

British Society of Hearing Aid Audiologists Code of Practice October 2014



Assuring High Quality Professional Hearing Care

Introduction

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 which sets out how we expect members to behave and 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.

Overriding Principles of the Code

Members will at all time act in such a manner to justify public trust and confidence and uphold the good standing and reputation of the hearing aid industry. BSHAA requires its members, whether they are employed or self-employed, to act ethically at all times in relation to their Professional Practice and towards their clients.

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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 maintain professional standards through its Guidance on Professional Practice for Hearing Aid Audiologists (as amended from time to time)
- 4 To regulate commercial standards through its Code of Practice (as amended from time to time)
- 5 To maintain professional and commercial standards through the application of disciplinary procedures
- 6 To promote the activities of the Society and its members
- 7 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 their duties in a professional and competent manner
- Demotion of your membership status
- A recommendation for re-training
- Referral to the Health and Care Professions Council (HCPC) if information is obtained which could suggest a material breach of HCPC standards
- Other reasonable action as appropriate in the circumstances

The Member's Responsibility to the Society

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

Each Member agrees to:

- 1 Act ethically at all times, whether they are employed or self-employed, in relation to their professional practice and towards their clients, and adhere to the principles of the Code
- 2 Do everything reasonable to further the Society's objectives and to do nothing which is contrary to these objectives
- 3 Wherever practicable, support local and national meetings organised by the Society
- 4 Wherever practicable, make themselves available for election to the Society's Council and/or its committees
- 5 Deal expeditiously with all communications from official bodies (for example, but not exclusively, the HCPC, Citizens Advice Bureau, ASA and BSHAA)
- 6 Pay due regard to the Society's Guidance on Professional Practice
- 7 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
- 8 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)
- 9 A Member must not attempt to gain business or other advantage by unfairly criticising the service of a fellow healthcare practitioner

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 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 courteously and at all times in the best interests of their client. In considering the best interests of their client, members agree to:

- 1 Give advice, with regard to hearing, 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 clear to the client what servicing, ongoing maintenance and consumables are required and indicate the ongoing costs
- 4 Make appropriate provision for the prompt repair of all instruments supplied and give an indication of likely charges
- 5 Provide clearly readable and unambiguous terms and conditions of the contract in writing and ensure that the client or an appropriate person on their behalf is aware of any terms that may be considered non-standard for a contract of this nature
- 6 Take all reasonable steps to ensure that the terms and conditions (as appropriate) are explained. If the client appears to be confused or unable to make an informed decision, if possible, request a relative or other appropriate person to be present during the consultation and the explanation of the terms and conditions of supply
- 7 Include on the supply form full contact details, including postal address, telephone and e-mail address. It is recommended that the contact details of the HCPC as regulator are included in the terms and conditions. All terms and conditions must be accurate and up to date
- 8 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

- 9 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
- 10 Explain any cooling off period, as required by law, 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
- 11 Take reasonable steps to honour as promptly as possible but within 30 days, the terms of any money back arrangements they have offered. Members should explain, in writing and verbally, at the time of the sale, any retention that applies to any money back arrangement offered
- 12 Explain the full terms and conditions of any trial period and what will happen if any goods are returned and explain the refund policy in accordance with 11 above
- 13 Reply to all client communications promptly
- 14 Respect the confidentiality of all information, which is learned in the capacity of a Hearing Aid Audiologist
- 15 Not use inappropriately, the relationship with the client for purposes other than the proper supply of advice and/or equipment to improve hearing
- 16 Make and maintain appropriate provision for professional indemnity insurance in line with HCPC regulatory requirements. Failure to do so is a breach of BSHAA code of practice, potentially leading to disciplinary action by the Society.



Your Responsibility to the **Client** *[continued]*

- 17 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
- 18 Not use inappropriate selling tactics or withhold price information in contravention of the Unfair Commercial Practices Directive and the Consumer Protection from Unfair Trading Regulations
- 19 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. For the avoidance of doubt the use of the Assured Hearing Care Logo by Companies where they are members of the Customer Care Scheme is permitted in accordance with the BSHAA Logo guidelines booklet. A contact address and telephone number must be provided on their business website. Where a logo is used, a link back to bshaa.com should be included as a hyperlink active when the logo is clicked
- 20 Make appropriate provision, if they temporarily or permanently cease to carry on dispensing, for whatever reason so that their clients may have continuity of service and warranty support thereby fulfilling their contractual commitments to these clients.

Your 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 and Care Professions Council's ("HCPC") 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 The environment in which they conduct their practice is appropriate and in accordance with Guidance on Professional Practice for Hearing Aid Audiologists published by the Society as amended from time to time

The Society reserves the right to initiate immediate disciplinary procedures and convene a disciplinary meeting where a member is removed or suspended from the HCPC register.

If you lose your registration you will be immediately suspended from BSHAA membership pending investigation; during this period, using BSHAA Membership/Fellowship in any medium is not permitted.

Your Responsibility to the 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 disparage or bring the Society or the profession 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 as follows:

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 and any supporting documentation and any other information as appropriate 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 21 days of the receipt of their response.



Disciplinary Procedures *[continued]*

Proceedings Of The Disciplinary Meeting

- 4 If after considering the response in 3 above it is decided that there is a case to answer the member will be notified within 21 days of the receipt of the initial response. 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 disciplinary meeting
 - (b) the date, time and venue of the disciplinary meeting; and
 - (c) information about 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.
- 5 The disciplinary meeting will 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 consideration of the response received in 3 above).
- 6 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 will be given to the member in advance.
- 7 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.

- 8 The Council must advise the member of its decision in writing within 14 days of the disciplinary meeting.

Right Of Appeal

- 9 If a member does not accept the decision of the disciplinary meeting they may appeal in writing within 28 days of receipt of the decision. The appeal will be heard by The President and one other Council Member (who has not taken part in the 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.
- 10 Any costs associated with this appeal will be borne by the member.
- 11 The Council must advise the member in writing, whether or not the appeal has been successful, within 14 days.

General

- 12 At any stage in the proceedings, the Society may refer the matter to the HCPC if information is obtained which could suggest a material breach of HCPC standards.
- 13 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.
- 14 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.



Disciplinary Procedures *[continued]*

Automatic Exclusion

- 15 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 7.

