

# Professional Conduct Procedure

---

## 1. Introduction

- 1.1. Membership of the Federation of Holistic Therapists (“FHT”) is a privilege and a responsibility. Membership is granted at the discretion of the FHT acting through its staff and Governing Council who retain the right to suspend or cancel membership of FHT when necessary. All FHT members have a responsibility to uphold the [Code of Conduct and Professional Practice](#) and to act professionally at all times. When an individual has failed to do so either by an act or omission, the following Professional Conduct Procedure will be followed.
- 1.2. This procedure forms an essential part of FHT’s commitment to the protection of the public and the Membership of the FHT. Members are required to inform any client who indicates that they have a complaint or grievance about the existence of this procedure. If requested to do so, the Individuals should inform their clients about how they may obtain further information concerning these procedures. It is the responsibility of the FHT member and any complainants to ensure that they fully understand the Professional Conduct Procedure. Further information may be obtained by contacting the FHT directly.

## 2. Purpose and scope

- 2.1. The procedures set out in this document are relevant to those complaints that require the attention of a Professional Conduct Panel for one of the following reasons:
- 2.2. A complainant or member is dissatisfied with the previous outcomes issued by the Investigating Committee.
- 2.3. This procedure is not contractual but is intended as a statement of current policy. The FHT reserves the right to amend this procedure as necessary to meet any changes in requirements.

## 3. Definitions for this document

**Investigating Committee** refers to the Registrar and Deputy Registrar who reserve the right to contact the complainant and/or the member being complained against to request further information in order to accept or reject a complaint.

**Professional Conduct Panel** refers to a panel of three individuals including two independent persons and one FHT Board member. The Panel reserves the right to request the assistance of an expert therapist as deemed necessary by the complaint being investigated.

**Appeals Panel** refers to the panel of three individuals including two independent persons and the FHT President who will hear any appeals made against decisions made by the Investigating Committee or the Professional Conduct Panel. The Panel reserves the right to request the assistance of an expert therapist as deemed necessary by the complaint being investigated.

**Complaint** refers to any expression of dissatisfaction - whether written or verbal – with an FHT member. In order to ensure that we have a full understanding of all complaints to deal with them effectively, the FHT does specify that complaints must be put in writing, using the [complaint form](#) provided.

**Complainant** refers to any individual or institution raising a complaint against an FHT member.

**Lay person** refers to an individual without professional or specialised knowledge in the particular treatment or matter being complained about.

**Professional Conduct Procedure** refers to the procedure against which the FHT reviews its members' standards of practice and service to ensure protection of the general public.

**Register** refers to the FHT Complementary Healthcare Therapist Register that is accredited by the Professional Standards Authority (the Authority) and maintained by the FHT.

**Registrar** refers to the designated individual within the FHT who has the responsibility for admitting member to the Register and removing registrants. The FHT has a Registrar and Deputy Registrar, and complaints may be handled by either person, dependent on the nature of the complaint.

#### 4. Resolution

- 4.1. Before submitting a complaint to the FHT, the Complainant is expected to attempt to resolve the issue with the member and information of any attempt at resolution should be included with the complaint.
- 4.2. If an attempt at resolution is not feasible or is considered inappropriate in the circumstances of the case, the Complainant will be required to provide a written explanation as to why this is the case.

#### 5. Timescales

5.1. We recommend that complaints are made as near to the event as possible to ensure that evidence and details are up to date and accurate. However, we will consider complaints submitted either:

- within three years of the end of the professional relationship; or
- within three years of the date when the Complainant reasonably became aware of the alleged professional misconduct; or
- within a reasonable time of the alleged professional misconduct.

Timescales for each step of the procedure are provided within each section.

## **6. Records**

All records will be kept for a period of 10 years. The FHT reserves the right to reconsider complaints previously submitted if a member has repeatedly breached the Code of Conduct in frequent succession or where a warning has been given for a previous complaint of a similar nature. Exceptions or extensions may be considered depending on the nature of the complaint.

