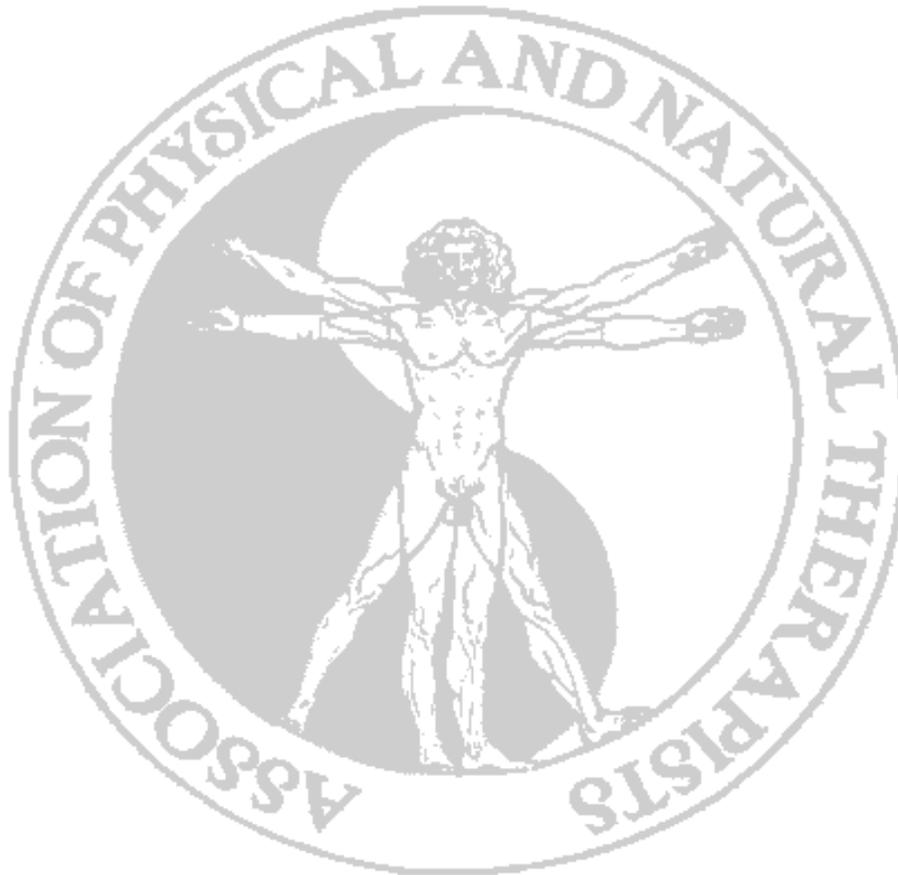


A.P.N.T.

## Code of Ethics

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# ASSOCIATION OF PHYSICAL AND NATURAL THERAPISTS

## CODE OF ETHICS

### RULE ONE

***MEMBERS SHALL AT ALL TIMES CONDUCT THEMSELVES IN AN HONOURABLE MANNER IN THEIR RELATIONS WITH THEIR PATIENTS, THE PUBLIC, AND WITH OTHER MEMBERS OF THE ASSOCIATION AND OTHER PROFESSIONALS***

