

# **BSHAA**

# **Codes of Practice**

**April 2010**



# INTRODUCTION

Like any organisation, the Society has to have a set of rules under which it operates and which set out the way it is structured and governed by its Council. These are called “the Articles” and they also provide for the creation of a Code of Practice as well as setting out the Council’s responsibility for exercising disciplinary action against those who breach the Code.

As circumstances change the Council may from time to time amend the Code of Practice but will give notice to members of its intention to do this. It is a requirement of membership of the Society that you acquaint yourself with the Code and adhere to it.

## BSHAA OBJECTIVES

The main objectives of the Society are:

- 1 To encourage the study and practice of hearing aid audiology and to improve education in that field.
- 2 To encourage the highest standards in the practice and application of hearing aid audiology.
- 3 To regulate professional and commercial standards through a Code of Practice.
- 4 To maintain those standards through the application of disciplinary procedures.
- 5 To promote the activities of the Society and its members.
- 6 To protect the interests of its members.

When you join the Society you accept a series of responsibilities: this Code explains what is expected of you; if you fail to fulfill this expectation you will be in breach of the Code and the disciplinary processes may result in:

- your temporary or permanent exclusion from membership,
- immediate suspension pending investigation, if the allegation is sufficiently serious or if you are charged with committing a serious criminal offence if such charge has a material effect on the member’s ability to carry out his duties in a professional and competent manner,

- demotion of your membership status,
- a recommendation for re-training,
- other reasonable action as appropriate in the circumstances.

## **RESPONSIBILITY TO THE SOCIETY**

The development of the Society depends upon the support of each member.

Members will therefore:

- 1 Accept that it is their responsibility to do everything reasonable to further the Society's objectives and to do nothing which is contrary to these objectives.
- 2 Wherever practicable support local and national meetings.
- 3 Wherever practicable make themselves available for election to the Society's Council and/or its committees.
- 4 Deal expeditiously with all communications from official bodies (for example, but not exclusively, the HPC, Citizens Advice Bureau, ASA and BSHAA).
- 5 Cease to dispense immediately they become aware that they are bankrupt or take such appropriate steps that are reasonable in the circumstances in the event that their employer is insolvent.
- 6 Not adopt any trading practice which brings the Society or Hearing Aid Audiology into disrepute (in this regard the Council's opinion will be final).

Where a member is a Director of a company or a Proprietor or Partner in a business, that member will be deemed to be responsible for ensuring the company or business complies with the General Codes of Practice.

Members have a responsibility to maintain personal standards of conduct which in the view of the Council will bring neither their personal standing nor that of audiology into disrepute; in this regard the Society would consider misconduct as including activities such as the misuse of alcohol, drugs, dishonest financial dealings and criminal acts.

# **YOUR RESPONSIBILITY TO THE CLIENT**

The prime responsibility of each member is to act ethically and at all times in the best interests of their client. In considering the best interests of their client, members will:

- 1 Ensure that all advice with regard to hearing is given on the basis of improving the client's quality of life.
- 2 Explain any limitations in the product and make appropriate provision for necessary rehabilitative support for the client.
- 3 Make it clear to the client what servicing, ongoing maintenance and consumables are required and indicate the ongoing costs. Make appropriate provision for the prompt repair of all instruments supplied and give an indication of likely charges.
- 4 Take reasonable steps to satisfy the client. If asked, the member will meet the client at the place of the original consultation within a reasonable period and provide a contact telephone number and address to provide easy access for clients.
- 5 Respect the confidentiality of all information, which is learned in the capacity of a Hearing Aid Audiologist.
- 6 Not inappropriately use the relationship with the client for purposes other than the proper supply of advice and/or equipment to improve hearing.
- 7 Make clear all the financial consequences of the client's transaction prior to any irrevocable commitment. Details of any finance agreement and Annual Percentage Rate ("APR") charged should be explained in such a way that the client understands how much they will be paying and what the terms of the contract are. This will be provided in writing.
- 8 If a cooling off period is offered, other than that required by law, explain this to the client and clearly define this in the written terms and conditions of the contract. Members must adhere to the relevant cooling off periods as required by Cancellation of Contracts Made in a Consumer's Home or Place of Work etc Regulations 2008 or the Consumer Credit Act 1974. Members must make it clear the address to which clients need to write if they wish to exercise their rights of cancellation.

