

澳門順勢療法醫學會

象徵著專業的順勢療法醫生

Macau Association of Homeopathy  
representing professional homeopaths

專業操守執程序

Professional Conduct Procedures

MAY 2013

This Professional Conduct Procedure is published by Macau Association of Homeopathy (MAH) and attaches to and forms part of the Code of Ethics and Practice. This Procedure is intended to set out the process and framework by which MAH implements and enforces the rules set out in the Code of Ethics and Practice.

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

#### Definition of terms

Professional Conduct Procedure – the process which is followed when a complaint is made about a member of Macau Association of Homeopathy.

Macau Association of Homeopathy – a legally registered non-profit professional organization by the government of Macau Special Administrative Region.

Executive Committee – the executive body of Macau Association of Homeopathy.

Supervisory Board – the governing body of Macau Association of Homeopathy.

Code of Ethics and Practice – the Code published by MAH.

Complainant – the person raising concerns or making a complaint.

Respondent – the person about whom concerns are raised or against whom a complaint is made.

Professional Conduct Officer – the officer appointed by MAH to administer the Complaints Procedure and deal with any enquiries.

Preliminary Investigation Committee – a group of people who make a preliminary assessment of a complaint and decide on what action needs to be taken and direct the Professional Conduct Officer accordingly.

Adjudication Panel – a panel convened to investigate a serious complaint.

## Mediation

*Mediation is a flexible process conducted confidentially in which a neutral person actively assists parties in working towards a negotiated agreement of a dispute or difference, with the parties in ultimate control of the decision to settle and the terms of resolution.*

### C.2 Interim Suspension Order

1. This section applies where:
  - a) an allegation against a registered or student member has been referred to the PIC but a decision on the matter has not yet been reached; or
  - b) the Adjudication Panel has reached a decision on an allegation but the decision has not yet taken effect because the time limit for an appeal has not expired.
2. The PIC or Adjudication Panel may order the Registrar to suspend the registration of the member concerned (an 'Interim Suspension Order') if it is satisfied that it must do so in order to protect members of the public.
3. An interim suspension order shall cease to have effect:
  - a) in a case falling within subsection C2.1(a) when the PIC reaches a decision in respect of the allegation in question; and
  - b) in a case falling within subsection C2.1(b)
    - i. if there is no appeal against the decision, when the time limit for period for appeal expires; or
    - ii. if there is an appeal against the decision, when the appeal is withdrawn or otherwise disposed of.
4. Where an Interim Suspension Order has been made, the member concerned may appeal against it in writing, setting out the grounds of the appeal within 14 days to the Board.
5. On review of such an appeal the decision of the Board shall be final.
6. The rules governing appeals under subsection C2.4. are attached as appendix C.

### C.3 The Suspension Order – Termination for a short period of time not exceeding 6 months

1. A Respondent against whom a Suspension Order has been made shall, for the duration of the order, forego all rights and privileges of membership.
2. At any time while a Suspension Order is in force the Panel may:
  - a) make a Conditions of Practice Order with which the Respondent must

comply in order to resume full membership after the end of the period of suspension

- b) extend, or further extend, the period of suspension
3. The Panel shall ensure that the suspension imposed on the Respondent is the minimum which it considers necessary for the protection of the public or any other person. The period specified in a Suspension Order, including any extension, must not exceed eighteen months.
4. The Panel shall review every Suspension Order at least once every six months in order to satisfy itself that the continued suspension of the Respondent remains in the public interest.
5. In the case of a Suspension Order the Panel shall publish details in MAH website and shall notify the Registrars of other regulatory bodies, where appropriate.

#### C.4 The Termination Order

1. In the case of a Termination Order the Board shall publish details in MAH website, and shall notify the Registrars of other regulatory bodies, where appropriate.
2. The Termination Order shall apply for the minimum period which the panel considers necessary for the protection of the public.
3. The Termination Order shall not exceed a maximum of three years before the Respondent is eligible (through written application to the Board) to be considered for rejoining the membership through the registration process. Consent for application for the registration process is at the Board's discretion and if withheld the member concerned may reapply for consideration after a further period of two years.