#### A 1A

##### **Members' Obligations to their Patients**

- 1A1 Members shall at all times conduct themselves in an honourable and courteous manner and with due diligence in their relations with their patients and the public. They should seek a good relationship and shall work in a co-operative manner with other healthcare professionals and recognise and respect their particular contribution within the healthcare team, irrespective of whether they perform from an allopathic or alternative/complementary base.
- 1A2 Members' obligations to their patients are usually governed by the contractual relationship **(see Code of Conduct Section A)** between them. There may be certain circumstances where there is no contractual relationship, e.g. in an emergency, but nonetheless members owe their patients a duty to act with reasonable care in accordance with the standards of professional skill expected of a member.
- 1A3 Members shall have respect for the religious, spiritual, political and social views of any individual irrespective of race, colour, creed, sex, age, disability or sexual orientation.
- 1A4 The Association does not catalogue every possible misdemeanour but expects all members to conduct themselves in a professional way at all times, and be aware of the responsibilities they incur.
- 1A5(a) The relationship of a member of the Association and his/her patient is that of a professional with a client. The patient puts complete trust in a member's integrity and it is the duty of members not to abuse this trust in any way. Proper moral conduct must always be paramount in members' relations with patients. **(see Code of Conduct Section A)**
- 1A5(b) Members must charge fees responsibly and in a way in which avoids bringing the profession into disrepute. Any document or file quoting fees must state charges for initial and subsequent sessions and make clear what each session covers.
- 1A6(a) Members must take care when explaining the procedures and treatment which they propose to administer, and should recognise the client's right to refuse treatment or ignore advice. Treatment of a client is legally permitted only with his or her express or implied consent; the law regards an assault as the touching of one person by another without the former's consent. It is unacceptable to solicit a client by any means to accept treatment when he or she has not specifically requested it. **(see Code of Conduct Section A)**
- 1A6(b) For the purposes of 'medical treatment' the consent of a minor who is 16 to 18 years of age is effective in the absence of the consent of the parent or guardian by virtue of section 8 of the Family Law Act 1969. However, members should note that it is by no means certain that this extends to the therapies represented by the Association, and therefore they should obtain the consent of the parent or guardian of all clients under the age of 18 whenever this is possible. When the consent of the parent or guardian cannot be obtained, members are warned that they may, in legal terms, be committing an assault on the patient, if they continue or commence treatment. **(see Code of Conduct Section B)**
- 1A6(c) Members must never claim to 'cure'. The possible therapeutic benefits may be described, however, 'recovery' must never be guaranteed or implied.
- 1A6(d) Members should ensure that they themselves are medically, physically, and psychologically fit to practice.
- 1A7 All members must be adequately insured to practice. Normally this will be through their therapy association or with a specialist insurance company.. Private insurance is permitted, and if adopted, practitioners must provide evidence of this to the Association. The insurance policy must state provision for public and employee (if personnel are employed) liability and indemnity as well as the provision for professional treatments.

- 1A8 All members shall ensure that their working conditions are suitable for the practice of their therapy.
- 1A9 Members must take care to see that their practices are managed with due diligence. (Due diligence is the level of judgment, care, prudence, determination, and activity that a person would reasonably be expected to do under particular circumstances.) In particular, delegation of professional duties should be made only in favour of those qualified to accept them.
- 1A10 Members have an implicit duty, within the law, to keep all information concerning, and views formed about, patients entirely confidential between the member and the patient concerned. This same level of confidence must be maintained by assistants and receptionists when these are employed. Even the fact of a patient's attendance at a member's practice should be considered confidential, and should not be disclosed to a third party without the patient's consent, including disclosure to their GP, unless it is a matter of life and death, or the law requires the information to be divulged. When in doubt concerning matters that have legal implications a member would be wise to consult the Executive Committee. In particular members must ensure that they comply with applicable Data Protection legislation. **(See Code of Conduct Section C)**
- 1A11 Members must ensure that they keep accurate, clear and comprehensive records of the treatment they administer to patients. **(See Code of Conduct Section C Para 3)** It is important that this information can be easily understood as these are legal documents and may have to be produced in the case of any dispute.
- 1A12 Regarding personal relations between members and their clients, certain behaviour, as identified in Appendix A, may render a member liable to prosecution under Criminal Law. Even if there is no prosecution such behaviour is likely to be treated as serious professional misconduct by the APNT, and the relevant disciplinary action taken.
- 1A13 The Executive Committee is concerned mainly with the possible abuse of a member's position of trust. Thus the abuse of professional visits to a client's home or the abuse of knowledge gained in professional confidence to pursue a personal relationship with either the client or a member of his or her family is viewed as unethical.
- 1A14 It is also possible for clients to cause embarrassment and worry by forcing their attentions on a member. All allegations of misconduct, involving a member, either as plaintiff or defendant will be examined most carefully. However members should note that within the therapeutic relationship it is the responsibility of the therapist to promote and maintain clarity of relationship.
- 1B Members' Obligations to Other Practitioners (See Code of Conduct Section A 2)**
- 1B1 It is against the interests of the Association to have distrust or dispute between practitioners. Members shall at all times conduct themselves in an honourable manner in their relations with other practitioners, whether members of the Association or not.
- 1B2 Action taken by a member to persuade the client of another practitioner or clinic, to patronise him or her (the member) is in all circumstances unethical and contravenes this Code of Ethics. In consequence it is advisable that members should apply a clear and proper procedure when exchanging or referring clients or dealing with the clients of other practitioners. When a member treats a client of another practitioner (referred by the other or not), due to holidays, illness or any other reason, the original practitioner should always be considered as the primary practitioner, until or unless the client is released. The member is obliged to provide the original practitioner with details of all clients and treatments given in his/her absence.
- 1B3 If a client chooses for personal reasons to transfer to another practitioner or member without the knowledge or recommendation of the original practitioner or member, it would be advisable as a matter of courtesy for the transferee practitioner or member to inform the original practitioner or member before making any further arrangements, so that any relevant information may be exchanged.
- 1B4 No matter how justified a member may feel in holding critical views of a colleague's or other practitioner's competence or behaviour, it is unprofessional and would be considered unethical that he or she should communicate such an opinion to a third party.
- 1B5 If any dispute arises between members regarding their professional practice, the matter should be referred to the Executive Committee. If a satisfactory outcome is not reached swiftly the Executive Committee may refer to the BCMA for final arbitration. If they were unable to adjudge the matter to the satisfaction of both parties, then the most likely outcome would be that both parties would be considered at fault and that only a civil action could resolve it.