- 9 Take every reasonable step to honour as promptly as possible but within 30 days the terms of any money back arrangements they have offered. They should make it clear, at the time of the sale, if a deposit or part of a deposit is not refundable and the reasons for this. This must also be in writing.
- 10 Explain the full terms of any trial period and what will happen if any goods are returned and explain the refund policy in accordance with 9 above.
- 11 Reply to all client communications promptly.
- 12 Make appropriate provision for Professional Indemnity insurance.
- 13 Make themselves aware of pertinent legislation to ensure that they do not provide their clients with less protection than as provided by law and that in their terms and conditions of supply they adhere to the relevant consumer protection legislation.
- 14 Not use inappropriate selling tactics or withhold price information (see Unfair Commercial Practices Directive and the Consumer Protection from Unfair Trading Regulations).
- 15 Provide clear terms and conditions of the contract in writing.
- 16 Take such steps to explain terms and conditions (as appropriate) if the client appears to be confused and if possible request a relative or friend to be present during the consultation.
- 17 Ensure that any website relating to them or their business is accurate and not misleading. If the BSHAA logo is used the member must ensure that there is no inference that it is the Company that is a member of BSHAA. A contact address and telephone number must be provided on their business website.

## **RESPONSIBILITY TO HEARING AID AUDIOLOGY**

In pursuit of the Society's objective to encourage the highest standards in the practice of hearing aid audiology members will comply with the Health Professions Council's ("HPC") Standards of Proficiency for Hearing Aid Dispensers, their Standards of Conduct, Performance and Ethics and their Standards for Continuing Professional Development and will also ensure that:

- 1 Their dispensing practices are regularly updated by ongoing participation in initiatives and compliance with standards that will be published by the Society from time to time.
- 2 Members must comply with the provisions of the Society's scheme for Continuing Professional Development, details of which are available in the Membership Booklet which is available on the Society's website or from the Secretary.
- 3 Their equipment meets or exceeds the minimum recommended standards that will be published by the Society from time to time.
- 4 The environment in which they conduct their audiology is appropriate and in accordance with standards which will be published by the Society from time to time.

## **ADVERTISING CODE**

The public perception of the Society and its membership is of great importance. To ensure the Society meets its objectives of maintaining high professional and commercial standards and of protecting the interests of its members, each member will ensure all advertising undertaken by them:

- 1 is in full accordance with the guidelines, published from time to time such as the British Codes of Advertising, Sales Promotion and Direct Marketing, the Television Advertising Standards Codes, the Radio Advertising Standards Codes and the PhonepayPlus Code,
- 2 does not give misleading indications about price, value, quality or benefit of the product,
- 3 contains sufficient information so that anyone who responds can understand the consequences of their action,
- 4 does not bring the Society or Hearing Aid Audiology into disrepute (the Council's opinion on this will be final),
- 5 Encourages the practice of Hearing Aid Audiology.

Where a member is a Director of a company or a Proprietor or Partner in a business, that member will be deemed to be responsible for ensuring that the company or business complies with these Advertising Codes of Practice.

# **DISCIPLINARY PROCEDURES**

The Society's Articles sets down the Council's powers and responsibilities in receiving and dealing with allegations of breaches of the Society's Codes. The process the Council will follow is:

## **GENERAL**

- 1 All BSHAA disciplinary actions will be deemed 'confidential' until the final decision of the Council is made.

## **START OF PROCESS**

- 2 The process starts when either:
  - (a) it appears to the Council that there has been a breach, or
  - (b) any person submits written evidence of an alleged breach.

