



# Professional Conduct Policy

BAPT



## **BAPT PROFESSIONAL CONDUCT PROCEDURE 2015**

### **Introduction**

The British Association of Play Therapists (BAPT) has a duty to afford the highest possible standards of protection to the public and to promote the best standards of personal and professional conduct within the Play Therapy profession. The establishment of a Complaints and Professional Conduct Procedure is part of the continuing commitment of BAPT to ensure the professional practice of its members. Its purpose is as follows:-

- To safeguard and promote the welfare of the child;
- To provide a means of considering any complaint about an infringement of the BAPT Code of Ethics and Good Practice (Code of Ethics) on the part of a student or full member of BAPT;
- To protect the child, the Complainant and the member of BAPT.

BAPT expects full compliance with the requirements of the vetting and barring provisions relevant to members and registrants' work and/or as required by their terms and conditions of employment. Members are required therefore, to be aware of child protection guidance and legislation relevant to their work with children and families, and to work within the context of the relevant law and guidance.

It is the responsibility of Members Complained Against and Complainants to ensure that they fully understand the Professional Conduct Procedure. This procedure forms an essential part of BAPT's commitment to the protection of the public. Members are required to provide information about the existence of this procedure and any other applicable complaints or disciplinary procedures to all clients and carers who indicate that they have a complaint or grievance. If requested to do so, practitioners should inform their clients and carers about how they may obtain further information concerning these procedures. Further information may be obtained by contacting BAPT directly; alternatively the relevant documentation is available on the BAPT website at <http://www.bapt.info/>.

#### **1. Aim**

**1.1** The aim of the Professional Conduct Procedure is to provide complainants with an open and transparent route of remedy where complaints are made against members/registrants of BAPT. The Professional Conduct Procedure will also be used when referral is made about a registrant under Fitness to Practice procedures. In processing such complaints, BAPT aims to protect members of the public, registrants and the name and reputation of BAPT.

## **1.2 Bringing a complaint**

A complaint can be brought by either:

- a) A member of the public who has sought or received a service provided by a member/registrant of the BAPT; or
- b) A member of the public not directly receiving a service, who may have concerns about the practise of a member/registrant.
- c) A current member/registrant of the BAPT who may bring complaints about services sought or received directly from another member registrant; or who has witnessed poor practice delivered by another member/registrant; or on behalf of another where their written permission has been obtained and where that person is unable to bring the complaint on their own behalf (explanation is required in writing as to the nature of the inability); or
- d) A legal guardian or other appropriately authorised adult who is acting on behalf of a minor and/or an adult who is lacking legal capacity to contract for services sought or received.

## **1.3 Complaints against non-Members**

BAPT cannot deal with complaints against individuals or organisations that were not members/registrants of BAPT at the time of the alleged misconduct.

## **1.4 Complaints against members/registrants**

A complaint made against a member/registrant and brought within the timescale detailed below, may cover the entirety of the professional relationship in so far as the member/registrant concerned was a member/registrant of the BAPT at the time of the alleged professional misconduct.

## **1.5 Timescale**

A complaint must be submitted either:

- a) Within three years of the ending of the professional relationship; or
- b) Within three years of the date when the Complainant reasonably became aware of the alleged professional misconduct. The Complainant must provide an explanation as to when/how they became aware and this will be considered by the Complaints Panel which will decide if the explanation given is good and/or sufficient; or
- c) Within a reasonable time of the alleged professional misconduct.

The Association will not consider any complaints where the substantive matters have previously been considered by the BAPT under these procedures, unless there is overwhelming and compelling new evidence which suggests that the case should be reconsidered.

### **1.6 Administration & Recording.**

The administration of the Professional Conduct Procedure will follow protocols laid down from time to time by BAPT. These will be administered by the Registrar of BAPT or other person nominated by the Chair of BAPT. BAPT will keep records of all Complaints received and records of all Professional Conduct Procedures and application of Sanctions for a period of seven years from the date they were received.

