

British Society of Echocardiography Limited

Rules & Code of Professional Conduct

Introduction

These regulations are made under Article 57 of the Articles of Association of the British Society of Echocardiography (BSE). Members of the BSE are subject to the following Rules and Code of Professional Conduct.

Definitions

<i>Society</i>	"BSE" the British Society of Echocardiography, a Company Limited by Guarantee and Registered Charity
<i>Member</i>	any member of the British Society of Echocardiography
<i>Council</i>	the Council of the BSE, comprising elected and co-opted voting members
<i>President</i>	the BSE President
<i>the Disciplinary Committee</i>	the Disciplinary Committee as constituted by the Council and acting within its terms of reference and delegated powers
<i>the Register</i>	the Register of Members holding Accreditation in any of the specialty diagnostic fields covered by the Society
<i>Echocardiographer</i>	a person who employs ultrasound-based techniques to study the structure and function of the heart
<i>Accredited Member</i>	any Member of the BSE whose name appears on the Register
<i>Complainant</i>	any person, employing authority or professional body alleging professional misconduct by a Member
<i>Respondent</i>	the Member against whom a complaint has been made
<i>days</i>	days, including Saturdays, Sundays and Public Holidays

Rules

Objectives of the BSE

These are laid down in the Memorandum and Articles of Association of the Company.

Classes of Membership

Membership of the BSE is open to everyone associated with echocardiography including: cardiologists, radiologists, anaesthetists and junior doctors; veterinarians, managerial, sales and technical staff of instrumentation companies; clinical scientists, medical physicists, cardiac physiologists and radiographers. Under the Articles of Association, membership may be refused if the Council considers that an applicant's membership will be detrimental to the Society.

All Memberships shall be individual and are non-transferrable.

Accredited Membership is additionally open to those who satisfy the Society's regulations for Accreditation in any of the specialty diagnostic fields covered by the Society.

Benefits of Membership

All Members are entitled to receive all the Society's publications (both paper and electronic), to attend and vote at the Annual General Meeting, to stand for election to Council and to apply for Accreditation.

Subscriptions

The amount and date for subscription payment may be varied or amended, increased or reduced by the Council at its discretion, provided 14 days' notice of any increase shall be given in writing prior to the date for payment.

Date of Payment

Initial Subscription: upon joining the Society.

Renewal: UK and Ireland Members: 1 April each year. Overseas Members: 1 April, with subscription valid for 3 years.

Method of Payment

UK Members: initial joining subscription by cheque, credit card or in cash, subsequently by Direct Debit into the Society's Account unless otherwise agreed.

Ireland and Overseas Members: by Sterling Cheque drawn on a UK bank, or by Credit Card or International Sterling Money Order.

Annual General Meeting

An Annual General Meeting shall be held each year in accordance with the Memorandum and Articles of Association of the Company.

Privacy & Publications

No report of business transacted at the Annual General Meeting, or any meeting of the Council or its committees shall be communicated to the press or other media without the express written permission of the Council. All publications of the Society relating to professional standards and recommendations for best clinical practice shall be approved by the Council and endorsed by the Council of the British Cardiac Society before release.

Award of Accreditation

The BSE currently awards Professional Accreditation in the following specialties:

- Adult Echocardiography
- Peri-operative & Transoesophageal Echocardiography (in conjunction with the Association of Cardio-Thoracic Anaesthetists)
- Community Echocardiography.
- Critical Care Echocardiography (in conjunction with the Intensive Care Society)
- Stress Echocardiography
- Level 1 Emergency Echocardiography

To be awarded BSE Accreditation, a person must:

- be a Member of the Society in good standing;

- satisfy the BSE Council of his/her competence in the chosen field by passing examinations and/or submitting evidence of competence to practice as required by the Society; and
- pay the appropriate fee.

Technical staff who are not otherwise registered with the Health Professions Council and who hold BSE Accreditation in Adult and/or Paediatric Echocardiography, may be eligible to apply for inclusion on its Register as Echocardiographers

Re-Accreditation

All Accreditations awarded by the Society are valid for 5 years from the date of the award (or as specified by the Council under special circumstances). Renewal of Accreditation is subject to the following requirements:

- Continuing membership of the Society
- Evidence of continuing clinical practice to levels published by the Society
- Evidence of continuing professional education to levels published by the Society
- Payment of the appropriate fee

Extension of Accreditation

Where a member cannot satisfy the requirements for re-accreditation within the time limits set, the Council may, at its discretion, extend the deadline. Examples where this might apply include breaks in practice due to job assignment away from clinical echocardiography, illness or maternity leave.