## **INITIAL RESPONSE**

- 3 The Council will ask the member for an initial response to the allegation of the breach of the Society's Codes. The purpose of this is to ascertain if there is a case to answer. If there is considered to be no case to answer, the member will be notified within 14 days of the receipt of this response.

## **INVESTIGATORY MEETING**

- 4 If after initial investigation and hearing the member's response to the allegation, the Council still believes there is evidence of a breach of the Code, the Council will call an investigatory meeting to consider the member's conduct.

Where an investigatory meeting is called the Council will give the member 21 days' written notice of:

- (a) the date, time and venue of the investigatory meeting and
- (b) the details of the allegation and
- (c) their right to attend and be heard.

## **PROCEEDINGS OF THE INVESTIGATORY MEETING**

- 5 The investigatory meeting will be attended by 2 Council Members or such other persons that Council deems appropriate and will be chaired by the CEO or their appointed deputy.
- 6 The investigatory meeting will be conducted informally but the member has the right to be represented. If the member does not wish to attend, the

meeting shall accept a written submission.

- 7 If it is decided that there is no case to answer, the member will be notified within 14 days of the investigatory meeting
- 8 If it is decided that there is a case to answer the member will be notified within 14 days of the investigatory meeting. The notification will contain:
  - (a) sufficient information about the alleged misconduct and its possible consequences to enable the member to prepare to answer the case at a subsequent disciplinary meeting and
  - (b) the date, time and venue of the disciplinary meeting; and
  - (c) their right to be accompanied at the meeting.

The meeting will be held as soon as possible but allow the member reasonable time to prepare their case.

## **PROCEEDINGS OF THE DISCIPLINARY MEETING**

- 9 The disciplinary meeting must be attended by 3 Council Members or such other persons that Council deem appropriate and will be chaired by the Vice President or his appointed deputy (none of whom have taken part in the investigatory meeting). The Chairperson has a casting vote.
- 10 The Chairperson will explain the allegation and the evidence that has been gathered and set out how this is considered to be in breach of the Society's Code. The member will be allowed to present their case and answer any allegations that have been made. The member will be given reasonable opportunity to ask questions, present evidence and call relevant witnesses or present witness statements. Where a member or the Society intends to call witnesses or rely on witness statements, notice must give in advance.
- 11 If the case is proven; the meeting has the right to suspend for any period, to exclude permanently from membership or demote the member's membership status or request re-training, or such other reasonable action as appropriate in the circumstances.
- 12 The Council must advise the member of its decision in writing within 14 days.

## **RIGHT OF APPEAL**

- 13 If a member does not accept the decision of the disciplinary meeting they

may appeal within 28 days of receipt of the decision in writing. The appeal will be heard by The President and one other Council Member (who has not taken part in the investigatory or disciplinary meeting) and whose identity will be given to the member at the time they are notified of the venue and time of the appeal.

14 Any costs associated with this appeal will be borne by the member.

15 The Council must advise the member in writing, whether or not the appeal has been successful within 14 days.

## **GENERAL**

16 At any stage in the proceedings, the Society may also refer the matter to the HPC if information is obtained which could suggest a material breach of HPC standards.

17 The Council may at any time bring to an end a period of suspension or reinstate an excluded member and may impose conditions as it feels appropriate in the circumstances.

18 The request for the member to be accompanied must be reasonable. The Council will have the right to refuse the request by giving its reasons to the member.

## **AUTOMATIC EXCLUSION**

19 Membership will automatically cease in the event of a member's:

- bankruptcy, receipt of a Receiving Order or composition with creditors or
- conviction of a serious criminal offence if such conviction has a material effect on the member's ability to carry out their duties in a professional and competent manner or
- failure to respond to requests for information pursuant to the Society's disciplinary process or
- failure to undergo re-training or such other reasonable action as appropriate in the circumstances pursuant to paragraph 11.