## **7. Making a complaint**

- 7.1. The Investigating Committee will check the allegation as satisfying one or more of the conditions set out in [‘How to raise a concern or make a complaint against a member’](#), referring it back for further information/clarification, if necessary. Dependent on the information received, the Registrar will then decide to accept or reject the complaint.
- 7.2. If the allegation is rejected, the complainant will be notified accordingly. No further action will be taken unless further evidence is received.
- 7.3. If the allegation is accepted as a complaint the Investigating Committee will send a copy of the complaint and its supporting evidence, as well as the procedure to be followed to the FHT member complained against. The FHT member will be given 15 working days to respond. Failure to respond will be considered and may affect membership and insurance.
- 7.4. If the FHT is notified of an ongoing criminal investigation or criminal conviction, complaints of this nature will be handled by the Registrar and the process will be as set out in section 9.
- 7.5. If the FHT receives a complaint after police investigations have concluded, the Investigating Committee reserves the right to refer the complaint directly to the Professional Conduct Panel to commence a review and hearing.

- 7.6. Depending on the nature of the complaint, if the member holds insurance through the FHT, the details of the complaint may be sent to the insurance provider.
- 7.7. In the case of serious allegations of misconduct, the FHT may request that the accused member remove mention of any affiliation to the FHT whilst the complaint is being investigated. This includes the use of membership certificate, membership card, FHT member badge, use of the FHT logo on websites and other literature. The FHT reserves the right to request return of all FHT collateral as it sees fit.
- 7.8. Where deemed necessary an expert(s) in the treatment involved may be asked to assist in reviewing the complaint.

## **8. Lapsed Membership**

- 8.1. Failure to renew membership or associate links by an Individual member during the Professional Conduct Procedure will not normally terminate the process.
- 8.2. An Individual's resignation from membership or association with the FHT after a complaint has been received will not terminate nor invalidate the investigation by the FHT.

## **9. Criminal Investigations**

- 9.1. Where the FHT is notified of an ongoing criminal investigation or criminal conviction, this will result in immediate suspension of membership rights pending further information from the police. The member will be notified of the suspension in writing and as per paragraph 7.6., if the member holds insurance through the FHT, details of the complaint will be sent to the insurance underwriters.
- 9.2. The complaint will not be eligible for examination by a Professional Conduct Panel at this stage as the FHT is not permitted to question the parties involved in a criminal investigation or carry out its own investigation while a criminal investigation is in progress.
- 9.3. Details of said suspension will be updated on the FHT Register under the 'Suspensions' section to include: the member's name, registration number and date of suspension. These details will remain on the webpage for the duration of the criminal investigation, even if the individual's membership lapses.
- 9.4. If an individual is found guilty in a court of law this will result in permanent termination of membership and association with the FHT. Other accredited registers will be notified of any individual that has been removed from the FHT Complementary Healthcare Register for misconduct.
- 9.5. If the criminal investigation has been concluded and the member found not guilty, the complainant has the right to file an official complaint with the FHT, and the

matter will be investigated, and details will be passed to Professional Conduct Panel to examine. The Professional Conduct Panel will take the police investigation outcome into consideration.

9.6. The FHT cannot apply timescales to complaints involving criminal investigations as these investigations are beyond our jurisdiction. All updates on criminal investigations will be provided by the police to the relevant parties.

## **10. Investigation by a Statutory Regulator**

10.1. Where the FHT finds through the monthly review of the HCPC Alert List, or is notified that a member is being investigated, has been suspended or has been struck off by a Statutory Regulator, the FHT reserves the right to issue the same findings to the member concerned. The member will be notified of the decision in writing.

## **11. Professional Conduct Panel**

The Professional Conduct Panel will be made up of three individuals – two lay persons and one of the Governing Council of the FHT. Where deemed necessary an expert in the treatment involved may be asked to join the Panel. The Complainant and Member will be notified in writing of the date of the Professional Conduct Hearing.

### *11.1. Conduct*

11.1.1. It is the duty of all parties involved in the Professional Conduct Panel to comply with the Professional Conduct Procedure. Any failure to comply may result in the termination of the membership and association with the FHT.

### *11.2. Purpose*

11.2.1. The Professional Conduct Panel will decide on the outcome to be issued. Please refer to section 13 for details of potential outcomes/findings.

### *11.3. Declaration of interest*

11.3.1. Members of the Professional Conduct Panel have a duty to declare any interest, which may be considered to affect their impartiality or is likely to be thought to do so.

