

ECCH Guidelines for Professional Conduct Procedures

Second Edition, October 2007



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Note: This policy document is an update of the
European Guidelines for how to Handle Concerns and Complaints, December 2005
It has been produced by the European Council for Classical Homeopathy.
ECCH represents the views and interests of the homeopathic profession in Europe.

Feedback

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Introduction

These Guidelines for Professional Conduct Procedures have been produced by the European Council for Classical Homeopathy. They are an update of the European Guidelines for how to handle Concerns and Complaints (December 2005). The main part of these guidelines sets out the essential elements that registers should have in place for fair and effective professional conduct procedures. Appendix I gives an example of professional conduct procedures.

Why does ECCH need Guidelines for Professional Conduct Procedures?

Homeopaths have a duty of care to patients, but also to the public in general, to themselves, their colleagues and their profession. The expected standards of care, practice and behaviour are to be found in the Codes of Ethics and Practice of the professional registering body concerned. Supervisors and teachers in homeopathy who are members of a professional register will also have to agree to abide by the same Code of Ethics and Practice. Homeopathy graduates should be 'fit to practise' in accordance with the Register's Code of Ethics.

What is a Code of Ethics?

"A Code of Ethics identifies the basic principles of responsible, ethical, safe practice for homeopaths belonging to a named professional register. It establishes the various appropriate boundaries of professional competence (ECCH 2002)."

"A Code of Ethics is in place for the benefit of patients, the development of understanding between colleagues, and the reputation and advancement of the profession (SoH 2004)."

Although all homeopaths probably consider that they understand and practise in accordance with their Register's Code of Ethics, there may be times when patients or colleagues will need to discuss concerns about an aspect of a homeopath's professional behaviour, or make a formal complaint that the Register's Code of Ethics has been breached. An investigation of the matter presents an opportunity for the concerns of the complainant to be heard. It also presents an opportunity for homeopaths to gain insight and understanding into the way they practise. The professional conduct inquiry can help to inform and develop a homeopath's professionalism.

Complaints and concerns often raise very sensitive issues. It is important that registering organisations have procedures in place to deal with these matters fairly, transparently, effectively and efficiently. Professional Conduct procedures will provide the facility to monitor, investigate, mediate, and, if necessary, impose penalties. Each register will have different procedures in place, in part because of different legal requirements in each country. Whatever structures and procedures are in place, the following are considered to be the essential elements required in any Professional Conduct process:

1. Transparency

Professional Conduct Procedures should be published. Registers often choose to add Professional Conduct Procedures to their Code of Ethics, so registered members are aware of both in context. Details about who to contact in order to make a complaint should be given on the Register's web site and in the register of practitioners if it is published in hard copy.

2. Discussion as a first step

Concerns may be raised by patients, fellow homeopaths, students of homeopathy, supervisors, teachers or providers of homeopathy education and training. A first step in the process is for the person having a concern to discuss the matter directly with the homeopath concerned. If the concern is not resolved at this stage, the matter should be discussed with the person appointed by the Register to deal with professional conduct concerns.

3. Who manages the process?

Registers may choose to appoint a member of their board to be the first contact person with whom to discuss any concerns. It is also possible to appoint, or employ someone who is not a board member. Some Registers appoint a patient/lay person to chair their Professional Conduct Investigating Committee. Because matters raised as concerns are often complex, a Register might want to appoint a committee who will jointly discuss any concerns raised and decide how to proceed.

4. Confidentiality

It is very important that all information given and received, verbally and in writing, is kept confidential to the people appointed to deal with Professional Conduct matters. Confidentiality maintains the integrity of the process.

5. Impartiality

It is important that everyone dealing with these matters at every stage has no personal involvement with either the person raising the concern or the homeopath implicated.