### **1.7 Expenses**

BAPT is not responsible for travel or any other expenses incurred either by the Complainant or the Member/Registrant Complained Against or any support person/representative in connection with any stage of the complaint. BAPT cannot order one party in a complaint to pay another party's costs. However, where a witness is called by the Chair of the Panel, BAPT will reimburse reasonable travel expenses upon the production of valid receipts and completion of an expense claim form.

### **1.8 Dual accountability**

BAPT may decide to hear a complaint against a member when another organisation is involved in a similar process arising out of the same substantive matters. Where information is received for consideration under the Professional Conduct Procedure and where it is known that the member/registrant concerned is also a member /registrant of another professional body, BAPT reserves the right to formally notify any other organisation of the issues considered.

### **1.9 Resolution**

Before submitting a complaint to BAPT, the Complainant is expected to attempt to resolve the issue with the individual or Member/Registrant Complained Against including, but not restricted to mediation. Details of any attempt at resolution should be included with the complaint. In circumstances where resolution is not possible/ feasible or is considered inappropriate in the particular circumstances of the case, the Complainant will be required to provide an explanation as to why this is the case.

### **1.10 Complaints and findings**

BAPT reserves the right to notify other professional bodies and/or agencies about complaints and to distribute any findings upheld against a member/registrant, where it considers it right and just to do so in all circumstances.

## **2. Making a Complaint**

### **2.1 Making a Complaint**

The complaint must satisfy the following conditions:

- a) The individual or organisational Member/Registrant Complained Against is named and is a current member/registrant of BAPT and was a member/registrant of BAPT at the time the alleged breach occurred.
- b) The complaint concerns a breach of a specific clause or clauses of the current BAPT Ethical Basis for Good Practice in Play Therapy.
- c) The Complainant must provide a detailed account of the practice giving rise to the complaint, together with details of dates when the event(s) occurred, together with all supporting evidence as appropriate
- d) The complaint is in writing, dated, signed and received by the Chair of Professional Conduct. If the Complainant requires support to make a complaint and an appeal in writing they should contact the Chair of Professional Conduct who will seek to support them to communicate their complaint. In addition support may be obtained from Local Citizen Advice Bureaux. BAPT will ensure access to information to support individuals with sight, hearing impairments and or any other disability.
- e) The complaint is within the jurisdiction of BAPT. BAPT will not undertake investigations of complaints when the complainant is under police investigation or within the jurisdiction of any court or tribunal.

A complaint not satisfying the above conditions will not be accepted or processed under these procedures.

### **2.2 Notification**

On receipt of the initial complaint, the Chair of Professional Conduct shall acknowledge the complaint in writing within fourteen days. The Complainant and the Member Complained Against shall be given a copy of that complaint and details of the procedure to be followed. The Member Complained Against is not required to respond at this stage, but will be given an opportunity at a later stage if the complaint is accepted under the formal Complaints Procedure.

### **2.3 Mediation and Resolution**

In the first stage in this procedure, under paragraph 1.9. the Complainant is expected to attempt to resolve the issue with the Member Complained Against. Details of any attempt at resolution together with results of any mediation process must be communicated to the Chair of Professional Conduct. In circumstances where resolution is not possible/feasible or

is considered inappropriate in the particular circumstances of the case, the Complainant will be required to provide an explanation as to why this is the case.

