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**REPORT OF PROFESSIONAL CONDUCT COMMITTEE FOLLOWING AN INQUIRY
HELD PURSUANT TO SECTION 58 OF THE HEALTH AND SOCIAL CARE
PROFESSIONALS ACT 2005 ("THE ACT of 2005")**

Name of Registrants: Mr David Carpenter

Registrants in Attendance: Yes

Registration Board: Physiotherapists Registration Board

Register: Register of Physiotherapists

Registration No: PT024178

Registered Address:



Case Number: C415

Date of Inquiry: 08th November 2024

Members of Inquiry Committee: Dr. Shane McCarthy, Chairperson
Nicola McLaughlin, Registered Professional Member –
Physiotherapist
Esther Purcell, Registered Professional Member –
Medical Scientist

Legal Assessor: Thomas Hogan SC

Appearances:

For the Registrar: Caoimhe Daly BL, Instructed by Ruth Gahan Fieldfisher
Solicitors

For the Registrant: Eoin O’Cuilleainain BL, Instructed by Martina Ward-Clancy
Hayes Solicitors

Hearing in Public



The Nature of the Complaint that resulted in the Inquiry

This Complaint (C415) was made by the Council of CORU over concerns in relation to the Registrant's engagement with CORU during the consideration of Complaint C341 including representations that he made to the PPC that the person who treated the Complainant (in Complaint C341) was a physiotherapist and the fact that the front page of the Complainant's record which the Registrant submitted appeared to be titled "Initial Physiotherapy Assessment" despite the fact that the assessment was carried out by a non-registered athletic therapist. This gave rise to a concern about whether the Registrant through his operation/supervision of the relevant practice, its employees and/or contractors was responsible for the representations that certain individuals were registered physiotherapists when they were not.

The PPC was of the view that that Complaint (C341) did not meet the threshold of seriousness required for a referral to inquiry.

In the course of considering Complaint (C314) the Council directed further investigation of the circumstances of the complaint and thereafter made a further complaint (C415).

The Preliminary Proceedings Committee (the "PPC") formed the opinion that there was sufficient cause to warrant further action being taken in Complaint (C415) and referred the complaint to a Professional Conduct Committee under section 56(1)(b) of the Act of 2005.

The PPC referred the complaint (C415) to the Fitness to Practise Committee for an inquiry on the grounds of professional misconduct and poor professional performance.

The inquiry proceeded before any notice of inquiry had been served.

Evidence presented to the Committee

The Committee did not hear evidence from any witness(es) called on behalf of the Chief Executive Officer or on behalf of the Registrant.

The Committee considered the following exhibits:

1. Core Book.
2. Booklet containing CPD certificates, Communication Course certificates, Leadership Course certificates, Ethics Course certificates, DC Team, door signs and badges.
3. Proposed (amended) undertaking.

Undertakings and Consent

The Committee did not make any findings either of fact or in relation to the substantive allegations (misconduct and poor professional performance).

The Committee requested that the Registrant provide undertakings pursuant to s. 61 of the Act 2005, and consent to being censured by the Council pursuant to s.61(1)(d) of the Act of 2005, in the following terms:-

1.
 - (a) Not to repeat the conduct the subject matter of the complaint pursuant to s. 61(1) of the Health and Social Care Professionals Act, 2005 (as amended); and
 - (b) to ensure that athletic therapists and physiotherapists wear name tags stating their names and professional credentials; and
 - (c) to display clear and visible signage outside treatment rooms to indicate that both athletic therapists and physiotherapists are employed in the clinic; and
 - (d) to display clear and visible signage outside treatment rooms to indicate whether an athletic therapist or physiotherapist is working in a particular treatment room; and

- (e) to produce electronic leaflets and/or brochures (if produced) for the clinic to introduce the different members of the healthcare team working at a given time, together with their professional credentials and roles; and
 - (f) to explain the different professions and roles of athletic therapist and physiotherapist to patients during their initial appointment in the clinic if relevant to the consultation; and
 - (g) to create website profiles for healthcare team members to indicate their professional credentials and role in the clinic.
 - (h) to ensure that any social media and/or digital advertising/information identifies the different professions and roles; and
2. To consent to being censured.

Rationale for requesting Undertakings pursuant to Section 61 of the Health and Social Care Professionals Act, 2005 (as amended) and consent to being censured by the Council pursuant to s.61(1)(d) of the Act of 2005:-

1. The Committee considered all of the circumstances of the complaint, the documentation provided to it, the CORU Sanction Guidance Notes, the submissions of the parties and the advice of the legal assessor.
2. The Committee was satisfied from the detailed outline of the circumstances giving rise to the complaint and the extensive submissions that it had a clear understanding of the case, the nature of the allegation and the evidence likely to be adduced were the inquiry to proceed to a full hearing.
3. The Committee was of the view that the conduct in question was serious. It is of paramount importance that members of the public seeking the services of a physiotherapist receive treatment from a registered physiotherapist and no one else.
4. The Committee was of the view that the failure on the part of the Registrant to expressly make clear by whom treatment was being provided was a serious omission.
5. The Committee took on board the views of the CEO who supported the application.
6. The Committee was satisfied that the undertakings requested are proportionate and workable and sufficient to address the specific concerns in the case.
7. The Committee accepted that the Registrant had demonstrated insight in relation to his conduct. The Registrant had already taken steps in his clinic to ensure that the distinction between physiotherapists and athletic therapists was clear, he had undertaken further education on ethical principles and values and had never previously been the subject of a complaint.

8. The Committee was satisfied that the sanction of censure was proportionate in all the circumstances.
9. The Committee believed that the undertakings and consent to censure shall protect the public, uphold the standards of the profession and maintain public confidence in the profession.

At the hearing on the 8th November, 2024, the Registrant (under oath) gave the proposed undertakings and consented to being censured.

Signed 
Dr. Shane McCarthy **Chairperson**

Date 18th November 2024