- 1B6 Members must not countermand instructions or prescriptions given by a doctor.
- 1B7 Members must not advise a particular course of medical treatment, such as to undergo an operation or to take specific drugs. It must be left to the client to make his own decision in the light of medical advice.
- 1B8 Members must never give a medical diagnosis to a client in any circumstances; this is the responsibility of a registered medical practitioner. However, many members have a 'gift' of diagnosis and of discovering dysfunctions in the physical, emotional, mental and spiritual aspects. In this case the member may make a mention of any believed disorder which he may discover, and advise the client to see the doctor for a medical diagnosis and record this action.
- 1B9 Members must not use titles or descriptions to give the impression of medical or other qualifications and must make it clear to their clients that they are not medical doctors and do not purport to have their knowledge or skills, unless they possess them and are governed by statutory regulation.

## **RULE TWO**

### ***NO MEMBER MAY ADVERTISE, ALLOW HIS OR HER NAME TO BE ADVERTISED IN ANY WAY, OR BE INVOLVED IN ANY PUBLICITY, EXCEPT IN THE FORM LAID DOWN BY THE ASSOCIATION***

- 2A1 Members are permitted to advertise providing that the advertisements do not make claims to cure any condition or illness.
- 2A2 Members are permitted to show the Association logo in an advertisement, or on their headed notepaper, but it must not be used to advertise courses, which would give the impression that the member was acting as a representative of, or under the direction of the Association. Schools may use the APNT logo, whilst they hold current affiliated or accredited status.
- 2A3 Door plates, signs etc, must not be considered a form of advertisement for the member and therefore must not appear to be such. Nothing more than the normal professional plate customary in the member's area of practice is permitted.
- 2A4(a) Letter headings, business cards and other stationery used in 'private practice' must be in a strictly professional style and may show only the business or company name if used, member's names, designated letters **APNT**, contact details and if desired Natural Health Practitioner, Sports Practitioner, or other title such as Aromatherapist or Reflexologist, provided this is accurate and not protected by statute. No deviation from this is allowed.
- 2A4(b) Members are reminded that whether or not they practise under a business name, it is a legal requirement that all partners' names must be included on all business stationery and at the premises of the practice. Special rules apply to partnerships of more than 20 persons. Changes in partnerships should be noted as soon as they occur. Members involved in any such business should make themselves aware of the legal procedures relating to the running of same.
- 2A5 Members are advised to consult the Association before participating in any form of publicity in the press, on television or radio because:
  - 2A5(a) There may be difficulties that can be avoided only by means of expert advice. When asked for comment by a newspaper, especially a national newspaper, members should realise that they have little or no control over the published form and content, nor is there any certainty that they will be quoted in full, or in the context they intend. Similar dangers exist in edited television or radio programmes.
  - 2A5(b) If not properly informed on the subject matter a contributor could be responsible for the publication of incorrect information and thus be the cause of misleading information reaching the public.
  - 2A5(c) The Executive Committee and every member must take all steps to ensure that publicity originating from them is seemly and proper and does not in any way damage the public image of their profession or the Association's interests.
- 2A6 The circulation of literature intended to educate and inform the public about the work of the member, the scope of his or her services etc, is perfectly acceptable.
  - 2A6(a) Any reference to an individual member must be confined to his or her name, designated letters, **APNT**, contact details

- 2A6(b) The literature offered should be of a strictly professional style and format.
- 2A6(c) The literature should be distributed to members of the public only at their express wish, e.g. leaflets may be made available at exhibitions or seminars or in the reception area of the practice or posted at the request of an interested individual.
- 2A6(d) The use of such literature in mail shots or mass leafleting is not permitted. Included in this form of advertising would be 'telephone sales'.
- 2A7 Members may publish books, pamphlets and articles of an informative nature about the therapies and other subjects relevant to them. Such publications must, however, be of scientific or educational value and must avoid matters that might be considered to be in the nature of personal advertising and should be limited to the author's name, address, credentials and profession.
- 2A8 Members are allowed to produce and market products like Aromatherapy oils, provided that they are fully insured to do so and that the appropriate procedures are followed.