Suspension of Accreditation

A member's Accreditation may be suspended if:

- His/her subscription is not paid within 13 months of the due date. Membership and Accreditation will be restored only when the subscription record is fully restored. No application for re-accreditation can be processed unless the member's subscriptions are up to date.
- A complaint has been made, and the Council has decided on preliminary enquiry that there is a case to answer, concerning a Member's fitness to hold Accreditation.

- Following a Disciplinary Hearing, the Disciplinary Committee requires a Member to undertake a period of re-training or supervised practice.

Removal of Accreditation

A member's Accreditation may be removed if, following a complaint, the Disciplinary Committee finds that he/she has so failed to demonstrate the standard of echocardiographic competence required for Accreditation that he/she should no longer be accredited by the Society.

Expulsion from the Society

A Member may be expelled from the Society, and any associated Accreditations removed, if he/she:

- is found guilty of serious professional misconduct resulting in suspension or termination of employment, or suspension or expulsion by other professional bodies (e.g. General Medical Council, Society of Radiographers, RCCP);
- is found guilty in a Court of Law of an offence involving fraud or dishonesty;
- is committed to prison for any other criminal offence; and/or
- contravenes the Society's Code of Professional Conduct.

The Council reserves the right to disclose the fact that a Member's Accreditation has been suspended or removed, or that he/she has been expelled from the Society, to any person or organisation with a legitimate interest in the matter.

Re-instatement

A person who has been expelled from the Society will be re-admitted to Membership only if the Council is satisfied that he/she is likely in future to comply fully with its Rules and Code of Professional Conduct.

Violence and Aggression

The British Society of Echocardiography will not tolerate any form of violence or aggression, including verbal abuse, against its staff, Council Members or those representing The Society.

The Society will deal with physical and non-physical assaults according to individual circumstances, this may include immediate dismissal from The Society, and any associated Accreditations removed.

The Society will encourage the reporting of incidents to the police where appropriate and will provide support during legal proceedings.

Definitions:

Physical Assault – the intentional application of force to the person of another without lawful justification resulting in physical injury or personal discomfort.

Non-physical Assault – the use of inappropriate words or behaviour causing distress and/or constituting harassment. The non-physical assault can arise from abuse or threats via the telephone, letters or emails as well as face to face abuse.

BSE Code of Professional Conduct

Where a Member is also a member of another healthcare profession he/she must comply with the Code of Conduct relating to that other profession. In case of any conflict between this Code and that Code, the more onerous provision shall prevail.

- 1 A Member shall at all times exercise his/her professional skill and judgement to the best of his/her ability, with integrity and with full regard to the public interest.
- 2 A Member shall not be party to any act or default likely to bring discredit to the Society, to Echocardiography or to healthcare professions generally.
- 3 A Member shall not engage in any activity inconsistent with the responsibilities attached to his/her own appointment, position or actions as an Echocardiographer.
- 4 A Member shall at all times take care to ensure that his/her actions do not result in any avoidable danger of injury or death to any person. This includes being familiar with those regulations that apply to the safe operation of the scanning instruments employed.
- 5 A Member (whether or not formally Accredited) shall endeavour to maintain and develop his/her professional competence in Echocardiography and shall encourage persons working under his/her supervision to do so.
- 6 A Member shall not undertake any responsibility as an Echocardiographer which he/she does not believe him/herself to be trained and competent to discharge.
- 7 A Member shall accept personal responsibility for all work performed personally, or under his/her supervision or direction and shall take reasonable steps to ensure that persons working under his/her authority are competent to perform the tasks

assigned to them and they accept responsibility for work done under authority delegated to them.

