteopathy. And one of the strengths of our profession versus chiropractic I've always thought is the fact that we have one trade body instead of the four or five, depending on how you measure them in chiropractic. And we get we do get quite good support from the Institute of osteopathy. I'm sure that the BCA and MCA and UCI and all those others offer similar levels of service. But she also says the BCA dealt with everything for her it was very stressful even when everything was pretty much done for me. Of course it is it's extremely stressful, because you're worrying that you might be put under constraints or even struck off the register. And there's a certain sort of, I don't know, there's probably even a certain embarrassment that someone has made a complaint about you because people might think that where there's smoke, there's fire? I don't know, did you feel that? Martin? Were you concerned? Yeah,

Martin Matthews

I did. You know, I felt that I was gonna have to, you know, ask maybe 1020 female patients to write me a reference to say what it's like being treated by me. And I thought, Should I have to drag them into that? You know, it, it is embarrassing, you know, you've really feel that you really feel undermined by this. And I thought it was for it was

Steven Bruce

a question a little while ago about communication and consent, in your own practice? How did you record their consent to any form of treatment, but in particular, the acupuncture?

Martin Matthews

Just on my notes on each each time each day on? On the notes, just written notes? Yeah. And

Steven Bruce

what form of words do you use? Is it a standard form of words,

Martin Matthews

it's just considered consent was received for treatment, but you know, unless we record, every single treatment we have with the patient, you know, that those notes have to do as as proof, they're gonna have just have to believe that I did gain consent.

Steven Bruce

And they will be accepted at any of the investigating process or stages in a complaint. But there'll be a huge amount of weight added to it, if you do the same thing every time on every patient and every appointment. If they see that there are gaps, you know, if you've got a couple of appointments, where you haven't mentioned that consent was was received, then they'll think, Oh, hang on, are you really consistent in this? And they will look back over that they might even look at other treatments, who knows. And it's useful to have a set form of words, I kind of worry sometimes about electronic notes because on our electronic notes in the in my own clinic, there is a box that you click a checkbox where you say consent received. And I think there's probably greater weight in you having specifically written in the notes and it could be it could be on a computer. It doesn't have to be by hand, but you haven't specifically written, valid consent received or whatever. Well,

Martin Matthews

as I mentioned, you have to gain consent every single time you pair someone's skin with an acupuncture needle. Yeah. It's not hard to do.

Steven Bruce

No, it's not. It's not hard to do and and most of us would do it in some form before we do any form of manipulation or other treatment, is it okay if I do this, that sort of thing, but recording it in the notes? You know, it's got to be there. And as has often been said, you might have to argue a bit if it is in your notes, but if it's not in your notes, the investigators will assume that it did not happen. So yeah, yeah.

Martin Matthews

I mean, it's, it's absolutely critical that you I mean, you live and die by your notes. It's as straightforward as that. Yeah.

Steven Bruce

Sarah says, What do you think your patients objective was in complaining?

Martin Matthews

I think that she was put up to it by an osteopath, who was either in training or someone who had asked to join my clinic and was refused. So I have I have it with multidisciplinary clinic we have there's 14 people that work in my clinic, have a big, multidisciplinary clinic. And often I will suggest to people that, you know, might not be the right clinic for them to join. So

Steven Bruce

you think it was a malicious complaint? Then perhaps? Possibly. Yeah. Which is, of course, quite hard to prove. Now, Simon says, Is there a process to complain about the way your case was handled? Who has an overall responsibility? Who has overall responsibility for the way that gos C performs? I think you probably know the answer to that. Yeah, that's a great question.

Martin Matthews

And the answer is the chief executive officer and register is a man called Matthew Redford. And what I've done with with the help of APM, is I've written a letter of complaint to them about the way my case was handled. And there are a number of key points in it that I would like to have an answer to. So I, they actually did acknowledge receipt of this letter that I sent to them, or that my letter of complaint to them, and I think he's got 21 days to reply. So I'll keep you posted.

Steven Bruce

Well, it'll be interesting to get the feedback from that I will definitely make sure that we publicise it with your permission, Martin, of course, will let people know.

Martin Matthews

To be fair, I'm not sure I'm gonna get any change out of them, really.

Steven Bruce

They'll just tell you, they will get very defensive. Of course, there's a process

Martin Matthews

that obviously there's a process they have to go through, but it's the length of time it took and the judgments of my character having never met me or spoken to me that I particularly object to, so I'd be interested to see what they can. Yeah.

Steven Bruce

And most of the things that you are concerned about, especially that delay in getting things done will apply to virtually every other person who is the subject of a complaint. And it's something that I've got some things I hope I'll have time to come on to in a minute in terms of how the regulators are regulated. Old osteo I don't who old osteo is, but that's the name given to me. So as legal advice is essential from the outset, we have to transition from healthcare professional to legal eagle as the process is adversarial. And we need protection from the USC. I know what you mean old osteo. I would like to just again, I'm not I'm not a complete defender of either of the general counsel's but the general osteopathic counsel has no option but to look at every complaint which is sent to it. And yes, it's an adversarial process in the investigating stages. But of course, that's exactly the same as the criminal court. And we don't say the government is responsible when the prosecutor attacks the witnesses in in Crown Court or wherever. But it is the same process. The Professional Conduct

Committee is highly adversarial, but they are doing their job independent of the council itself. I think that's what you meant by that. But your point about legal advice is really, really important and letting the insurers know and getting a solicitor or somebody on board straightaway is very important. At least then you can make sure that somebody else is responsible for making sure you hit the timelines and they should know the key legal terms to use. Martin Cooper says the GRC is completely unaccountable. If APM can help me complain, I'd love to talk about it. Well, that's kind of we've got a couple of minutes left. We'll do that. I spoke to you Martin about the fact that the the two general councils or regulators are regulated themselves by the Professional Services Administration. And I have got their reports somewhere on this table for the last year into the general osteopathic Council and the general chiropractic Council. The general chiropractor general osteopathic counsel got full marks on all of the things that they investigated, so there were no problems including fitness to practice. The general chiropractic council was marked down by one point out of five on fitness to practice and I think that was because they had got worse in their timeliness in dealing with complaints. So you will be reassured I know Martin to hear that the nine months or so that it took them to deal with your complaint is perfectly acceptable as far as the the regulators were regulator is concerned?