#### Appendix D: RULES OF PROCEDURE FOR APPEALS AGAINST DECISIONS OF THE ADJUDICATION PANEL

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Appendix A: Rules of investigation for the Preliminary Investigation Committee

Appendix C: THE ORDERS

#### C.1 The Conditions of Practice Order

1. At any time while a Conditions of Practice Order is in force the Panel may:
  - a) extend, or further extend, the period for which the order has effect;
  - b) revoke or vary any of its conditions;
  - c) require the Respondent to provide evidence of competence specified by the Panel;
  - d) reduce the period for which the order has effect; or
  - e) revoke the order.
2. A Conditions of Practice Order shall cease to have effect:
  - a) if a period is specified in the order, when that period ends;
  - b) if concern of competence is specified, when the Respondent evidences or demonstrates their competence, or
  - c) if a period and concerns over competence are specified, when the period ends and the Respondent evidences and or demonstrates competence, whichever is the later.
3. The Panel shall ensure that the conditions imposed on the Respondent are the minimum which it considers necessary for the protection of the public. The period specified in a Conditions of Practice Order, including any extension, shall not exceed three years.
4. Failure to comply with a Conditions of Practice Order imposed under this section shall be automatically referred back to the Adjudication Panel for further action.

Appendix B: Rules of procedure for hearings of the Adjudication Panel

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## 1. THE CODE OF ETHICS AND PRACTICE ('The Code')

The Code is published by Macau Association of Homeopathy ('The Association'):

- a) to lay down the standards of conduct and practice expected of registered members or student members;
- b) to give advice in relation to the practice of homeopathy.

The Supervisory Board ('the Board') has a duty to review and vary the provisions of the Code and the Procedure whenever it considers this appropriate, consulting representatives of the membership and / or specialist advisors as it deems necessary. It is the responsibility of every registered member to be aware of the most current version of both the Code and the Procedure. Anyone who asks The Association for copies of the Code and the Procedure is entitled to receive them without charge.

## 2. RAISING CONCERNS OR COMPLAINTS

Wherever possible The Association encourages the resolution of differences between Complainants and Respondents through mediation and discussion with the Professional Conduct Officer before entering formal professional conduct procedures. When someone is considering raising a concern, advice should be sought from the Professional Conduct Officer (PCO).

2.1 Where resolution through mediation via the Professional Conduct Officer is not possible, the concern should be referred to the PCO in writing. The Professional Conduct Department will only act on complaints which are sent by letter to The Association Office.

The PCO will then; send a form to the complainant, and allocate a case number to the complaint in order to:

- a) clarify the details of the concern raised and collate necessary information.
- b) the complainant should identify relevant parts of the code of ethics and may seek assistance from the Professional Conduct Officer if necessary.
- c) inform all parties of receipt of the concern and its nature in writing within 14 working days of the written receipt of the concern.
- d) send guidelines about the professional conduct procedure to all parties (appendix g).
- e) where possible and appropriate, offer mediation.

2.2 If mediation is not appropriate or proves unsuccessful, or if one party refuses mediation, or if the PCO determines that a mediation process is not suitable for the case the PCO will refer the concern to the Preliminary Investigation Committee ('PIC').

### 3. PRELIMINARY INVESTIGATION COMMITTEE

The Preliminary Investigation Committee (PIC) will meet to discuss cases referred to it by the PCO either via Telecon, or face to face as appropriate. All papers distributed to the PIC will be anonymized and neither complainant nor respondent will be identified.

3.1 Members of Executive Committee and supervisory board have a duty to refer concerns to the PCO if they become aware of

- a) a report or allegation made by a member of the general public, patient, fellow practitioner, or a member of Executive Committee or supervisory board;
- b) a statement made, whether intentionally or otherwise;
- c) a report made by any advisor in the course of undertaking their duties as described in this Procedure; that
  - i) a registered member's conduct has fallen short of the standard required of the Code of conduct and ethics; or
  - ii) a registered member may have been professionally incompetent; or
  - iii) a registered member has been convicted (at any time) in Macau of a criminal offence;

The Professional Conduct Officer will then investigate the allegation in accordance with this process.

In the case of an allegation or report of a criminal offence (3.1ciii above), the PIC may conclude that there is no case to answer if it considers that the criminal offence in question is neither relevant to the fitness of the member concerned to practice, nor that it reflects badly on the reputation of the homeopathy profession.

