

Information for Practitioners

The British Acupuncture Council (BAcC) is the UK's largest professional/self-regulatory body for the practice of traditional acupuncture.

The BAcC was formed both to support its members and to supervise its members for the benefit and protection of the public.

The BAcC's procedures are designed to protect patients and be fair to the people involved. All of its Codes and Procedures can be found on the BAcC website www.acupuncture.org.uk.

In 2013 the BAcC was accredited by the Professional Standards Authority for Health and Social Care under its Accredited Registers programme.

All professional conduct matters and complaints are dealt with by the BAcC's Professional Standards Department which can be contacted by e-mail at ethics@acupuncture.org.uk or by telephone on 020 8735 1202/1213.

Types of concerns we can deal with

The BAcC can only deal with matters which relate to:

- Treatment, care or advice given by a BAcC member
- Any aspect of the professional or personal behaviour of a BAcC member
- The physical or mental health of a BAcC member

Types of concerns we can't deal with

Non-members

Usually the BAcC cannot deal with complaints against non-members.

However, there are some exceptions such as where the complaint is based on an allegation of a criminal offence before the practitioner became a BAcC member.

Compensation

The BAAC cannot grant compensation.

Making a complaint

- We ask complainants to let us have their name, address and contact details and we send them an information sheet similar to this.
- We also ask complainants to send a full written statement of the complaint explaining what happened and the date it happened, together with the full name and address of the member who treated them.
- We ask complainants to send us any further information in support of their complaint at this time. This might include, for example, the names and addresses of any witnesses (together with accompanying statements), any medical reports, photographs etc.
- We ask the complainant to sign a form called '**Form to be completed by complainants**' which gives us authority to progress the complaint.

For reasons of confidentiality, all correspondence sent to the BAAC should be addressed to the **Professional Conduct Officer**. The Professional Conduct Officer reports directly to the Investigating Panel and Professional Conduct and Competence Panel and takes instructions from them. Neither the Professional Conduct Officer nor individual panel members have the authority to pass comment on the specific details of a case over the telephone.

What happens next?

You have received this information sheet, the accompanying letter, complainant's full statement and any other relevant enclosures because the Professional Conduct Officer has decided that it is appropriate to refer the complaint to the Investigating Panel.

At this stage we ask you to sign the form at the end of this document called '**Form to be completed by practitioners**'. You may request copies of our Codes in hard copy or may download them from our website either from the member's area or on the public area.

The BAAC Insurers should be informed of the complaint together with other information.

Complaints are dealt with by the BAAC; claims for compensation are dealt with by the insurers.

You now have 14 days in which to provide a written Response to the complaint. If you do not respond, the case will be heard without your response and without any additional delay. If you have good cause not to be able to respond within 14 days, please contact us about an extension of time.

The complainant will be sent a copy of the Response and may be invited to make comments on it. You will be sent a copy of those comments.

A date will be fixed for the Investigating Panel to meet.

(This is the usual procedure. However, if the case is one in which it is necessary to ensure the protection of the public as a matter of urgency, an Interim Orders Panel will be convened at short notice. More information about the Interim Orders Panel and the orders it can make can be found in the Code of Disciplinary Procedures.)

The Investigating Panel

The Investigating Panel meet in private. You will be informed of the date and time of the meeting, but neither you nor the complainant will be present. You will also be informed of the names of the members of the Investigating Panel in case you wish to object to any of them hearing the matter due to a conflict of interest.

The Investigating Panel is a filtering panel and its role is to determine whether the allegation(s) should be considered by the Professional Conduct and Competence Panel. Having considered all the evidence before it, the Investigating Panel will decide whether there is a realistic prospect of a finding of impairment in relation to any allegation.

If the Investigating Panel decides that there is a realistic prospect of a finding of impairment, a date will be fixed for a hearing by the Professional Conduct and Competence Panel.