#### **2.4 Receipt of a complaint**

The complaint will be submitted to the Complaints Panel, comprising not less than three persons which will include the Chair of Professional Conduct, one BAPT Registrant and one Lay panellist, selected from a pool of people trained by BAPT to consider complaints. The Complaints Panel will decide:

- a) whether to accept the complaint to be dealt with at a Professional Conduct Hearing, refer it back for further information /clarification or reject it. The Complaints Panel has discretion to interview the Complainant and /Member Complained Against if deemed appropriate
- b) if further information/clarification is requested, upon receipt of same, the complaint will be re-submitted to the Complaints Panel which will decide whether to accept it to be dealt with at a Professional Conduct Hearing, or reject it
- c) once the complaint is accepted, the Complainant and Member Complained Against will be formally notified of this decision in writing within 30 days of receipt of the complaint. The Complaints Panel will then commence the Professional Conduct Procedure.
- d) if the complaint is rejected by the Complaints Panel, the Complainant and Member Complained Against will be formally notified in writing. The decision of the Complaints Panel will be final subject only to an Appeal against the complaints Panel decision as set out in paragraph 2.5. below.

#### **2.5 Appeal following decision of Complaints Panel**

The Complainant may appeal against the decision of the Complaints Panel. An appeal must be received by the Chair of Professional Conduct within 14 days of notification of the Panel's decision. The Complainant can appeal on the following grounds:

- a) The decision was made against the weight of evidence;
- b) There is new evidence that was not available at the time of the Complaints Panel Hearing.

The Complainant may appeal against the decision of the Complaints Panel. The intention to appeal must be accompanied by the evidence to support the submission, the ground(s) of appeal, together with the original submissions and any new evidence considered by the Complaints Panel. Grounds for appeal will be considered by a pool of people trained by BAPT to consider complaints. The appeal must be heard within 6 weeks of the date of receipt. The Appeals Panel decision will be final.

## **2.6 Time Frames and Complaints**

All complaints received by BAPT, shall be processed in a timely manner. In exceptional circumstances, where specific time frames are not able to be met, the Chair of Professional Conduct shall inform the Complainant and the Member Complained Against, with a full written explanation as to why the investigation has been delayed.

### **3. The Professional Conduct Procedure**

#### **3.1 Acceptance of complaint**

The Complainant and Member/Registrant Complained Against will be notified in writing that the complaint will proceed to a Professional Conduct Hearing.

#### **3.2 Responding to a formal complaint**

The Member/Registrant Complained Against will be notified of the acceptance of the complaint and will have 30 days to respond to it, having previously been supplied with a copy of the complaint. The Member/Registrant Complained Against will also be furnished with any further information submitted by the Complainant and considered by the Complaints Panel. The Complainant will be provided with copies of any further evidence submitted by the Member Complained Against to the Complaints Panel. Any response to the complaint must be forwarded to the Chair of Professional Conduct.

#### **3.3 Evidence**

All evidence submitted for the purpose of the Professional Conduct Hearing, by either the Complainant or the Member/Registrant Complained Against, shall be available to the parties involved in the complaint. The Chair of Professional Conduct will distribute to the parties copies of all submissions made.

#### **3.4 Conduct**

It is the duty of the parties taking part in the Professional Conduct Procedure to comply with the implementation of the Professional Conduct Procedure. Any failure to comply may result in the termination of the Professional Conduct Procedure or withdrawal of membership/ registration.

#### **3.5 Lapsed membership/registration**

Failure to renew membership/registration by a Member/Registrant Complained Against during the course of a complaint will not normally terminate the Professional Conduct Procedure.

A member/registrant's resignation from membership/registration of BAPT will not normally terminate nor invalidate the processing and/or hearing of a complaint by BAPT.

## **4. Professional Conduct Hearing**

### **4.1 Purpose**

The purpose of the Professional Conduct Hearing is for the Professional Conduct Panel (the panel) to examine all the evidence presented by both parties and decide whether the complaint is proved or not. If proved, the panel will decide whether or not any sanction should be imposed.

### **4.2 Constitution of the Professional Conduct Panel**

The Chair of Professional Conduct will convene an independently constituted Professional Conduct Panel of not less than three persons, which shall consist of a BAPT Registrant and two lay panellists, selected from a pool of people trained by BAPT to consider complaints.