3.2 After considering the allegation and the precedents of previous PIC and Adjudication Panel decisions, the PIC may decide that:

- a) the allegation or alleged behaviour relates to specific sections of the Code and warrants further investigation and recommends the allegations are considered by the Adjudication Panel and carried out in accordance with section 5.
- b) in cases where multiple similar allegations are made the PIC, may decide to take one of the allegations as a representative of all of them, or it may decide to group them into a single complaint to be considered by the Adjudication Panel.
- c) the PIC will request that the PCO informs concerned parties of their decision.
- d) the allegation or alleged behaviour does not or could not constitute a breach of the Code and the PIC may rule without investigation that there is no case to answer. The Chair of the PIC inform all concerned parties and the Professional Conduct Officer of their decision with a clear explanation of their reasons.
- e) the PIC is unable to determine whether the allegation relates to a specific rule in any Code or whether the alleged behaviour or conduct could be construed as misconduct or incompetence. The PIC may seek specialist advice or arrange for the PCO to make a preliminary assessment as described in section 4. If the matter cannot be resolved with an action plan agreed with the PCO, the PIC may either refer to an adjudication panel or conclude that there is no case to answer.



3.3 Where the PIC concludes that there is a case to answer, but determines that the breach is minor, admitted and poses no threat to any other person, then the PIC may decide to issue a formal first warning and request the PCO to agree a suitable action plan with the Respondent. The Chair of the PIC will inform concerned parties of this decision and the formal warning will be kept on file for a specified time determined by the PIC.

If the PCO and Respondent cannot agree an action plan then the PIC may take action as noted under section 4.5.

If re-offence occurs before the formal warning is lapsed, then the re-offence and original offence will be heard in accordance with section 5.

3.4 The PIC may, if it is satisfied that it is in the interests of protection of members of the public, report serious allegations immediately to the Supervisory Board with a recommendation that the member be subject to an interim suspension order under the provisions of appendix C of this Procedure, until the investigations are concluded or an appeal is launched in accordance with appendix E. The report will be made in summary form and will not over-ride the duties of the PIC, the Adjudication Panel or the Board to complete the investigation and hearings in accordance with the provisions of this Procedure.

#### 4. PRELIMINARY INVESTIGATION

4.1 If the PIC is unable to determine whether a member's alleged behaviour is in breach of the Codes it may arrange for the PCO to make a preliminary assessment.

4.2 The PIC shall request the PCO to contact the Registered or Student member with details of the allegation, arrange interviews and practice visits as necessary, and to report any findings to the PIC.

4.3 After conducting this preliminary assessment the PCO may decide that:

- a) the allegation relates to a specific rule in the Code or the alleged behaviour can be construed as misconduct or incompetence. The PCO shall inform the PIC which will proceed in accordance with section 3.

- b) the allegation does not relate to a specific rule, or the alleged behaviour does not constitute misconduct or incompetence, or the allegation lacks sufficient clarity for the Respondent to be able to prepare a defence. The PCO shall report this finding to the PIC which after further consideration may deem the matter to be closed.
  
- c) the allegation does not relate to a specific rule or the alleged behaviour does not constitute misconduct or incompetence, but highlights aspects of the member's practice and practice management which fall short of the standards required by the Code. The PCO shall report the findings to the PIC and PIC may request the PCO to resolve the problems by drawing up an action plan with the participation and consent of the member, and shall provide in writing to the PIC a copy of the agreed action plan, signed by the member and the PCO. On satisfactory completion of any tasks, tests or amendments to working practices specified in the action plan within the time agreed for their completion, the PCO shall make a final report to the PIC and the matter will be closed. The Chair of the PIC will inform all parties of the resolution.

4.4 If the PIC decides under subsection 4.3(c) that an action plan would be appropriate in resolving the problem but

- a) the PCO cannot agree an action plan with the member; or
- b) the member fails to complete an agreed action plan; or
- c) the member concerned refuses to co-operate with the PCO in seeking a resolution, to the problem the PCO shall pass the case to the PIC for assessment subject to section 4.5 below.

4.5 The PIC may find that either:

- a) the requirements of the action plan are unreasonable and the case should be closed
- b) specific amendments should be made to the action plan, as a result of which the member must comply with the amended version
- c) the requirements of the action plan are reasonable and the member must comply with them, or
- d) the case should go to an Adjudication Panel in accordance with appendix B

4.6 The decision of the PIC is final and binding on the member concerned. The Chair of the PIC will advise all parties.

## 5. THE ADJUDICATION PANEL ('The Panel')

The Panel shall be composed in accordance with section 10.3

5.1 The Panel shall meet at such times and in such a manner as it shall see fit in order to expedite the proceedings, these meetings may be by telecon.

