

# COLLEGE OF INTEGRATED CHINESE MEDICINE

## COMPLAINTS PROCEDURE FOR PATIENTS WHO ARE TREATED BY STUDENTS

### About this procedure

This complaints procedure exists in order to ensure that the interests of the public are protected in any dealings with College student practitioners and to protect the rights of the student practitioner. All student practitioners agree to abide by the British Acupuncture Council (BAcC) Code of Professional Conduct and Code of Safe Practice and the College Code of Conduct in the Teaching Clinic and this complaints procedure enforces these codes during the time that students are treating under the auspices of the College of Integrated Chinese Medicine.

The purpose of these rules and procedures is twofold: to ensure that complaints against student practitioners are examined and dealt with in a clear and impartial manner and to clarify what happens once the formal process of a complaint has been initiated.

The College also encourages both potential complainants and student practitioners to do whatever is possible through informal mediation to resolve differences and difficulties before initiating formal procedures. It recognises, however, that it would be unreasonable to ask this of either party in circumstances where the seriousness of the alleged offence or the breakdown in mutual trust makes mediation unlikely to achieve a satisfactory resolution. Accordingly, the route of mediation is not compulsory.

The College in framing these rules and procedures, therefore, has tried to ensure that the interests of both practitioner and the public are properly and adequately represented and that its processes are straightforward and transparent.

### Initial clarification of details

If a complaint is received verbally or in writing, from a patient this is passed on to the Dean and Programme Leader for Professional Practice who will undertake to go through the following steps:

- 1) If the complainant so wishes s/he will be sent a copy of the BAcC's Codes of Professional Conduct and Safe Practice and the College Code of Conduct in the Teaching Clinic.
- 2) The complainant is asked to provide a full written statement of the complaint and to sign and return a form shown below which includes full contact details.
- 3) When the official complaint has been received, a copy of the full statement is sent to the student practitioner about whom the complaint has been made.
- 4) The student practitioner is asked to provide a written response within 7 days. This practitioner is also instructed to have no further contact with the complainant, and cautioned that any further attempts by them to resolve the complaint, especially the

offering of financial inducements or other benefits in kind, may be construed as unethical behaviour and may of itself lead to disciplinary action.

- 5) If the complainant is being treated in the College Teaching Clinic s/he will be offered treatment with an alternative student practitioner. The original student practitioner will be told to make no contact with the patient.
- 6) The Management Committee shall discuss the case as soon as possible either at its next meeting or, if this is not within two weeks, at a specially convened meeting.
- 7) The Management Committee can request or gather further information in several ways:
  - a) The student practitioner's response to the complaint may be copied to the complainant whose comments may then in turn be copied to the student practitioner for a further and final response
  - b) the student practitioner can be asked to supply copies of their original notes and practice diaries
  - c) the complainant may be visited by a clinical supervisor to clarify details of the allegation
  - d) third party(ies) may be asked to provide relevant information or evidence
  - e) the Management Committee may seek the advice of a lawyer.

#### **On completion of enquiries**

- 8) Once all enquiries are completed the Management Committee shall review all of the information.  
The Management Committee may decide that:
  - a) the case should be referred to a Professional Conduct sub-committee made up of one Clinical supervisor, one practitioner who has more than ten years experience as a practising acupuncturist and one member of the College Management Committee.
  - b) the student is immediately suspended in order to protect the public. In the case of suspension, a report will be made in summary form but this will not over-ride the duties of the Management Committee and any sub-committee to complete the investigation and hearings in accordance with the provisions of this procedure.
  - c) there is no case to answer.
- 9) Both the complainant and the practitioner will be informed of the Management Committee's decision within 14 days of the meeting at which it was made.

In the event of delays caused by gathering any information that has been requested, the Dean will regularly update the complainant in writing on the progress of the case.

#### **Rules of procedure for meetings of the Professional Conduct sub-committee**

##### **Notice of Meeting**

- 1) The Dean shall give notice to the student practitioner against whom the complaint has been made and to the complainant of the date, time and place of the meeting of the Professional Conduct sub-committee.
- 2) The notice of the meeting shall be not less than four weeks from the date set for the meeting.

### Order of the meeting

- 1) The Dean will read out the allegation and briefly state the measures taken by the Management Committee to investigate the allegations and on the basis of which the allegation has been referred on to the Professional Conduct sub-committee.
- 2) The order of proceedings is that:
  - a) The Professional Conduct sub-committee will take evidence, either written or oral, from the complainant of the alleged breach by the student practitioner of the Code of Professional Conduct, the Code of Safe Practice or the College Code of Conduct in the Teaching Clinic
  - b) The student practitioner will present her/his case and may call or produce evidence in support of her/his defence. The student may have legal representation if s/he wishes or may bring a peer for support
  - c) The Professional Conduct sub-committee will hear further submissions and evidence which it considers relevant.
- 3) Any witness called to give oral evidence can be cross-examined and re-examined, and can be questioned by the sub-committee.
- 4) At the discretion of the sub-committee the complainant can exercise the right not to give evidence in person, and to refuse direct cross-examination by the student practitioner.