### **4.3 Declaration of interest**

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

### **4.4 Venue**

Professional Conduct Hearings will be held at or within the vicinity of BAPT's head office or in London, other than in exceptional circumstances.

### **4.5 Presence of a representative/support person**

When appearing at the Professional Conduct Hearing, the Complainant and Member/Registrant Complained Against may each be accompanied by a representative who may support and/or speak on behalf of the party concerned. Such details of a representative/support person must be received by Chair of Professional Conduct not less than 30 days prior to the date fixed for the Professional Conduct Hearing.

### **4.6 Additional evidence**

Written evidence and/or submissions and witness statements must be submitted in advance by the Complainant and the Member/Registrant Complained Against. Such papers must be received by the Chair of Professional Conduct not less than 30 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/Registrant Complained Against, within a reasonable period prior to the Hearing. The Chair of the Professional Conduct Panel may take advice on these papers and/or procedural matters from relevant person as may be deemed appropriate.

### **4.7 New Evidence**

The Chair of the Professional Conduct Panel will determine whether or not new evidence will be accepted on the day of the Hearing. The Chair of the Professional Conduct Panel may take advice on such matters from such relevant person as may be deemed appropriate.

#### **4.8 Attendance by witnesses**

The Complainant, or the Member Complained Against may request a witness or witnesses to attend the Professional Conduct Hearing. A witness can only be called if the witness has supplied a written statement contained within the parties' submissions to BAPT. Parties wishing to call witnesses must notify the Chair of Professional Conduct of the names and details of such witnesses not less than 30 days prior to the date fixed for the Hearing. The Panel will only permit the attendance of a witness notified in advance of the hearing in accordance with this paragraph, if the Panel considers that the written statement of the witness requires further clarification. Witnesses permitted to attend the hearing may be questioned by the Professional Conduct Panel and/or either party to the case.

**4.9** Subject to the requirements of paragraphs 4.7 and 4.8. above, if one of the parties to the Professional Conduct Hearing wishes to call new evidence (including a witness for whom the requisite notice has not been given in accordance with paragraphs 4.7 and 4.8), the Panel has a discretion to refuse attendance by such a witness if it is reasonably believed that the witness' attendance will not add clarification to the issues under consideration by the Professional Conduct Panel.

#### **4.10 Failure to attend the Professional Conduct Hearing**

Where a Complainant or Member/Registrant Complained Against fails or refuses to attend a Professional Conduct Hearing, the Chair of the Professional Conduct Panel has the power to decide to either:

- a) proceed with the Hearing in the absence of one or both of the parties; or
- b) adjourn the Hearing to a date not less than 30 days in advance; or
- c) terminate the proceedings; or
- d) refer the matter back for consideration of BAPT for membership or registration.

#### **4.11 Notification of findings**

The decision of the Professional Conduct Panel will be notified in writing to the parties within 30 days of the Professional Conduct Hearing.

The decision of the Professional Conduct Panel, together with details of any sanction, will be published in BAPT's magazine and within the Complaints Section of the BAPT website, in such detail as is deemed appropriate to the findings and at its discretion. Details of Sanctions will also appear within the BAPT Register of Play Therapists.

## **5. Sanctions**

**5.1** The Professional Conduct Panel, having regard to the findings, may impose one or more of the sanctions including:

- a) No sanction imposed
- b) Appointment of an advisory consultant to oversee the work of the Member Complained Against
- c) Appointment of supervisor to oversee the work of Member Complained Against
- d) Increased levels of clinical supervision
- e) Suspension of the Member Complained Against from practising for a specified period
- f) Termination of membership and removal from BAPT Register of the Member Complained Against
- g) Additional and appropriate training

### **5.2 Interim Suspension Orders**

If a complaint or concern suggests that it may be necessary for public safety, or be otherwise in the interests of the public or be in the interests of the registrant if a Registrant's registration should be suspended while the concern or complaint is progressed, The Professional Conduct Panel may make an interim suspension order. The Interim Suspension Order shall remain in place until the complaint or concerns are heard by the Panel, and shall be published on BAPT website, register and quarterly journal.