If the Investigating Panel decides that there is not a realistic prospect of a finding of impairment, they may

- Request further evidence
- Refer the matter to the Interim Orders Panel
- Instruct a Technical Advisor
- Take no further action
- Ratify an Action Plan
- Issue a Letter of Advice

The Professional Conduct and Competence Panel

The Professional Conduct and Competence Panel hearings are in public. You have the right to attend the hearing, to give evidence and to make oral submissions either yourself or through a legal representative. You may also call and cross examine witnesses.

Please note that under the Consensual Disposal provisions, you can admit all or the majority of the allegations and there would not then be a hearing. Instead, the Professional Conduct and Competence Panel will meet in private to decide what sanction(s) to impose on you.

The following sanctions are available to the Professional Conduct and Competence Panel:-

- Caution ; and/or
- make an Order imposing conditions with which the you must comply while practising as an acupuncturist (a Conditions of Practice Order); and/or
- order the Registrar to suspend the your registration for the period specified in the Order (a Suspension Order); or
- order the Registrar to terminate your registration for a minimum of two years (a Removal Order);
- and/or make a Costs Order.

It is also open to the Professional Conduct and Competence Panel to take no further action, even if a finding of impairment is made.

Costs

As you know, your BAcC insurance covers your legal fees. This gives you access to a high quality firm of solicitors and a barrister to represent you at the hearing (if there is one).

What you may not know, is that you could still be subject to a **Costs Order**.

It costs the BAcC several thousand pounds when a hearing takes place. It is not considered fair for other BAcC members who have not been subject to disciplinary proceedings to pay for this from their membership fees. Like many other professional bodies, the BAcC can issue a Costs Order at the end of a hearing. This means that if a Costs Order is made, you will have to pay a reasonable contribution towards the costs of the hearing.

However, there are situations in which you might not be subject to a Costs Order:-

1. If the panel dismiss all the Formal Allegations
2. If you admit the Formal Allegations and it is appropriate for the panel to impose sanctions without a contested hearing

Your solicitor and barrister will be able to give you further advice regarding Costs Orders.

Appeals

It is possible to apply for a review of a decision made by the Professional Conduct Officer or the Investigating Panel not to refer the case to a Professional Conduct and Competence Panel. The application for review must be made **within 28 days from the date on which the decision not to refer the case was made.**

It is also possible to appeal against a decision of the Interim Orders Panel and the Professional Conduct and Competence Panel. The appeal must be made **within 28 days from the day on which the order or sanction was made.** Appeals must be made in writing.

General information

In the event of delays caused by slow responses to information requested we will regularly update you on the progress of your case. Please note that it can take time to gather information and that it is not possible for us to give a time estimate as to how long it would take for a particular complaint to reach its final stage.

Form to be completed by Practitioners

The signature below confirms that you:

- understand the procedures detailed in the sheet 'Information for Practitioners'
- understand that in the course of the investigation full statements and correspondence may be copied to either party for comment
- agree that any records or notes which are released by you may be seen and reviewed in the course of the investigation and any further action
- understand and agree that any records or notes may be seen and reviewed by a Medical, Legal or Technical Assessor appointed to advise the Professional Conduct Panels (the Investigating Panel, Health Committee, Professional Conduct and Competence Panel, Interim Orders Panel, Appeals Panel, Restoration Panel)
- are aware that this process is confidential to the parties involved and that any information supplied must be treated as such
- understand that in the event that the allegations against you are investigated and are found to be well founded that your name will be published on the British Acupuncture Council website or in the Acu or other publication setting out the section of either the Code of Professional Conduct or Code of Safe Practice of which you were found to be in breach and the steps (if any) taken by the Committee against you
- understand that if a suspension order is made against you your name will be published on the British Acupuncture Council website or in the Acu or other publication

Name:

Address:

Email..... Telephone:

Signed:Date:

To be returned to:
The Professional Conduct Officer
British Acupuncture Council
63 Jeddo Road
London W12 9HQ
Or ethics@acupuncture.org.uk