5.2 The Panel shall first consider, having regard to the nature of the allegation and any observations or admissions given by the member to the PIC, whether it is desirable to hold a formal hearing to deal with the allegation.

5.3 If the Panel considers that in its opinion a formal hearing may be unnecessary, it shall offer the Respondent the opportunity of accepting the allegation without a hearing, or of entering a plea of mitigation or further relevant evidence, and to accept the actions and decisions of the Panel without making a formal appearance before it.

5.4 If the Respondent is offered and refuses the offer in 5.3, or if the Panel considers that a formal hearing is desirable, it shall give the Respondent an opportunity to appear before it and to present his/her case, for which he/she shall be entitled to be legally represented. The rules of procedure for such meetings are laid out in Appendix B.

If any allegation is well-found, the Panel may take any one or more of the following steps in relation to each allegation:

- a) formally warn the Respondent, such warning to be held on record for a time specified by the Panel but not exceeding 2 years; and/or
- b) make an order imposing conditions with which the Respondent must comply while practising as a homeopath (a 'Conditions of Practice Order' appendix C); and/or

- c) order the Registrar to suspend the Respondent's registration for the period specified in the order (a 'Suspension Order' appendix C); or
- d) order the Registrar to terminate the Respondent's registration for the period specified in the termination order ('termination order' appendix C).

## 6. APPEALS AGAINST THE DECISION OF THE ADJUDICATION PANEL

6.1 The Respondent may appeal against a decision made under section 5 by writing within 14 days of the date of the written notification of the decision sent to him, setting out the grounds of the appeal in accordance with the provisions of this section.

Either party may appeal if

- a) new evidence may be produced which was not available at the time of the hearing
- b) there is reasonable concern that the complaints process has not been followed correctly
- c) the recommendations of the panel are deemed disproportionate to the complaint.

6.2 No decision made under section 5 shall take effect:

- a) before the time limit for appealing against the decision has expired; or
- b) where an appeal has been made, before the appeal is considered and the outcome advised.

6.3 An appeal shall be considered by the Appeals Panel constituted as noted in section 10.4 below. The Appeals Panel shall decide whether there are reasonable and legitimate grounds for hearing the appeal in accordance with appendix D.

6.4 The Appeals Panel shall sit in private.

6.5 On any appeal against a Panel decision

- a) the Appeals Panel shall be able to make an assessment by way of re-hearing the case; and
- b) the Appeals Panel shall have power to make any decision which the Panel had the power to make under section 5.

6.6 No person shall be required by any rules made under this section to give any evidence or produce any document or other material at a hearing held by an Appeals Panel which he/she could not be compelled to give or produce in civil proceedings in any court in Macau.

6.7 After review of the appeal the Appeals Panel may

- (a) uphold the decisions of the Panel,
- (b) revoke the decisions of the Panel,
- (c) change the decisions of the Panel.

The decisions of the Appeals Panel are final and all parties will be advised by the Chair of the Appeals Panel.

## 7. RATIFICATION OF PROCESS

The Convenor, (or the chair of the Appeals Panel if one is called), will within 5 working days of reaching its decision provide the Chairman of supervisory board with written confirmations as required in appendix F, in order that the Board may make its considerations as detailed in Appendix F3.

## 8. PUBLICATION OF DECISIONS

8.1 On ratification, the Board will arrange to publish ratified, upheld decisions in The Association website or other publication it may from time to time consider appropriate, as soon as possible following the decision of the panel and with regard to section 6 above setting out:

- a) the names of those members in respect of whom it has investigated allegations under this section and determined the allegations to be found;
- b) the section of the Code of which they were in breach; and
- c) the action (if any) taken by the Panel in respect of the member so named.

## 9. THE PROFESSIONAL CONDUCT OFFICER ('PCO')

9.1 The Board shall appoint a person to be the PCO.

9.2 The PCO shall at every stage, make the member aware of any practitioner support services available within The Association, and provide the member with contact details of these services.