- 8 A Member who is called upon to give an opinion in a professional capacity shall, to the best of his/her ability, give an opinion that is objective and reliable.
- 9 A Member shall not recklessly or maliciously injure, or attempt to injure, whether directly or indirectly, the professional reputation of another Member or any other healthcare professional.
- 10 A Member acting as an independent practitioner may only advertise his/her services, whether directly or through an agent, in a truthful and dignified manner which does not draw comparisons with other identifiable Echocardiographers and does not cause offence or annoyance to members of the public. Otherwise he/she shall not advertise or solicit clinical referrals, nor shall he/she pay any person, by commission or otherwise, for procuring such referrals.
- 11 A Member who is privy to confidential information (including information about health) concerning any patient must treat that information as confidential to the patient, and (unless otherwise compelled by law) disclose it only to fellow healthcare professionals who are concerned in the treatment of that patient.
- 12 A Member, when seeking (Re) Accreditation shall adhere to the rules and regulations relating to the (Re) Accreditation process.

The Code of Conduct will be kept under review, and revisions to the above guidelines will be made in the light of continuing experience and circulated to Members.

1 **Regulations governing Disciplinary Procedure**

A formal complaint against a Member alleging that he/she has contravened the Society's Rules or Code of Professional Conduct may be lodged by another Member, or by any other person, whether acting in a personal capacity or as representative of any organisation including the Society and the Society's Accreditation Committee. The complaint must be in writing and the name and address of the Complainant appended. It must set out details of the allegation upon which the complaint is based and, if practicable, be accompanied by documentary evidence that will assist a preliminary enquiry. The complaint should be addressed to the Hon. Secretary (Administrator) of the Society.

2 **Preliminary Enquiry**

- 2.1 Upon receipt of a complaint in the required form, it is the duty of the Hon. Secretary:
- 2.1.1 to decide this is a vexatious complaint and requires no response. In such cases the complaint will be filed in the general Hon. Secretary correspondence and no file opened.
 - 2.1.2 in all other cases to send a written acknowledgement to the Complainant, indicating that a preliminary assessment will be conducted to establish whether there is a case to answer;
 - 2.1.3 to seek an assurance that the Complainant will co-operate fully and attend a meeting of the Disciplinary Committee if so requested;
- 2.2 The Hon. Secretary will discuss with the Immediate Past President (who will supervise the disciplinary process) and may:
- (a) decide there is no case to answer
 - (b) decide to refer the complaint, without prejudice, to a Disciplinary Committee for full investigation
 - (c) decide that, pending completion of the full investigation, the Respondent's Accreditation be suspended on the basis that the nature of the complaint is such that patients' care might be affected in the interim.
- 2.3 The preliminary assessment will be undertaken on the basis of the statement submitted by the Complainant.
- 2.4 If the Hon. Secretary and Immediate Past President decide that there is no case to answer, he/she shall notify the Council and the Complainant in writing of the decision within 14 days.
- 2.5 If the Hon. Secretary and Immediate Past President decide to recommend to the Council that a full investigation should be undertaken, he/she shall immediately notify the Council in writing of the recommendation.
- 2.6 If in the Hon. Secretary and Immediate Past President's opinion the nature of the complaint is such that patients' health or well-being might suffer in the interim, and

that the Respondent's Accreditation should therefore be suspended until a full investigation has been carried out, he/she shall immediately notify the Council in writing of the recommendation.

- 2.7 A record of the fact that a preliminary assessment was held and of the decisions taken shall be kept in every case.
- 2.8 If a full investigation is recommended, the Hon. Secretary shall have the option of contacting solicitors (as chosen by the Hon. Secretary and normally the solicitors used by the British Society of Echocardiography for constitutional matters) to enquire whether the matter of the complaint is already subject to impending legal action elsewhere, in which case all parties concerned will be informed that action on the Society's part must be deferred until the outcome is known.
- 2.9 If the complaint is such that the Hon. Secretary or the Immediate Past President is inappropriate to conduct their duties in the Disciplinary process the President shall select another member of Council to fulfil the role.

