

BOUNCET INNOVATIVE OCCUPATIONAL THERAPY CIC

Rebound Therapy

Introduction

Bouncet Innovative Occupational Therapy CIC (“BounceOT”) is an occupation-focused and activity-based social enterprise supporting children and adults with disabilities. Their mission is to improve the quality of life and participation in meaningful activities for children and adults with disabilities. Their services include rebound therapy, which is a form of fun and inclusive therapeutic play making use of a trampoline. BounceOT has intimated to it’s a solicitors a concern that BounceOT may be the target of an organised campaign that is designed to undermine its business. The purpose of this Note is to address some of points that have been raised in communications addressed to recipients that include members of the BounceOT team, BounceOT’s customers and their contacts.

Information about BounceOT and the Use of Rebound Therapy in Occupational Therapy

BounceOT is registered on Companies House with registered number SC563848 and has been since 20th April 2017. It is a Community Interest Company and has six directors who are responsible for all governance of the social enterprise: (1) Sandra Craig; (2) Sharon Craighead; (3) Callum MacKinnon; (4) Jasmine Miller; (5) Kris Procek; and (6) Mikaela Shalders. Sharon Craighead, Callum MacKinnon and Mikaela Shalders are all qualified Occupational Therapists, and each are registered as such with the Health & Care Professions Council (HCPC) as Occupational Therapists. Their registration numbers are OT21733; OT75956; and OT74240 respectively. Mr MacKinnon is listed on Companies House as a Person with significant control of BounceOT. Mr MacKinnon acts as BounceOT’s Executive Director, whilst the other five Directors act as Non-Executive Directors. In terms of BounceOT’s Articles of Association, a Non-Executive Director can only receive remuneration for volunteer expenses – whereas an Executive Director can work as an employee of the company.

We are advised that, within the occupational therapy industry, there is very little in the way of professional publications and literature relating to the topic of rebound therapy. In a situation such as this, occupational therapists draw on extensive research and evidence which is published within the wider health care industry and, for rebound therapy specifically, publications within physiotherapy.

Is ‘Rebound Therapy’ a Registered Trade Mark?

No. Rebound Therapy is a method which has become widespread throughout the physiotherapy trade and it is an indication used to refer to therapeutic use of a trampoline.¹ An application for registration of the mark ‘Rebound Therapy’ was made by Paul Kaye and Edward Anderson on 20th April 2009. The registration process was completed on 11 September 2009 and, for a period, the mark Rebound

¹ O-520-13 Decision in Application for Invalidity of Trade Mark Registration No 2514068 by The Chartered Society of Physiotherapy at Paragraph 29 <https://www.ipo.gov.uk/t-challenge-decision-results/o52013.pdf>

Therapy was registered in Class 41 and Class 44 (the “Trade Mark”). The Trade Mark was cancelled on 20 December 2013, following an application for invalidation, which was lodged with the Intellectual Property Office (“IPO”) by The Chartered Society of Physiotherapists. In summary, The Chartered Society of Physiotherapists argued that rebound therapy is a common therapy within the physiotherapy field, practiced by many physiotherapists.

In cancelling the application, the Registrar held that the evidence before them unequivocally demonstrated that: (1) a number of physiotherapists around the country have been and still do practice rebound therapy; (2) that there have been a number of different sources of literature produced on rebound therapy, including guidance leaflets, journal articles and newsletter articles; (3) that there was a working group on rebound therapy, which was facilitated by The Chartered Society of Physiotherapists; and that student physiotherapists study rebound therapy as a method of physiotherapy. Bearing this in mind, the Registrar concluded that rebound therapy had become widespread throughout the physiotherapy trade to the extent that it appears to be an indication used to refer to the therapeutic use of a trampoline, and that it has become customary in the trade.

Is Rebound Therapy International Ltd the governing body of Rebound Therapy?

