

# The Healthcare and Assistive Technology Society

## Conduct and Discipline Panel

### Terms of Reference and Operating Procedures

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## Terms of Reference

### 1.) Purpose of the Conduct and Discipline Panel

- 1.1) The Conduct and Discipline Panel operates with delegated authority from the Advisory Board to review and assess complaints made against Members and Registrants of the Healthcare and Assistive Technology Society, referred to here as the 'Society'. The Conduct and Discipline Panel is referred to as the 'Panel'.
- 1.2) The Panel's remit is to;
  - investigate any alleged breach of the Code of Professional Conduct, brought against a Member or Registrant on behalf of the Society and the general public;
  - investigate any matter that may be a breach of the Code of Professional Conduct, whether or not a formal complaint has been made, and;
  - decide whether a breach has occurred and, if proven, to discipline the relevant parties as set out in the remit of the grievance procedures.

The Panel will;

- investigate a complaint regardless whether a member or Registrant resigns from the Society after a complaint is made against him/her, and before the outcome of the complaint has been determined. The Panel may still proceed with an investigation and decide an outcome, based on an assessment of the evidence available, as though the defendant were still in membership.
- consider investigating where a complaint is made against a member or Registrant alleging a breach of the Code of Professional Conduct that is said to have occurred more than six months prior to the date of the complaint being submitted. The Panel are not obliged to investigate the complaint and proceedings will only take place in exceptional circumstances, for example; where information was not disclosed by the applicant at the time of submitting their membership application, that may have had a bearing upon the eligibility of the applicant for membership.

## **2.) Membership of the Conduct and Discipline Panel**

### **2.1) Composition**

The Panel will be composed of 3 members:

- 1 Registrant Member of the Society (Chair)
- 2 lay people (non members of the Society)

The administration of the Panel will be undertaken by the Secretariat who will also attend the meeting.

Other people may be invited to attend as and when expertise/input is required or by prior arrangement if they wish to discuss/present an issue with/to the Panel.

## **Operating Procedures**

### **3.) General terms of service**

Where mediation has been unsuccessful in resolving a complaint, the secretariat will forward the details of the complaint to the Advisory Board.

The Advisory Board will review the nature of the complaint and appoint an independent panel to review.

The Advisory Board will appoint:

- 1 Registrant Member\* of the Society (Chair)
- 2 lay people – (non members of the Society)

\*If at the time of receiving the complaint no Registrant Members have been appointed to a Register the advisory Board will select a Chair from the general membership.

#### **3.1) The role of Chair**

- The Chair will liaise with the Secretariat to ensure that the relevant documents and evidence are received
- The Chair will ensure the meeting takes place in a professional and timely fashion
- The Chair will inform the Secretariat if the Panel cannot form a unanimous or majority vote regarding the outcome of the investigation
- The Chair will record the outcome of the investigation in writing by completing the Complaint Investigation Form (supplied by the Secretariat and countersigned by the lay-personnel)

### **3.2) Confidentiality**

Unless otherwise stated, all documents relating to the meetings of the Conduct and Discipline Panel, are to be treated as strictly confidential.

Where Panel members are sent documents, the papers must be destroyed securely (either by shredding or returning to the secretariat for shredding) when the complaint is considered closed.

Where Panel members are sent confidential documents electronically, the files must be deleted from personal or business computers once the matter is closed.

## **4) The meeting**

### **4.1) Meeting arrangements**

- The Panel are required to meet face to face, although additional teleconference meetings may be arranged if required
- Lunch and refreshments will be provided for the meetings by the Secretariat
- Members may claim travel expenses from the BHTA (expenses policy to be provided at meetings)
- Overnight accommodation must be approved beforehand by the Secretariat

#### **4.1.1) Inquorate meetings**

Due to the serious nature of the Panel's work, a meeting should only take place with all three members present, either in person or via the phone.

In the event a meeting is arranged in good faith with the expectation it will be quorate, only to be inquorate at the last minute, the meeting may still take place but any decision made will not be binding until all the entire Panel are in agreement.

#### **4.1.2) Voting**

Due to the nature of the Panel's work, ideally, any decision made by vote will be unanimous. However, where the decision of the Panel is not unanimous, a decision will be binding where the vote is 2:1 in favour of a particular outcome.

If the three members of the Panel are all in favour of three different views/outcomes, a re-assessment of the evidence will need to take place as no one member of the Panel has a 'deciding vote'. In this instance, a third party, with specialist knowledge and skills in the area concerned, may be referred to for advice.

#### **4.1.3) Information and Documentation**

All relevant papers, including the agenda and minutes of the previous meeting, will be sent to the Panel by the Secretariat.

Minutes of the meeting, and the outcome, will be recorded and forwarded to the Advisory Board for noting by the Secretariat.