9.3 The PCO will carry out the duties in accordance with this procedure.

## 10. THE COMMITTEES

These are:

The Preliminary Investigation Committee

The Adjudication Panel

The Appeals Panel

### 10.1 Powers

- a) The Board shall make rules regulating the procedure of the Committees and their sub-Committees (if any) including, in particular, provision as to rules of evidence to be observed in proceedings before any such Committee or sub-Committee.
- b) Where the Board, having given a direction under sub-paragraph (a), is satisfied that the Committee has failed to comply with the direction, it can exercise any power of that Committee or do any act or other thing authorised to be done by that Committee.
- c) The powers of any Committee can be exercised even though there is a vacancy among its members.
- d) No proceedings of a Committee shall be invalidated by any defect in the appointment of a member.
- e) No member shall take part in a Committee dealing with an allegation referred to it, if he/she was a member of the Committee which referred the allegation.

### 10.2 The Preliminary Investigation Committee

- a) The PIC shall consist of at least 3 members, one of whom is a member of the Board, one who is a non-homeopath ('lay person') and one registered homeopath.
- b) The Committee may co-opt up to 2 further members.
- c) The Chair of the Committee
  - i. Members of PIC shall elect a Chair from amongst themselves.
  - ii. The Chair shall not be the Chair of the Board.
  - iii. In the event of a tie in any voting, the Chair of PIC shall have an additional casting vote.
- d) The quorum of PIC shall be 3.

### 10.3 The Adjudication Panel

PIC will instruct the PCO to engage a Convenor. The Convenor may not be a member of the Board nor any other Committee in The Association other than this Adjudication Panel. The Convenor will arrange to form the Adjudication Panel in accordance with this section 10.3.

- a) The Adjudication Panel shall consist of at least 3 members, at least one of whom is a registered homeopath and one of whom is a non-homeopath ('lay person'). No member of the Adjudication Panel may be a member of the Board.
- b) The Adjudication Panel may co-opt up to 2 further members.
- c) The Chair of the Committee
  - (i) Members shall elect a Chair from amongst themselves.
  - (ii) In the event of a tie in any voting, the Chair of the Adjudication Panel shall have an additional casting vote.
- d) The quorum of the Committee shall be 3.

### 10.4 The Appeals Panel

The Supervisory Board of The Association shall appoint an Appeals Panel in order to deal with appeals lodged under section 6 of this Procedure.

The Appeals Panel shall consist of three members, of whom:

- a) one shall be selected from within the Supervisory Board of The Association who will act as the Chair of the panel;
- b) one shall be a registered homeopath;
- c) one shall be a lay person ('non-homeopath'), excepting that no person that served on the Adjudication Panel to hear a case will be eligible to sit on the Appeals Panel for that case.
- d) The quorum of the Appeals Panel shall be 3.

### Appendix A: RULES OF INVESTIGATION FOR THE PIC

The PIC will consider allegations or reports about practising members' conduct according to the following procedures which are subject to revision or amendment from time to time as the Board may deem fit.

1. If the investigation arises from a complaint, the PCO will send the Complainant an information sheet and copies of the Code and the Procedure free of charge if these are requested.
2. The Complainant is asked to provide a full written statement of the complaint and to sign and return a form which includes full contact details to the PCO. In the case of a complaint about published material, including a website, the Complainant is asked to provide details of the specific statements about which the complaint is being made, and the sections of the Code relating to the complaint.
3. When the official complaint has been received, a copy of the full statement together with an Information Sheet is sent to the practitioner about whom the complaint has been made ('the Respondent'). When the investigation is not initiated by a complaint, a summary detailing the reasons for the investigation shall be sent to the practitioner concerned.
4. The Respondent is asked to provide a written response within 21 days. The Respondent 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 in itself lead to disciplinary action. Both the Complainant and the Respondent will be requested to maintain confidentiality regarding the details of the case and identities of the parties concerned until the case is decided, after which the only details that may be released will be in accordance with section 8 and the Complainant's identity will continue to remain confidential. If the Respondent does not respond, the case will be heard without their response and without any additional delay.
5. The PIC shall consider the complaint and any responses received pertaining to this appendix A and discuss the case at its next scheduled meeting, usually within three months.
6. The PIC can request or gather further information in several ways:
  - (a) the Respondent's response to the complaint may be copied to the Complainant whose comments may then in turn be copied to the Respondent for a further and final response;



