

# THE Association for McTimoney Practitioners

## Disciplinary Procedures

### BREACH OF THE ETHICAL CODE RENDERS MEMBERS LIABLE TO DISCIPLINARY ACTION WITH SUBSEQUENT LOSS OF MEMBERSHIP, PRIVILEGES AND BENEFITS OF THE ASSOCIATION

A.1.1. Members may be assured that all professional complaints and allegations, written or verbal, made against them, will receive an initial careful examination by the Executive Committee. The Officers of the Association acts impartially and its decisions depend solely on the facts and circumstances of each case. If it is deemed by the Officers of the Association that there is a case to hear, then a Disciplinary Committee will be formed which will have the power to make recommendations and decisions concerning, the member.

A.1.2. If any member requires advice on a professional or ethical problem he or she may consult the Executive Committee. If the Officers of the Association consider that giving advice may compromise the legal position of the Association, it may refer him or her to an independent adviser.

A.1.3. Members should be aware that the Officers of the Association is obliged to accept the findings of a court of law, and is not able to re-open the investigation of facts that led to a finding. The Officers of the Association will consider only the seriousness of the finding and any surrounding circumstances in mitigation.

A.1.4. The Disciplinary Committee will consist of no less than 3 people. It will include a member of the Executive Committee, one registered therapist and a lay member.

A.1.5. The Disciplinary Committee can, after an initial pre-hearing discussion, choose to reject a complaint without a hearing. It cannot, however, choose to find in favour of the complainant without a hearing.

#### B.1 Disciplinary Procedures - Breach of the Code of Ethics

B.1.2. A professional complaint or allegation made against a member will initially be considered by the Executive Committee.

B.1.3. If, upon such consideration the Officers of the Association find that the complaint or allegation is of such substance or seriousness as requires further investigation, the complaint or allegation can then be referred to a Disciplinary Committee.

B.1.4. If the complaint or allegation is deemed by the Officers of the Association to be of a serious nature the Officers of the Association has the power to suspend the respondent's membership of the Association until such times as the matter has been fully considered by the Disciplinary Committee.

B.1.5. Other than in exceptional circumstances any complaint or allegation referred to the Disciplinary Committee, which has been made orally, shall be required to be made in writing by the complainant for the consideration of the Disciplinary Committee. If a finding of the Court of Law is to be referred to, pre-Disciplinary Committee, then documentary evidence of the findings of the court shall be obtained.

B.1.6. The Disciplinary Committee shall fix a Disciplinary Hearing to

consider the complaint or allegation. The complainant shall be invited to attend the hearing to give evidence. The complainant may call witnesses to give evidence if he or she so wishes; such witnesses should normally file written statements in advance. Any witness giving evidence, other than the respondent or complainant, may not be present during the hearing other than at the time when they give evidence.

B.1.7. The respondent member should attend the hearing. The respondent shall be invited to attend the hearing to give evidence. The respondent may call witnesses to give evidence if he or she so wishes; such witnesses should normally file written statements in advance.

B.1.8. The complainant and respondent may both be legally represented and will have the opportunity to ask questions of each other and of the witnesses; subject to the power of the Disciplinary Committee to regulate the hearing in order to ensure that it is conducted fairly.

B.1.9. The membership of the Disciplinary Committee in any individual case will be notified in advance to both the complainant and the respondent. If any objection to members of the committee is taken, it shall be put in writing in advance of the hearing, to the Executive Committee.

B.1.10. If a complainant or respondent wishes to have a supporter with them throughout the hearing, they should notify the Disciplinary Committee in advance. Such a supporter would not normally speak on behalf of the party they were supporting, nor represent them without the specific consent of the Disciplinary Committee.

B.1.11. At any stage before making a final decision the Disciplinary Committee may request additional information or seek professional advice.

B.1.12. The hearing may proceed in the absence of the respondent provided the Disciplinary Committee is satisfied that the notice of the hearing has been sent to the respondent by registered post to the last address they provided to the association.

B.1.13. Having heard and considered the evidence, and any submissions made, the Disciplinary Committee shall decide whether or not the professional complaint or allegation has been proved. The Disciplinary Committee may only find the complaint or allegation proved if they are satisfied, on the balance of probabilities, that the evidence has proved the professional complaint or allegation.

B.1.14. The decision of the Disciplinary Committee may be either unanimous or by majority. All members must vote with no abstentions permitted.

B.1.15. The Disciplinary Committee may either decide to announce their decision orally at the end of the hearing, or to reserve their decision and give it in writing within 7 days. In either event the reasons for the decision will be put in writing by the Disciplinary Committee and provided to both the complainant and the respondent.

B.1.16. If the Disciplinary Committee finds against the respondent, then disciplinary action may take the following forms:

*i) Written warning* – this will be appropriate for minor breaches and will notify the respondent that if their standard of behaviour has not improved sufficiently, or if further breaches which are of a similar nature have occurred within a specified time scale, then a final written warning may be issued. Details of the required change in standard of behaviour will be made explicit in the written warning. The length of time for which this warning will remain on record will also be included within the letter.

*ii) Final written warning* – this can be given in the case of very serious breaches, or where the required improvement in an initial written warning has not been achieved, and it has been necessary to move to this stage. If a final written warning is necessary the member will be informed that if his/her conduct does not improve within a specified time, or further infringements occur he/she will have his/her membership of the Association terminated.

*iii)* In the case of either *i)* or *ii)* above, the Disciplinary Committee may make certain requirements as to supervision or retraining. In the event that these are not adhered to, the Disciplinary Committee may reconsider the matter.

*iv)* Immediate termination of membership of the Association – this will occur in cases of gross misconduct or if the required improvement has not been made following either *i)* *ii)* or *iii)*

B.1.17. Where a member is expelled from the Association as a result of disciplinary action, all previously awarded Association qualifications must be returned to the association acknowledging receipt of the Disciplinary Committee's decision and confirming that the contents of the letter are understood and will be abided by. The respondent's name must also be removed from the list of members in accordance with the decision. A record of the decision and removal will be maintained by the Officers of the Association of the association with no limit of time.

B.1.18. If the Officers of the Association is, or becomes, aware of a therapist they have expelled being a member of any other professional or occupational body, then they will notify that body of the decisions made by the AMP and the reasons for those decisions.

B.1.19. No appeal lies to the AMP against the decision of the Disciplinary Committee. Any appeal against such a decision may only be made to the AMP.

B.1.20. All proceedings of the Disciplinary Committee should be conducted in private. When the hearing is complete and decisions made and acknowledged, all the paperwork should be filed in a secure place and retained by the Officers of the Association with no limit of time.

B.1.21. It should be noted that the Disciplinary Committee has no power to make any orders relating to costs of the Disciplinary Hearing.

B.1.22. Registered Therapists are advised to keep the Officers of the Association informed of changes in their contact details.

B.1.23. Registered therapists are advised to seek appropriate support, advice and representation in the event of a complaint or concern being received about their practice by the Executive Committee.

B.1.24. A registered therapist who becomes aware of circumstances which might result in a complaint being made regarding his/her conduct can contact the Officers of the Association and make a statement. The making of such a statement may be a consideration taken into account by a Disciplinary Committee when considering a case.