No. There is no one organisation that physiotherapists or occupational therapists have to go to in order to be trained in Rebound therapy. In 2016, the Advertising Standards Authority considered an advert by Rebound Therapy Ltd, which implied that its training course was mandatory for all rebound therapy practitioners. In its ruling the Advertising Standards Authority concluded that the advertisement was *‘likely to mislead’* and held that *‘The ad must not appear again in its current form’*. The Advertising Standards Authority *“told Rebound Therapy Ltd² to ensure that they did not suggest that the term ‘rebound therapy’ could not be used without their permission, or that their course was mandatory for prospective practitioners.*³

Following the decision, The Chartered Society of Physiotherapists issued a statement to reassure healthcare professionals that no individual organisation has a protected right to provide rebound therapy training courses, and that *“All members who feel competent to practice rebound therapy, or to set up courses in rebound therapy, should feel free to do so”*⁴

Is Rebound Therapy governed by British Gymnastics?

No. The rebound therapy intervention provided by BounceOT is not a trampolining sport. Rebound Therapy is the therapeutic use of the trampoline. It is distinct from gymnastic trampolining. Physios use

² Rebound Therapy Ltd (Company Number 08685965) was dissolved by voluntary strike off on 30 October 2018. At the time Rebound Therapy Ltd was dissolved, the Directors of the company were Shirley Kaye, Paul Kaye and Lois Brooks. Rebound Therapy International Ltd (Company Number 11224372) was incorporated on 26 February 2018. The Directors and Shareholders of the company are Shirley Kaye, Paul Kaye and Lois Brooks.

³ <https://www.csp.org.uk/news/2016-06-22-asa-upholds-csp-complaint-over-misleading-rebound-therapy-ad>

⁴ <https://www.csp.org.uk/frontline/article/adviceline-rebound-therapy>

this approach to facilitate rehab programs for adults and children with a wide range of abilities.⁵ As Occupational Therapists, Mrs Craighead, Mr Mackinnon & Ms Shalders' professional body is the Royal College of Occupational Therapists. Their regulator is the Health & Care Professionals Council (the "HCPC"), and as such, Mrs Craighead, Mr Mackinnon & Ms Shalders are obliged to adhere to the HCPC's Standards of Conduct, Performance and Ethics.

For the sake of completeness, please note that Scottish Gymnastics is the body responsible for the governance of gymnastics in Scotland. As noted above, however, Rebound Therapy is distinct from gymnastics, and the Standards of Conduct, Performance and Ethics to be upheld by Mrs Craighead, Mr Mackinnon & Ms Shalders are those of the HCPC.

Communications received by BounceOT Customers and Contacts

During the period March to April 2023, three of BounceOT's customers/contacts received a complaint. These complaints have all been considered by the respective customers/contacts and subsequently closed without any action being taken. The complaints were made in the name of the same complainant ("Complainant A"). In each instance, Complainant A intimated that they were trained by British Gymnastics; and that they had pulled their child out of attending "trampolining services" with BounceOT. None of the complaints name a member of the BounceOT Team or state which facility the child is alleged to have attended. Complainant A provided the recipients with a photograph showing an equipment set up. BounceOT operates a complaints procedure and this is available on every page of their website.⁶ No complaints have been received. It has no record of Complainant A booking or attending any sessions. The photograph provided by Complainer A is one that was publicly available on BounceOT's website. Based on the information provided, BounceOT has been unable to identify a service recipient, family member or care giver that meets the description set out in the complaints.

On 05 April 2023, HCPC intimated to Mr MacKinnon that they, too, had received a complaint against him from Complainant A. HCPC assessed the complaint against their Standards of Conduct, Performance and Ethics and thereafter, on 1 June 2023, intimated to Mr MacKinnon that they would not be taking any further action and that they had closed their file.

Emma Forrester, Partner and Solicitor-Advocate

Ennova Law

27 June 2023

⁵ <https://www.csp.org.uk/frontline/article/advice-line-supply-training-rebound-therapy>

⁶ <https://bouncet.com/wp-content/uploads/2023/03/Complaints-Policy-MAR23.pdf>