## **12. The Professional Conduct Hearing**

If required to attend a Professional Conduct Hearing as deemed necessary by the FHT, the Complainant and Member will be invited to attend and provided with any necessary additional information.

### *12.1. Venue*

12.1.1. Professional Conduct Hearings will be held at or within the vicinity of the FHT's Head Office, other than in exceptional circumstances.

12.2. *Presence of a companion/support person*

12.2.1. If required to appear at the Professional Conduct Hearing, either party concerned may be accompanied by a companion for support, but the companion may not speak on behalf of the party concerned.

12.3. *Attendance by witnesses*

12.3.1. The Professional Conduct Panel, Complainant and member may call witnesses to attend the Hearing. Parties wishing to call witnesses must notify the Registrar of the names and details of such witnesses not less than 14 days prior to the date fixed for the hearing. The Panel has discretion to refuse attendance by a witness if it reasonably believes that such attendance is not relevant or will not add any weight to the issue(s) under consideration. The Panel may question witnesses and either party connected with the case. All costs incurred by the member, and/or witnesses, in attending the Hearing will be their responsibility.

12.4. *Written evidence*

12.4.1. The Complainant and Member must submit written evidence and/or submissions and witness statements in advance of the Hearing. The Registrar must receive such papers not less than 10 working days prior to the date fixed for the Professional Conduct Hearing. Such papers will be circulated to the Professional Conduct Panel, the Complainant and the member, at least 5 working days prior to the Hearing. The Professional Conduct Panel may take advice on these papers, any other evidence, and procedural matters from the FHT's solicitor or such other relevant person as may be deemed appropriate.

12.5. *New evidence*

12.5.1. The Professional Conduct Panel will determine whether new evidence will be accepted on the day of the hearing. The Panel's decision is final.

12.6. *Failure to attend the Professional Conduct hearing*

12.6.1. Where a Complainant or Member is invited to the Professional Conduct Hearing and fails or refuses, without good reason or notice, to attend; the Professional Conduct Panel has the power to decide either:

- To proceed with the hearing in the absence of one of the parties;
- To adjourn the hearing to a date not less than 28 days in advance;

- To terminate the proceedings.

What constitutes good reason shall be solely at the discretion of the Professional Conduct Panel.

12.7. Decisions made by the Professional Conduct Panel require a majority.

### 13. Findings

13.1. *Compliant Not Upheld* - If the complaint is rejected by the Investigating Committee at initial submission or close as unfounded by the Professional Conduct Panel after a hearing.

13.1.1. In either of the above circumstances, both parties will receive a summary of the findings report in writing via first class post.

13.2. *Complaint upheld* – If the Professional Conduct Panel find in favour of the complainant, both parties will be notified in writing of the decision. The Panel have the discretionary power to impose one or more the following outcomes.

13.2.1. In instances where it appears that a member's technical competence is below standard, the Panel reserves the right to recommend refresher or further training. If this training is not completed within the timescale set by the Panel at the time of issuing the decision, the member risks receiving a warning, suspension or even the termination of membership, dependent on the severity of the matter.

13.2.1.1. Following a recommendation for further training, to ensure public safety, the FHT reserves the right to remove the member from the Register and Directory until they have fulfilled the training requirement.

13.2.2. *Warnings:*

13.2.2.1. Stage 1 - First Warning

If as a result of the Professional Conduct Hearing, action by the member is deemed necessary, then a formal warning will be given to them (confirmed in writing). This warning will give details of the following:

- A description of the conduct or performance complained of
- In a case where improvement is required, the nature of that improvement and how the member is expected to achieve this must be specified. The period in which this improvement (if any) is

expected to take place and the need to sustain the required standard thereafter must also be listed

- The consequences of failing to improve as required or of further misconduct. It will warn that further more severe disciplinary action will be taken if there is further misconduct and/or a failure to improve
- Details of any updates to their FHT Register listing
- The member's right to appeal.

A First Stage Warning will remain active for a period of six months subject to adherence by the member.

#### 13.2.2.2. Stage 2 - Final Warning

In the event of further repetition of the misconduct or a failure to comply with the request for improvement, the member will be invited to attend a Professional Conduct Hearing. This stage can be commenced without the need for Stage 1. If as a result of this Hearing action is deemed necessary, then a final warning (in writing) will be given. This will give details as follows:

- A description of the allegation
- The improvement required (if any) and the time scale for this to take place
- The consequences of failing to improve as required or of further misconduct. It will warn that termination of membership and associate links will result if there is further misconduct or no satisfactory improvement
- Details of any updates to their register listing
- The member's right to appeal.