### **5.3 Lifting of sanction**

The Member Complained Against may apply to Chair of Professional Conduct Panel for a sanction to be lifted when the conditions are fulfilled.

The Professional Conduct Panel will decide if the requirements of any sanction imposed on the Member Complained Against have been fulfilled and thus, whether the sanction should be lifted.

The Member/Registrant Complained Against will be notified in writing of any decision made. Where a sanction has been successfully complied with and, thus, lifted, a Sanction Compliance Notice will be published on BAPT's website and in its magazine.

### **5.4 Failure to comply with sanction**

Failure or refusal to comply with a sanction without reasonable excuse within the time specified by the Professional Conduct Panel in its ruling and without reasonable excuse, may result in membership of BAPT being suspended or withdrawn. The Chair of the BAPT will notify the Member/Registrant Complained Against of any such decision in writing. In such circumstances, a Withdrawal of Membership/ Registration Notice will be published on BAPT's website and in its journal.

## **6. Appeals Procedure**

### **6.1 Leave to appeal**

Either party to a Professional Conduct Hearing (i.e. The Complainant/ Member/Registrant Complained Against) may seek leave to appeal the decision of the Professional Conduct Panel and serve notice of appeal on the grounds set out below in paragraph 6.3.

### **6.2 Timescale and documentation for appeals**

An application for leave to appeal must:

- be in writing, and
- be accompanied by notice of appeal specifying the ground(s) on which the appeal is submitted.

A notice of appeal, together with the grounds of appeal, must:

- be accompanied by any supporting documentation and
- served upon the Chair of Professional Conduct within 30 days of notification of the findings and decision and/or sanction of the Professional Conduct Panel.

### **6.3 Grounds for Appeal**

A notice of appeal must be in writing, and must specify the ground(s) on which the appeal is submitted and be accompanied by any supporting documentation. If the Complainant requires support to make an application for leave to appeal and serve notice of appeal in writing they should contact the Chair of Professional Conduct who will seek to support them to communicate their intention to Appeal.

An appeal will be considered on any of the following grounds:

- a. the facts were found against the weight of evidence before the Professional Conduct Hearing
- b. that the sanction is disproportionate to the finding of the Professional Conduct Hearing and is unjust in all the circumstances
- c. there is evidence to suggest that a procedural impropriety may have had a material effect on the finding and decision of the Professional Conduct Hearing
- d. there is new evidence which was not available at the time of the Professional Conduct Hearing.

#### **6.4 The Appeals Panel**

The grounds of appeal set out in the notice of appeal will be considered by a newly appointed Appeals Panel, to be convened by the Chair of Professional Conduct, who will decide whether the appeal should be accepted to go forward to an Appeal Hearing or not. The Appeals Panel will consist of two BAPT Registrants and one lay panellist, selected from a pool of people trained by BAPT to consider complaints.

**6.5** If leave to appeal is granted by the Appeals Panel, the case may then proceed to an Appeal Hearing and the parties will be informed. The Appellant and the Respondent, will be notified in writing of this decision and given the details of the procedure to be followed. If there is insufficient evidence to satisfy any of the ground(s) for appeal, the leave to appeal will be rejected. The decision of the Appeals Panel will be final. Parties will be notified within fourteen days of the final decision.

## **7. Appeals Panel Procedure**

### **7.1 Venue**

Appeal hearings will be held at a neutral venue selected and arranged by BAPT. Save in exceptional circumstances, the venue will be within the vicinity of the BAPT's headquarters.

### **7.2 Appeal Panel**

The Chair of Professional Conduct will appoint an independently constituted panel consisting of two BAPT Registrants and one lay panellist, selected from a pool of people trained by BAPT to decide the Appeal.