6. Mediation

When a concern is first raised, the appointed person or committee will find out the facts of the matter from everyone concerned and try to bring about an understanding through mediation. Mediation will offer all people involved an equal opportunity to put their views and to listen to the others' experiences. Mediation can give everyone involved better understanding of the situation because it gives everyone involved the opportunity to listen and be heard. Mediation used as a first step often means that the matter can be resolved successfully for everyone concerned without a formal complaint having to be made.

7. Formal Complaint

If mediation is not successful, the person who has raised the concern may want to make a formal written complaint. At this stage formal procedures will be followed to ensure the complaint is dealt with fairly and transparently.

8. Full hearing

A full hearing may need to be put in place. This will involve another person, often called a Convenor, who has had no prior involvement in the matter, appointing and chairing a panel to formally consider written and then verbal evidence from everyone involved. Registers may decide whether expert witnesses and legal representation will be allowed to support both the complainant and the person against whom the complaint is made.

9. The Panel

Panel members may be homeopaths and lay people. They should have had no prior involvement in the matter, and should be independent of the Register's Professional Conduct department.

10. Findings

The panel will make a recommendation following the hearing. Some Registers will need to have that recommendation ratified by their board, or appoint another panel to formally agree the findings from the hearing.

The panel may find there was no case to be answered, or they may find in favour of the complainant, and impose a penalty on the registered member. The penalty may be one, or a combination of, the following:

- a warning
- a demand to give a written undertaking not to re-offend
- a reprimand
- reparative action
- reflective accounting
- a suspension
- an expulsion from membership
- recommendation for counselling or supervision or training
- mandatory counselling, supervision or training

11. Appeals

There should be an appeals process in place. Appeals can usually only be made in certain circumstances, and in a defined timescale. Appeal Procedures should be an integral part of the Professional Conduct Procedures.

12. Appeal panel.

If an Appeal is held, members of the Appeal panel will have had no earlier involvement with the matter. The findings of the Appeal panel are final.

13. Publication

The Register may decide to publish an announcement of a suspension or expulsion from the register or any other penalty imposed on a member, usually only giving the name of the member, and the formal grounds for the suspension or expulsion.

14. Defined timescales

All formal processes used should have defined timescales. These will be published as part of the Professional Conduct Procedures

15. Administration

Professional Conduct Procedures should also include information on administration of concerns and complaints, record keeping, notification to all parties of decisions made and specifications regarding expenses.

References

British Association for Counselling & Psychotherapy. (2006) Professional Conduct Procedures http://www.bacp.co.uk/ethical_framework/prof_conduct.php (03.12.2007)

European Council for Classical Homeopathy. (2002) European Guidelines for Code of Ethics Ethics, November.

Irish Society of Homeopaths. (2002) Disciplinary and Grievance Procedures.

Society of Homeopaths. (2004) Code of Ethics and Practice, August. <http://www.homeopathy-soh.org/about-the-society/documents/CodeofEthicsApr04.pdf> (03.12.2007)

Appendix I

Disciplinary and Grievance Procedures, Irish Society of Homeopaths

ARBITRATION AND DISCIPLINARY PROCEDURES

31. Failure by a Full Member to observe the provisions of either these presents or the Code of Ethics of the Society or any other standards or regulations made by the Society may render them subject to arbitration and/or disciplinary procedures, upon receipt of a complaint against them.

64. The Committee shall appoint one of its members to be the Arbitrator who shall be responsible for the maintenance of standards within the Society and to investigate all complaints against Full Members.

65. Complaints received by the Society concerning Full Members shall be referred to the Arbitrator and the member concerned and the Registrar shall be notified without delay of the fact that a complaint has been made against them.

66. Enquiries into complaints must be made impartially by those involved and they shall conciliate, where possible, by frank discussion and exchange of letters. The Arbitrator shall endeavour to resolve the complaint where necessary in consultation with one other Committee member and/or specialist advisors. The results of investigations and mediations shall be made known in writing to both the complainant and the member involved, and a report made to the Committee.

67. Where conciliation has proved unsatisfactory or unacceptable to any of the parties involved, or to the Committee, the disciplinary procedure, referred to at Articles 68 to 77 shall be followed.