All final warnings will remain active for a period of 12 months.

#### 13.2.2.3. Stage 3 – Termination of Membership or Association with the FHT

In the event of further misconduct, refusal or failure to improve, a Professional Conduct Hearing will be called with the member. If disciplinary action is felt to be necessary as a result of this meeting, then the membership and association of the FHT may be terminated without

notice. The outcome of this meeting will be confirmed to the member in writing, along with details of the member's right to appeal.

Details of the removal from FHT membership will be included on the FHT Register.

*13.3. Finding of Disciplinary Sanctions*

13.4. Any sanction imposed will depend upon the Professional Conduct Panel's assessment of the seriousness of the offence and, where appropriate, a consideration of the member's existing disciplinary record. The member will be given an explanation for any disciplinary sanction imposed.

13.5. Details of the sanctions will be included on the FHT Register.

*13.6. Suspension or Termination of Rights*

13.7. The FHT may suspend the rights of membership of the member, pending the outcome of the Professional Conduct Procedure when, having regard to the nature of the complaint, it appears appropriate and just to do so in all the circumstances. Details of said suspension will be updated to the FHT Register to include: member's name, registration number, date of suspension, details of the suspension. Such detail will be listed as deemed appropriate to protect the public and will be at the discretion of the Registrar.

13.8. No liability for any loss suffered, or expenses incurred, will attach to the FHT for the suspension or termination of membership or rights of membership or association even where a complaint is not upheld.

13.9. Suspension and termination of membership or association with the FHT may entail the loss of all rights and privileges given by FHT. This may include the loss of access to the FHT's Group Scheme Insurance cover, FHT Accreditation and cancellation of policies held by the Individual.

13.10. The FHT may terminate the rights of membership of the member at any time during the Professional Conduct Procedure, if this is the appropriate sanction. This may be done prior to any Appeals Procedure. Details of said terminations will be updated on the FHT Register to include: member's name, registration number, date of termination and the section of the Code of Conduct and Professional Practice that the member has breached. Such detail will be listed as deemed appropriate to the findings and at the discretion of the Registrar to protect the public.

13.11. The FHT will notify the member in writing of any suspension or termination of membership or of any rights of membership or entitlement to the Association.

## 14. Appeals Procedure

- 14.1. Appeals are generally heard by the Appeals Panel. However, if a complaint has been rejected by the Investigating Committee due to a lack of evidence, and new evidence is submitted, the new evidence may be reviewed by the Investigating Committee to establish the complaints eligibility for review by a Professional Conduct Panel.
- 14.2. If either party is dissatisfied with the decision made by the Investigating Committee, they may submit an appeal within 10 working days to have their appeal reviewed by the Professional Conduct Panel.
- 14.3. If an appeal is made against the findings of the Professional Conduct Panel, this will be heard by the Appeals Panel. Appeals must be submitted within 10 days of receipt of the outcome.
- 14.4. An appeal against the finding of either the Investigating Panel or the Professional Conduct Panel must be submitted in writing by the deadline given, be accompanied by any supporting documentation and sent to the FHT Registrar.
- 14.5. An appeal will be considered on any of the following grounds:
- That the facts were found against the weight of evidence
  - That the outcome is disproportionate and is unjust in all the circumstances
  - There is evidence to suggest that a procedural impropriety may have had a material effect on the finding and decision of the Professional Conduct Panel
  - There is new evidence that was not available at the time of the initial review or the review conducted by the Executive Director.
- 14.6. *Timescale for appeal*
- 14.6.1. Any appeal must be submitted in writing, specify which grounds it is submitted under and be accompanied by any supporting documentation and served upon the Registrar within 10 working days of notification of the decision and/or sanction of the Professional Conduct Panel.
- 14.7. *Notification of decision*

14.7.1. The Appeals Panel will report the appeal decision to the Registrar who will implement its decision. **This decision will be final.**

14.7.2. The decision of the Appeals Panel will be notified to the respective parties in writing within 10 working days of the appeal hearing.