### **7.3 Declaration of interest**

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

### **7.4 Purpose**

The purpose of an Appeal Hearing is for an Appeal Panel to examine all the written and oral evidence presented by both parties to decide whether or not the appeal is upheld.

### **7.5 Format of the Appeal Hearing**

The Appeal Hearing will be by way of a review of the Professional Conduct Panel's decision in light of the evidence put before the Professional Conduct Panel. The Appeal Panel will then consider the appeal documentation in its entirety, including any new evidence submitted with the appeal documentation, verbal submissions and mitigating factors before reaching its decision.

### **7.6 Presence of a representative/support person**

When appearing at the Appeal Hearing, both parties may be accompanied by a representative who may support and/or speak on behalf of the party concerned. Such details of a representative/support person must be received by the Chair of Professional Conduct not less than 30 days prior to the date fixed for the Appeal Hearing.

### **7.7 Additional evidence**

Written evidence and/or submissions and witness statements including any new evidence in support of the appeal must be submitted in advance by the Appellant and the Respondent. Such papers must be received by the Chair of Professional Conduct not less than 30 days prior to the date fixed for the Appeal Hearing. Such papers will be circulated to the Appeal Panel, the Appellant and the Complainant, within a reasonable period and not less than 14 days prior to the date set for the Appeal Hearing. The Chair of the Appeal Panel may take advice on these papers and/or procedural matters from the Chair of Professional Conduct, or such relevant person as may be deemed appropriate.

### **7.8 New evidence**

Within 10 days before the date of the Appeal Hearing, the Chair of the Appeal Panel will determine whether or not any new evidence provided in support of the appeal will be accepted by the Appeal Panel. The decision will be based on the conditions laid down in this

Professional Conduct Procedure. The Chair of the Appeal Panel may take advice on such matters from the Chair of Professional Conduct. The decision of the Chair of the Appeal Panel concerning the acceptance or rejection of new evidence will be communicated to all parties in writing at least 7 days before the date set for the Appeal Hearing.

### **7.9 Attendance by witnesses**

A witness can only be called in an Appeal Hearing if the witness has supplied a written statement included within the parties' submissions to BAPT. Parties wishing to call witnesses must notify the Chair of Professional Conduct of the names and details of such witnesses not less than 30 days prior to the date fixed for the Hearing. The Chair of the Appeal Panel will only permit the attendance of a witness if the Panel considers that their oral evidence is necessary because their written statement requires further clarification. The Appeal Panel, Appellant and Respondent may call witnesses to attend the Hearing. The Chair of the Appeal Panel has discretion to refuse attendance by a witness if it is reasonably believed that such attendance is not relevant and/or will not add any clarification or weight to the issue(s) being considered. Witnesses may be questioned by the Panel and by either party connected with the case.

### **7.10 Failure to attend the Appeal Hearing**

Where an Appellant fails or refuses to attend an Appeal Hearing, the Registrar has the power to decide to either:

- a) proceed with the Hearing in the absence of the Appellant; or
- b) adjourn the Hearing to a date not less 30 days in advance; or
- c) refer the matter for consideration by BAPT of the membership / registration status of the Member Complained Against.

### **7.11 Notification of decision**

The decision of the Appeal Panel will be notified to the parties in writing within 30 days of the Appeal Hearing.

Where an Appeal has not been successful, in whole or in part, the decision of the Appeal Panel, including details of any sanction, incorporating any amendment(s) made by the Appeal Panel, will be published within the BAPT Register on BAPT's website and within the BAPT journal

If the decision is that the Appellant's membership/registration of the Association should be withdrawn, the Chair of Complaints will communicate this decision to the Registrar who, in turn, will formally notify the Appellant in writing and implement the Panel's decision. This decision will be final.

## **8. Publication**

**8.1** Where a complaint is upheld in whole or in part, the decision of the Professional Conduct and/or Appeal Panel, together with details of any sanction, will be published on the BAPT website and may also be published within the BAPT quarterly journal, in such detail as is deemed appropriate to the findings.