### Documentation

- 1) The Professional Conduct sub-committee may consider the case on the basis of any or all reports, written statements and documents prepared during the procedures and any other reports, written statements and documents which the student practitioner may choose to submit.
- 2) Both the complainant and the student practitioner shall provide the Dean and Programme Leader for Professional Practice, for circulation to each other, with lists of all documents to be produced at the meeting and copies of all documents therein listed at least 14 days before the date of the meeting.
- 3) Both the complainant and the student practitioner shall provide the Dean/Programme Leader for Professional Practice, for circulation to each other, with a list of any authors of documents supplied by each to the other in the preceding paragraph whom they require to be in attendance at the meeting.
- 4) Where an author of a report is required to attend, her or his documentary evidence shall not be admissible without the author's presence to give oral evidence save where the content of the report is agreed or otherwise at the discretion of the Professional Conduct sub-committee.
- 5) The Professional Conduct sub-committee is empowered to require further witnesses both of its own motion and of that of either party without due notice to the other as in the rules above, and may also require a person to attend before it to produce documents.

### **Attendance at Meetings**

- 1) The meeting will take place in private.
- 2) The Professional Conduct sub-committee may deliberate together in the absence of the parties, their representatives and the public at any time.

### **Adjournment**

- 1) The Professional Conduct sub-committee may adjourn the meeting from time to time as it thinks fit.
- 2) The Professional Conduct sub-committee may in particular adjourn any meeting where it considers that an allegation is well founded in order to deliberate on the terms of any conditions of practice order or suspension order that it is minded to make.
- 3) If the meeting is adjourned, the Professional Conduct sub-committee shall announce the date, time and place to which the proceedings are adjourned or instruct the Dean/Programme Leader for Professional Practice to give adequate written notice within these rules of any reconvened meeting.
- 4) The Professional Conduct sub-committee may proceed with a meeting resumed after an adjournment in the absence of parties present at the first meeting if it is satisfied that adequate notice was given of the reconvened meeting.

### **Findings of the committee**

- 1) Following the hearing, the Professional Conduct sub-committee may decide that the student practitioner:
  - a) Has committed a breach of the BAcC's Code of Professional Conduct or Safe Practice or the College Code of Conduct in the Teaching Clinic, or
  - b) There is no case to answer.
- 2) If the allegation is well founded, the sub-committee may take one of the following steps:
  - a) The student practitioner's place on the clinical or pre-qualifying status can be revoked and conditions with which the student practitioner must comply agreed and an action plan created.
  - b) The student may retain her/his place on the clinical or pre-qualifying status but conditions with which the student practitioner must comply are agreed and an action plan created.
- 3) If necessary the student may be suspended or expelled.

### **Notification of Decisions**

- 1) The Professional Conduct sub-committee shall close the meeting in order to consider its decision, and as soon as practicable after that the Dean shall notify in writing:
  - a) the student practitioner of the Professional Conduct sub-committee's decision and its reasons for reaching it, and of the student practitioner's right of appeal
  - b) the complainant of the Committee's decision and the reasons for making it.

- 2) If the Professional Conduct sub-committee dismisses a case, the Dean shall notify the student practitioner and the complainant of that fact as soon as practicable after the hearing.

### Rules of procedure for an appeal against suspension or expulsion

An appeal may be made where:

- a) the student practitioner who has been suspended or expelled asserts that this is not warranted by the nature of the allegation
- b) there have been procedural errors in suspending or expelling the student practitioner. In the case of an appeal the Management Committee shall convene an Appeals sub-committee within fourteen days of the receipt of the appeal for the express purpose of hearing the appeal.

The Appeals sub-committee shall consist of one member of the College Council, one clinical supervisor, one practitioner who has been in practice for at least ten years. No member of the Appeals sub-committee may also belong to the Professional Conduct sub-committee.

In order to make its judgement the Appeals sub-committee may:

- a) require the attendance of the student practitioner against whom the suspension or expulsion was made
- b) require the attendance of the Chair of the Professional Conduct sub-committee which made the decision to suspend or expel the student practitioner
- c) require all documentation received by the relevant Committee relating to the circumstances of the student's suspension or expulsion.

In the event that the student practitioner against whom the suspension or expulsion order has been made is required to attend under the above, s/he shall be entitled to be legally represented.

After consideration of the case the Appeals sub-committee may:

- a) confirm the suspension or expulsion order for the reasons specified
- b) in the case of procedural error, reinstate the student practitioner, give instruction to the Professional Conduct sub-committee making the suspension or expulsion order on correct procedure and refer the matter back to the Professional Conduct sub-Committee for further consideration
- c) terminate the suspension or expulsion order.

In the event of a student practitioner being re-instated because of procedural errors, nothing in these rules shall prevent the Professional Conduct sub-committee from re-imposing the suspension or expulsion order by following correct procedure.

The Appeals sub-committee shall notify the student practitioner concerned and the Professional Conduct sub-committee of its decision **within seven days** of the meeting at which the appeal is heard.

There is no further provision in this procedure for further appeal against a suspension or expulsion order.

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