Martin Matthews

Well, I could have slept much more easily at night if I'd known that to start with. So

Steven Bruce

I guess the fact is here, I was looking into this recently it you're not allowed to complain to the PSA. So you'd have to complain to the grsc. And I will be looking into seeing how if you do complain to the grsc through their formal complaints mechanism, how that filters back to the professional services agency administration, to make sure that they know that people are not happy with what's going on. I'd love to follow up on that later because we're nearly out of time. Kim White says Just to clarify, do you have to get written consent every time you treat or is it okay to say notes, verbal consent given? I'm a bit of a pedant Kim oral consent, which is somebody says it to you is acceptable provided you yourself write it down in the notes. You don't have to have written consent at any stage apart from particularly intrusive examinations, such as PR exams. And I think there are a couple of other things that you might have to do, but they'd be very extreme. For the normal treatments that we do. Oral consent is absolutely fine, provided you record it yourself. Morgan has asked the same question. And Martin says Martin was talking about the GRC being completely unaccountable. What would your advice be to people? This Martin here

Martin Matthews

would be too, my advice to everybody is to make sure their notes are good enough, because if they're not, I feel you'll be judged as being guilty before you even start. So and you have to prove your innocence. I felt very much along the way here that I was guilty until I prove myself innocent. And if your notes aren't good enough, and mine were good enough, but actually could have been better a bit scruffy really. But if your notes aren't good enough, you've got no chance. We've

Steven Bruce

all been there Marcin, haven't we I can remember when I used to take handwritten notes that, first of all, I couldn't read my own handwriting afterwards, because I was doing them in a hurry. But I would condense my 30 minute treatment or whatever it might have been to five lines or thereabouts much of the time, because what I was going to say was pretty much the same as had gone on in previous treatments. So you don't write an awful lot, do you. But that meant about consent is

very, very important. We've had a couple of people here saying they really appreciate you sharing this with us, Charlotte and Mike in particular, saying it's invaluable insider info, and it lifts the curtain for those who haven't yet had this happen to them. So thank you. And Mark, Mike says You're a legend for sharing the case. And he feels for you. Yeah, I'd like to thank you, Martin. Because, like I say, I've seen a number of people who've gone through this. And of course, there are people who were guilty of appalling things. And they should be rightly improperly sanctioned either in the PCC or in a criminal court. But for most practitioners when this happens, and it could happen to any one of us, we just one malicious patient or, or even someone with mental health problems, who just wants to blame you for something that hasn't gone, right? It could happen. And we need to protect ourselves from you know, all the stuff that you've heard about here as best we can. It is worth bearing in mind that the only sanctions that the general counsel's have is to put you under conditions of practice where you have to basically be supervised by somebody else, or they can suspend you temporarily or they can strike you off the register. Now, you might, you might think that conditions of practice will be a bit embarrassing, but it will be manageable. I certainly thought when the complaint was raised against me, but I practice very little in clinic now because I'm here most of the time in APM. I thought, well, if they strike me off, I will actually make a point of this. And it'll be a I hate to say it'll be a selling point because I will make a big song and dance about it. But it won't influence what I do. And if I want to treat patients, I will simply take the word osteopath out of my title. What they cannot do is they cannot impose any sort of financial penalty, so they can't make you pay compensation. Patients, on the other hand, could use this as a vehicle, as I said earlier for going to a criminal court and saying right, PCC found in my favour, I've got a good chance of a criminal conviction here, or a civil conviction where I could get compensation. So that's one of the things we have to worry about. There have been just again, just under 500 People 470 People watching us this lunchtime, Martin. So as always, fitness to practice is quite an important issue for everyone. There's lots more we could discuss, and we could get into the technicalities of this and I'm sure I'll get the general counsel's back on the show from time to time to defend themselves or sell themselves whichever way they look at it. But yeah, thank you so much for for taking the time to share all that because I know it's painful stuff and you've got lots going on. I'm

Martin Matthews

very happy to have done so and I hope it helps other people who might find themselves in the same position. But I think it's important to note as well that almost all our patients are really good people, they're pleasant to treat, and going to work, you know, should be fun. And most days, it is still fun for me to do that. And

Steven Bruce

in so many cases with other people that who've talked about complaints, they've said that there was just there was something odd about the patient they treated at the time, but they were just trying to do their best for them. And funnily enough, that was the patient who produced the complaint and whether that's common or not, I don't know. Anyway, thank you again, Martin. I hope that's been useful to you, as you as you've heard there, if a complaint is raised, get in touch with your insurance straightaway. If you're a member of a formal body, then get in touch with them and see what support they offer. As a member of APM we will always go away beyond to help you out in the circumstances, wherever we can. So do come to us as well. Anyway, we are out of time. And as usual, it's a long way before we finished all the things that we could have been talking about. That's it for today. See you soon. I hope you enjoy the rest of your day. Goodbye. Bye