**8.2** The withdrawal of membership/registration under the Professional Conduct Procedure will be published on BAPT's website and may also be published within the BAPT quarterly journal.

**8.3** Under these procedures, any notification that BAPT is entitled to publish on its website or in the BAPT quarterly journal may be published by other professional organisations with consent of BAPT at its discretion and in the interest of public protection

**8.4** Information about Sanctions will appear on the BAPT website and Register for the period of the duration of the sanction. On confirmation by the Chair of Professional Conduct of the completion and lifting of a sanction, in accordance with 5.1G, information will remain on the BAPT website for a further period of 12 months.

## **9. Restoration of Registration**

Registrants struck off the Register can apply for restoration (to be put back on the Register) after three years. A hearing will be held for the panel to consider this application. This process applies when a person whose registration has been terminated by a decision under the Professional Conduct Procedure and that person wishes to re-register.

Applications for restoration or Registration may be considered when:

- a) not less than three years has elapsed since the termination; and
- b) the former registrant submits a report to show what they have learned from the experience; and
- c) the former registrant submits a report from a registered supervisor in favour of the re-registration.

The Professional Conduct Panel must decide on whether the former registrant may be re-registered and state its reasons in writing within 30 days of receipt of application.

## Categories of Complaint

The Professional Conduct Panel is responsible for determining whether the ground(s) of the complaint are upheld or not, according to the standards of civil law. If upheld, the Panel has to consider its decision and make a finding under one or more of the following heads of complaint.

The decision about the head must ultimately rest upon consideration of all the circumstances in the case. The information that follows is intended to inform the choice between the three heads of complaint available to the Panel. These are:

1. Professional Misconduct
2. Professional Malpractice
3. Bringing the Profession into Disrepute

### **Professional Misconduct**

A finding of professional misconduct signifies that the practitioner has contravened the ethical and behavioural standards that should reasonably be expected of member/registrant of this profession. Misconduct is defined as acting in contravention of the written and unwritten guidance of the profession.

Serious Professional Misconduct : A finding of serious professional misconduct is appropriate if the misconduct is of sufficient seriousness to merit a period of suspension of rights of membership/registration and/or the withdrawal of membership/registration of BAPT.

### **Professional Malpractice**

A finding of professional malpractice signifies that the service(s) for which the practitioner is responsible have fallen below the standards that would reasonably be expected of a practitioner exercising reasonable care and skill. Examples of malpractice include, but are not restricted to:

1. Incompetence
2. Negligence
3. Recklessness
4. The provision of inadequate professional services

Serious Professional malpractice: A finding of serious professional malpractice is appropriate if the malpractice is of sufficient seriousness to merit a period of suspension of rights of membership/registration and/or the withdrawal of membership/registration of BAPT.

### **Bringing the Profession into Disrepute**

A finding of bringing the profession into disrepute signifies that the practitioner has acted in such an infamous or disgraceful way that the public's trust in the profession might reasonably be undermined, or might reasonably be undermined if they were accurately informed about all the circumstances of the case. A finding under this head must amount

to 'disgraceful conduct in a professional respect'. This involves consideration of three elements:

- Conduct that is regarded as 'disgraceful' need not amount to moral turpitude or be restricted to acts of serious immorality.
- The conduct must have had some connection with a professional role in order to be considered as falling 'in a professional respect'. It ought not to be concerned with matters that can reasonably be viewed as solely personal and private.
- Conduct 'in a professional respect' is not confined to the pursuit of the profession in question.

What is not considered to be disgraceful to an ordinary person may be considered to be disgraceful to a professional person.

A finding of bringing the profession into disrepute will result in withdrawal of membership/ registration.

BAPT may also exercise its discretion to take disciplinary proceedings against a member who is convicted of a criminal offence or who has civil or professional findings against them that ought to have been declared on entry into membership or arising during membership