- (b) the Respondent can be asked to supply copies of their original notes and practice diaries;
  - (c) the Respondent and/or his/her premises may be visited by the PCO in order to examine and assess details of his/her performance and compliance with the Code.
  - (d) the Complainant may be visited by the PCO to clarify details of the allegation;
  - (e) third party(ies) may be asked to provide relevant information or evidence;
  - (f) PIC may seek the advice of a lawyer;
  - (g) PIC may at its discretion provide copies of any documentation or report from whatever source to both the Complainant and the Respondent.
7. Once all enquiries are completed the PIC shall review all of the information.
8. The PIC may decide that:
- a) the case should be referred to the Adjudication Panel;
  - b) the seriousness of the case warrants immediate use of its powers of interim suspension in order to protect the public;
  - c) there is no case to answer.
  - d) a formal first warning with action plan should be issued.
9. The Chair will advise both the Complainant and the Respondent of the PIC's decision within 7 working days of the meeting at which it was made. In the event of delays caused by gathering any information that has been requested, the PCO will regularly update the Complainant in writing on the progress of the case.

## Appendix B: RULES OF PROCEDURE FOR HEARINGS OF THE ADJUDICATION PANEL

### B.1. Notice of Hearing

1. The PCO shall give written notice to the Respondent and the Complainant of the date, time and place of the hearing of the Panel.
2. The notice of the hearing shall be not less than four weeks from the date set for the meeting.
3. The Panel recognises that The Association may for the purposes of the hearing instruct a solicitor or barrister to present the case against the member, or to carry out such other functions as it deems necessary.

## B.2 Postponement of Hearing

1. The Chair of the Panel or the Convenor may, of his/her own motion or on the application of a party to the proceedings, postpone a hearing of which notice has been given under Rule B.1 before the meeting begins.
2. If a hearing has been postponed the Convenor shall as soon as practicable inform the parties concerned of the postponement and give notice of the date, time and place of the next hearing of the Panel in accordance with the conditions in Rule B.1. The party seeking the postponement may be liable for a portion of the costs.

## B.3 Order of Procedure at the Hearing

1. If the Respondent does not appear and the Panel is satisfied that notice had been properly given under Rule B.1 or B.2, it may dismiss the case, or adjourn to give the Respondent a further opportunity to appear, or determine that the proceedings should continue in the Respondent's absence.
2. The PCO will read out the allegation and briefly state the measures taken by the PIC to investigate the allegations and the basis on which the allegation has been referred on to the Adjudication Panel.
3. The order of proceedings is that:
  - 3.1 The Chairman of the Panel shall ask the Respondent whether he/she admits any or all of the allegations and, in respect of any such allegations so admitted, the Panel shall record a finding that those allegations have been proved.
  - 3.2 Where all the allegations are admitted the Respondent or his/her representative may submit that, in respect of any allegation so proved, the Panel should not make an order against the Respondent.
  - 3.3 If none or some only of the allegations are admitted the Panel shall proceed as follows:
    - a) the Panel shall take evidence, either written or oral, of the alleged breach by the Respondent of the Code;
    - b) non-attendance by a Complainant shall not restrict the Panels discretion to consider any documentary evidence before it;
    - c) the Respondent or his/her legal representative will present his/her case and can call or produce evidence in support of his/her defence;
    - d) the Panel will hear such submissions and admit such evidence as it may consider relevant;

- e) the Panel may reasonably take into account any previous history of allegations, hearings or findings against the Respondent in considering the current allegation.
4. Any witness called to give oral evidence can be cross-examined and re-examined, and can be questioned by the Panel.
  5. At the discretion of the Panel the Complainant can exercise the right not to give evidence in person and to refuse direct cross-examination by the Respondent.
  6. The Panel regulates its own procedure and nothing in the procedure herein restricts the Panel's discretion to vary the procedure in such manner as it may in its discretion determine from time to time.

#### B.4 Documentation

1. The Panel 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 Complainant or Respondent may choose to submit.
2. Both the Complainant and the Respondent shall provide the PCO, for circulation to each other, 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 Respondent shall provide the PCO, for circulation to each other, 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, his/her 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 Panel.
5. The Panel has the power 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.

#### B.5 Attendance at Meetings

1. The meeting will take place in private.
2. The Panel may deliberate together in the absence of the parties, their representatives and the public at any time.

3. For the purpose of this clause, “meeting” shall include the term “hearing” and nothing in this procedure shall restrict the Panel’s freedom to meet to carry out a preliminary assessment of cases referred to it by the PIC from time to time, whether or not such meetings shall include members of the Panel who may sit as members of the Panel at any formal hearing.