### **RULE THREE**

***MEMBERS ARE PERMITTED TO ENGAGE IN THE TEACHING OF ANY THERAPY IN WHICH THEY ARE QUALIFIED (AS RECOGNISED BY THE ASSOCIATION), PROVIDED THAT:***

- 3A1 Teaching is in the form of a workshop only.
- 3A2 No certification is issued other than a certificate of attendance.
- 3A3 If a member wishes to teach a formal course leading to a certificate of proficiency or a diploma, such courses must first be approved by the Executive Committee, and conform to the requirements laid down for affiliated training establishments.

### **RULE FOUR**

***MEMBERS OF THE APNT MAY BELONG TO OTHER ORGANISATIONS OR ASSOCIATIONS PROVIDED THAT THEY ACCEPT THEIR DUAL MEMBERSHIP DOES NOT GIVE THEM IMMUNITY FROM THIS CODE OF ETHICS.***

### **RULE FIVE**

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

- 5A1 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 Executive Committee acts impartially and its decisions depend solely on the facts and circumstances of each case. If it is deemed by the Executive Committee 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.
- 5A2 If any member requires advice on a professional or ethical problem he or she may consult the Executive Committee. If the Executive Committee considers that giving advice may compromise the legal position of the Association, it may refer him or her to an independent adviser.
- 5A3 Members should be aware that the Executive Committee 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 Executive Committee will consider only the seriousness of the finding and any surrounding circumstances in mitigation.
- 5A4 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.
- 5A5 The Disciplinary Committee can, after an initial pre-hearing discussion, choose to reject a complaint without a hearing. It can not, however, choose to find in favour of the complainant without a hearing.

**5B Disciplinary Procedures - Breach of the Code of Ethics**

- 5B1 A professional complaint or allegation made against a member will initially be considered by the Executive Committee.
- 5B2 If, upon such consideration the Executive Committee 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.
- 5B3 If the complaint or allegation is deemed by the Executive Committee to be of a serious nature the Executive Committee 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.
- 5B4 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.
- 5B5 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.
- 5B5 (a) 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.
- 5B5 (b) 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.
- 5B6 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.
- 5B7 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.
- 5B8 At any stage before making a final decision the Disciplinary Committee may request additional information or seek professional advice.
- 5B9 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.
- 5B10 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.
- 5B11 The decision of the Disciplinary Committee may be either unanimous or by majority. All members must vote with no abstentions permitted.
- 5B12 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.
- 5B13 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)

5B14 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 Executive committee of the association with no limit of time.

5B15 If the Executive Committee 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 APNT and the reasons for those decisions.

5B16 No appeal lies to the APNT against the decision of the Disciplinary Committee. Any appeal against such a decision may only be made to the BCMA.

5B17 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 Executive Committee with no limit of time.

5B18 It should be noted that the Disciplinary Committee has no power to make any orders relating to costs of the Disciplinary Hearing.

5B19 Registered Therapists are advised to keep the Executive Committee informed of changes in their contact details.

5B20 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.

5B21 A registered therapist who becomes aware of circumstances which might result in a complaint being made regarding his/her conduct can contact the Executive Committee 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.

## **5C Equal Opportunities Policy**

5C1 This policy applies to the Association's members, its Honorary Officers and staff.

All references to the workplace are taken to mean workplace of:

- i) The Association
- ii) A Training Establishment
- iii) The member - in this case it includes all places in which the Physical Therapies are practised

5C2 The APNT is committed to a positive and pro-active approach to equal opportunities, which encourages, supports and values diversity. To this end it will fulfil its legal obligations under all relevant legislation whether current or introduced at a future date.

5C3 The Association requires all members to whom this policy applies to behave in a non-discriminatory manner and expects their full support in changing institutional practices that deny or limit equality. All members have a duty whether or not contractual to comply with this policy statement and any breach of this will be regarded as serious misconduct and will be dealt with accordingly. **(Also see Code of Conduct Section A 1.1.1)**

### **IN CONCLUSION:**

It is finally reiterated that no document can cover all eventualities, and it is yet again emphasised that if in doubt the Executive Committee should be consulted. **CONSULT THE ASSOCIATION FIRST**