DISCIPLINARY PROCEDURES AND DUTIES OF THE CONVENOR

68. The Arbitrator shall appoint a Convenor who shall be a Registered Member to conduct the hearing. More than one Convenor may be appointed to hear different cases occurring at the same time.

69. The Convenor shall appoint a mutually agreeable Registered Member to be supportive of the homeopath who is subject to the disciplinary procedure and a Registered Member to represent the complainant, if so desired.

70. The Convenor shall notify all parties and invite them to appear at a hearing with or without representation and any witnesses on their behalf. The Convenor shall also seek from each party written statements of all allegations, evidence, or other relevant material they wish to be available at the hearing. Copies of such documents shall be sent to each party at least twenty-one days before the hearing.

71. The Convenor shall arrange a time, date and place for the hearing, notify all parties at least twenty-one days beforehand and shall nominate and ensure the attendance of a panel

of three Registered Members, who are not Committee members, and one other person who is neither a member of the Society nor a homeopath, with full voting rights in this instance.

72. Where the homeopath under investigation is a member of the Committee, the panel may suspend them on the basis of the written submissions, until a final decision is made.

73. The Convenor shall attend the hearing, as an observer, but may take no part in its decision.

74. The Convenor shall communicate in full confidentiality, within seven days, the decision of the hearing to the Committee members, for ratification at the next meeting. Upon ratification by the Committee the Convenor shall notify, in writing, within seven days, the decision of the Committee to the complainant and the member, giving the latter notice of their rights to appeal.

THE PANEL IN DISCIPLINARY HEARINGS

75. The panel, as convened, shall consider all written and oral evidence presented to it by all parties and witnesses attending the hearing.

76. The panel shall dismiss a case unless they consider beyond all reasonable doubt that the member has contravened or insufficiently observed any provisions of these presents or the Code of Ethics of the Society or any other regulations of the Society. In this instance, the panel shall impose a penalty on the member from the following categories: a warning; a demand to give a written undertaking not to re-offend; a reprimand, a suspension; an expulsion from membership. The panel may, in addition or as an alternative to the above penalties, recommend that a member should embark on a period of counselling or supervision or training which is relevant to the matter in hand.

77. The panel shall make its report to the Convenor within twenty-eight days of completion of the hearing.

78. The Committee shall have the discretion to reimburse any reasonable out of pocket expenses incurred for work undertaken in the course of a panel hearing.

APPEALS

79. A Full Member can, within twenty-eight days of the date of the notice of the decision of the Committee, give written notice of their intention to appeal to the Society. Such notice shall state therein the grounds for such an appeal.

80. An appeal may be made on the grounds that:

(a) there is evidence which was not available at the panel hearing; or

(b) there is evidence that procedures were not properly followed; or

(c) the appellant considers that he/she has been unjustly or unfairly treated in the adjudication process generally.

81. Within three calendar months of receipt by the Society of the notice of intention to appeal, an appeal hearing shall be convened by the Secretary of which at least twenty-one days notice in writing shall be given to all Registered Members of the Society.

82. An appeal meeting shall be held in camera, consisting of twelve Registered Members, of whom eight shall be a quorum, who are neither members of the Committee nor the panel, the appellant with or without representation and the Arbitrator with or without representation.

83. Both parties to the appeal may supply written evidence in advance to be sent with notice of the meeting and provide written and oral evidence to the appeal meeting and to call any witnesses on their behalf.

84. Upon completion of the evidence from both sides, the Registered Members to whom the case has been presented shall make their decision. A decision of at least three-quarters of those members shall be final. In the absence of such a majority, the appeal shall be upheld and the decision of the panel set aside.

85. Within seven days of the appeal decision, the Secretary shall notify the complainant and the member concerned and any suspension or expulsion shall commence fifteen clear days from the date of such notice. All outcomes of the arbitration and disciplinary procedure shall be made in writing to the Registrar by the Arbitrator, who shall keep a confidential copy.