#### B.6 Adjournment

1. The Panel may adjourn the meeting from time to time as it thinks fit.
2. The Panel may in particular adjourn any meeting where it considers that an allegation is well founded in order to deliberate on the terms of any Orders that it is minded to make.
3. If the meeting is adjourned, the Panel shall announce the date, time and place to which the proceedings are adjourned or instruct the Convenor to give adequate written notice within these rules of any reconvened meeting.
4. The Panel 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.

#### B.7 Notification of Decisions

1. The Panel shall close the meeting in order to consider its decision, and as soon as practicable after that the Chair of the Panel shall request the convenor to notify in writing:
  - a) the Respondent of the Panel’s decision and its reasons for reaching it, and of the Respondent’s right of appeal under section 6 of this Procedure;
  - b) the Complainant of the Panels decision and the reasons for making it.
2. If the Panel dismisses a case under Rule B.3.1., as soon as practicable after the hearing the Convenor shall notify the Respondent and the Complainant of that fact.

#### D.1 Establishment of the Appeals Panel

- a) Within seven days of receipt of written notification by the Adjudication Panel of the intention to appeal, the Chair of the Board shall request the convenor to convene an Appeals Panel as under section 10.4

- b) The non-homeopath ('lay person') willing and able to act in the appeal will be selected by the convenor from a list, maintained by the PCO, of lay persons who have agreed to sit on Appeals Panels established under section 10.4 of this Code.
- c) Any expenses reasonably incurred by the members of an Appeals Panel, including any incurred in connection with the appointment of a clerk, shall be met by the Board.

#### D.2 Notice of Hearing

1. As soon as is practicable after the Appeals Panel has been established in accordance with Rule D.1 above, the PCO shall give notice to the appellant of the date, time and place of the hearing of the Appeals Panel to consider the appeal.
2. The notice of the meeting shall be not less than four weeks from the date set for the appeal hearing.

#### D.3 Postponement of Hearing

1. The Chair of the Appeals Panel may, of his/her own motion or on the application of a party to the proceedings, postpone a hearing of which notice has been given under Rule D.2 before the hearing begins.
2. If a hearing has been postponed the PCO shall as soon as practicable inform the parties concerned in writing of the postponement and give notice of the date, time and place of the next hearing in accordance with the conditions in Rule D.2.

#### D.4 Order of Procedure

1. If the appellant does not appear and the Appeals Panel is satisfied that notice had been properly given under Rule D.2 or D.3, it may dismiss the appeal, or adjourn to give the appellant a further opportunity to appear, or determine that the proceedings should continue and be determined in the appellant's absence.
2. The PCO will read out the allegation and briefly state the nature of the order made by the Adjudication Panel, and will indicate whether the appeal relates only to the order made, or is against the allegation being well-founded.
3. The order of proceedings is that:
  - a) the solicitor or person acting for The Association will open the case for The Association, and will call or produce evidence in support of The Association's case;

- b) the appellant or his/her legal representative will present his/her case and can call or produce evidence;
- c) the Appeals Panel will hear further submissions and evidence which it considers relevant.

Save that nothing in this section shall prevent the Appeals Panel from regulating its own proceedings as it shall see fit including the order of proceedings referred to above.

- 4. Any witness called to give oral evidence may be cross-examined and re-examined, and may be questioned by the Appeals Panel.
- 5. The hearing shall take place in private.
- 6. The Appeals Panel may deliberate together in the absence of the parties, their representatives and the public at any time.

#### D.5 Documentation

- 1. The Appeals Panel may consider the appeal 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 appellant may choose to submit.
- 2. Both the solicitor or person representing The Association and the appellant shall provide the PCO, for circulation to each other, with lists and copies of all documents to be produced at the hearing at least 14 days before the date of the hearing.
- 3. Both the solicitor or the person representing The Association and the appellant shall provide the PCO with a list, for circulation to each other, of any authors of documents supplied by each to the other in Rule D.5.2 above whom they require to be in attendance at the hearing.
- 4. Where an author of a report is required to attend, the documentary evidence will 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 Appeals Panel.

5. The Appeals Panel has the power 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.

#### D.6 Adjournment

1. The Appeals Panel may adjourn the hearing from time to time as it thinks fit.
2. The Appeals Panel may in particular adjourn any hearing where it considers that an allegation is well-founded in order to deliberate on the terms of any Order that it is minded to make.
3. If the hearing is adjourned, the Appeals Panel will announce 公布 the date, time and place to which the proceedings are adjourned or instruct the Convenor to give adequate notice within these rules of any reconvened hearing.
4. The Appeals Panel may proceed with a hearing 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 hearing.

