

## **DISCIPLINARY CODE FOR PRACTITIONERS IN RESPIRATORY PHYSIOLOGY**

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The Respiratory Associate, Physiologist or Scientist (herein referred to as the Practitioner') has an obligation to adhere at all times to a standard of conduct, appropriate to the high standing of the Profession in its clinical care of patients, and meriting the confidence of the general public.

The Practitioner will adhere at all times to the Code of Professional Conduct of the Association for Respiratory, Technology and Physiology (hereinafter referred to as 'the Association'). A breach of the Code constitutes professional misconduct and may result in disciplinary proceedings being taken against the Practitioner by the Discipline Committee of the Association.

Any Practitioner who is found to be in breach of the Code of Conduct of other professional regulatory organisations (AHCS, HCPC, RCCP, NMC, GMC, etc) and has been disciplined will automatically become the subject of an ARTP Disciplinary Review. All ARTP members agree as a part of their terms and conditions of membership to inform ARTP of any disciplinary procedure brought against them which results in a disciplinary action.

The Practitioner may be subject to disciplinary proceedings by the Discipline Committee if any of the following applies:-

- there is a finding of serious misconduct in a professional respect against the Practitioner.
- the Practitioner neglects the professional responsibility owed to a patient by harming personal integrity, applying discriminatory practices, or by attempting to carry out procedures in respect of which the Practitioner does not have the necessary authority, training or skill.
- the Practitioner is convicted by a court of law of a criminal offence which may reflect adversely on the Profession.

- the Practitioner is dismissed by an employer for professional misconduct. Action falling short of dismissal would not normally give rise to disciplinary proceedings unless the circumstances were to breach another part of the Code.
- the Practitioner accepts favours or gifts (other than of insignificant value) or receives hospitality from a donor whose action might be construed as an attempt to secure preferential consideration.

It is not possible to provide a complete list of every breach of discipline but examples would include:-

- Physical, sexual, or verbal abuse of patients.
- Failure to act knowing that a colleague is improperly treating, or abusing, patients.
- Theft from patients, employers or colleagues.
- Failure to protect or promote the interests of patients.
- Improper disclosure of confidential information about patients.
- Reckless or unskilful practice.
- Concealment of any untoward incidents.
- Drug related offences.
- Failure to keep essential and accurate records.
- Falsification of records.

#### **ALLEGATIONS OF MISCONDUCT LEADING TO FORMAL COMPLAINT**

When in the course of their professional duties a Member becomes aware of what appears to be an instance of misconduct in a professional sense it is the duty of that Member to report the circumstances.

#### **STRUCTURES**

##### **Investigating Officer**

Appointed by the Chair of Workforce, and should be a senior professional in respiratory and sleep physiology/medicine. Can be a member of ARTP Executive Committee on a relevant external professional.

##### **Disciplinary Committee**

Made up 3 Executive Board members, including Chair of Workforce (?) and 2 others.

**NB** No member of this Committee will hold an appointment in the health region where the incident is alleged to have arisen and have no conflict of interest with either party.

#### **MAKING A COMPLAINT**

(See new Complaints Procedure (Sept 2014))

#### **APPEALS PROCEDURE**

##### **APPEALS COMMITTEE (Ad hoc Committee)**

### Composition

This will involve Council members not previously involved in the case.

**NB** No member of this Committee will hold an appointment in the health region where the incident is alleged to have arisen.

The grounds of the appeal should be intimated to the Chairman of Workforce Committee within 28 days.

The case will be reviewed in accordance with a procedure determined by the ARTP Council Conduct and Discipline Group.

### Remit and role

- To hear the grounds of the appeal against the judgement of the Discipline Committee.
- To decide whether or not the appeal should be upheld.
- The decision is by majority with the Chairman having the casting vote.

This Committee elects its own Chairman who shall not be an office bearer of the Society.

# DISCIPLINARY MECHANISM (revised Sept 2014)

## Appendix 1.