#### D.7 Notification of Decisions

1. The Appeals Panel will close the hearing in order to consider its judgement, and as soon as practicable after that the Convenor will notify in writing:
  - a) the appellant of the Appeals Panels decision and its reasons for reaching it;
  - b) the Board and the Complainant of the Appeals Panels decision and the reasons for making it.
2. If the Appeals Panel dismisses an appeal under Rule D.4.1 above, as soon as practicable after the hearing the Convenor will notify the appellant, The Association and the Complainant.

#### Appendix E: RULES OF PROCEDURE FOR APPEALS AGAINST INTERIM SUSPENSION ORDERS

1. An appeal under this section may be made where:
  - a) the Respondent against whom the Interim Suspension Order has been made asserts that the suspension under the terms of subsection C2.2 of the Code is not warranted by the nature of the allegation under consideration by the Adjudication Panel; or

- b) there have been procedural errors in the making of the Interim Suspension Order.
2. The board shall convene a Sub-Committee within fourteen working days of the receipt of the appeal for the express purpose of hearing the appeal.
3. The Sub-Committee shall consist of three members of the Board, in addition to the PC Director, none of whom may also belong to the PIC or the Adjudication Panel
4. In order to make its judgement the Sub-Committee may:
  - a) require the attendance of the Respondent against whom the Interim Suspension Order has been made;
  - b) require all documentation received by the relevant Committees relating to the circumstances of the interim suspension.
5. In the event that the Respondent against whom the Suspension Order has been made is required to attend under Rule E 4.(a) above, he/she shall be entitled to be legally represented.
6. After consideration of the case the Sub-Committee may:
  - a) confirm the Interim Suspension Order for the reasons specified;
  - b) in the case of procedural error under Rule E 1.(b) reinstate the Respondent and instruct the Committee making the Interim Suspension Order on correct procedure and refer the matter back to the PIC for further consideration;
  - c) terminate the Interim Suspension Order.
7. In the event of a Respondent being reinstated under Rule E 6.(b) above, nothing in these rules shall prevent the Committee re-imposing the interim suspension by following correct procedure.
8. The Sub-Committee shall notify the Respondent concerned and the Adjudication Panel of its decision within seven days of the meeting at which the appeal is heard.
9. There is no further provision within this Procedure for further appeal against an Interim Suspension Order.



## Appendix F: RATIFICATION

1. Following the conclusion of findings from either the Adjudication Panel or in the case where an appeal is launched the Appeals Panel, the Convenor will provide to the Board within 5 working days of such conclusion, confirmation that in his/her opinion:
  - a) documentation was circulated appropriately and within the times intended by this Procedure.
  - b) to his/her knowledge the Respondent and Complainant were given full details of the case to be heard
  - c) the Adjudication Panel was constituted and met in accordance with Appendix B
  - d) the Adjudication Panel was afforded appropriate time to reach their findings
  - e) the Appeals Panel if convened was constituted and met in accordance with Appendix D
  - f) the Appeals Panel if called was afforded appropriate time to reach its findings
  
2. The Convenor will request the Chair of the Adjudication Panel to provide to the board within 5 working days confirmation that:
  - a) a breach was identified that was not suitable for resolution by mediation or an action plan and formal warning.
  - b) the process to the point of passing to Adjudication Panel was followed in accordance with this Procedure.
  
3. On receipt of confirmations detailed under Appendix E1 and E2 above the Board may
  - a) ratify the decision of the Adjudication Panel or of the Appeals Panel and request the Convenor to notify the parties concerned.
  - b) where the Ratification is of a well-founded allegation the Board will arrange for publication of the findings in accordance with section 8
  - c) not ratify the decision of the Adjudication Panel or of the Appeals Panel and determine the case is closed and request the Convenor notifies all parties concerned within 7 working days giving reasons for its decision.
  - d) request further information from the Convenor in order to reach its conclusion

#### Appendix G: GUIDELINES

Suspension times for identified breaches,

eg. Sexual misconduct - Suspension for minimum 2 years and requirement to go through registration process at the end of that time.

Evidence of poor practice management - Practitioner to provide evidence of improvement to PCO within 6 months eg. New protocols, reflective piece, site visit etc.

May 2013