3 Full investigation

- 3.1 The Immediate Past President shall appoint an ad hoc Disciplinary Committee comprising 3 Members of the Society, at least two of whom shall be elected members of Council (not the Hon. Secretary), with the Immediate Past President as Chair. The Hon. Secretary shall act as Committee Secretary. At least one member shall be of a similar discipline to the Respondent (Physiologist, Doctor, etc.). None of the members shall ever have worked in the same NHS Trust at the same time as the Respondent or the Complainant.
- 3.2 The Committee shall be empowered to:
 - 3.2.1 conduct a detailed investigation into the complaint, including seeking legal or other professional outside advice as required;
 - 3.2.2 determine that a hearing is appropriate although this is not a necessary requirement;
 - 3.2.3 invite any Member or other person to present written evidence or to attend any meeting or hearing as a witness or advisor;

- 3.2.4 invite the Complainant and Respondent to attend any meeting or hearing;
- 3.2.5 take any other action consistent with these regulations in order to assist it to arrive at a firm conclusion;
- 3.2.6 resolve at the conclusion of the investigation either:
 - 3.2.6.1 that the complaint shall be dismissed and, if so, to direct that all records and documents relating to it shall be destroyed **or**
 - 3.2.6.2 that the Respondent has been guilty of professional misconduct, in which case it may determine that:
 - (a) the Respondent be formally reprimanded
 - (b) the Respondent be required to give a written undertaking as to his/her future conduct
 - (c) the Respondent's Accreditation be removed, or suspended pending additional supervised practice, including undertaking part of all of the Accreditation process
 - (d) the Respondent be dismissed from the Society
 - (e) any other sanction within the powers of the Council that it considers appropriate
- 3.2.7 a note recording the action taken shall be retained in the Society's records.
- 3.3 If a hearing is arranged, the Complainant and Respondent shall have the same rights as determined by the Committee:
 - 3.3.1 to appear before the Committee on written request and to address the Committee;
 - 3.3.2 to submit documentary evidence to the Committee;
 - 3.3.3 to call witnesses on their behalf and to cross-examine witnesses called by the other side;

- 3.3.4 to be accompanied by up to two persons to provide such advice and assistance as may be required;
 - 3.3.5 to conduct his/her own case, either in person or through a previously nominated representative.
- 3.4 As soon as possible after a full investigation is authorised, the Hon. Secretary (acting as Committee Secretary) shall:
- 3.4.1 notify the Complainant and Respondent;
 - 3.4.2 if necessary, consult the Society's legal and other professional advisors;
 - 3.4.3 prepare relevant documents for the Committee including the original complaint and any written response from the Respondent. Copies shall be sent to the Complainant and Respondent, together with copies of these regulations;
 - 3.4.4 invite the Complainant and Respondent to send their comments on these documents, together with any further documentary evidence they wish to place before the Committee, to the Committee Secretary by a specified date;
 - 3.4.5 consult with the Committee Chairman and agree with him/her whether a hearing should take place and, if so, whether it should be preceded by a private meeting of the Committee;
 - 3.4.6 make necessary arrangements for the meeting and/or hearing.
 - 3.4.7 The hearing shall be held in a mutually convenient location, the default being London, either the offices of the Society or of the British Cardiovascular Society.
 - 3.4.8 The date and time of the hearing shall be made by mutual agreement of all parties with the ultimate decision made by the Committee Chairman.
- 3.5 If a hearing is to take place, both parties shall be:
- 3.5.1 reminded of the procedure and their rights;

- 3.5.2 invited to appear in person and advised that if they do not appear the hearing will proceed in their absence;
 - 3.5.3 informed that they must supply the name(s) and address(es) and status (professional advisor, witness, friend, etc.) of any persons, not exceeding two for each party, who will accompany them.
 - 3.5.4 reminded of the rule about costs as set out in clause 6 and 7.
- 3.6 A hearing shall be conducted with due regard to the principles of natural justice and as far as possible in accordance with the following outline:
- 3.6.1 the Committee Chairman shall preside, and shall be responsible for giving rulings on the admissibility of evidence and on any questions of principle or procedure that may arise. The Committee Chairman shall have the power to adjourn the hearing and, after consultation with those present, fix a time and venue for its resumption;
 - 3.6.2 the procedure for hearing evidence and for examination and cross-examination of witnesses shall as far as possible follow that for a case heard before the Civil Courts;
 - 3.6.3 at the conclusion of the hearing the Committee and its advisors shall consider their findings in private and, if possible, reach a decision. The Committee Secretary shall immediately notify the Council in writing of the Committee's decision;
 - 3.6.4 the Committee Secretary shall immediately notify the Complainant and the Respondent in writing of the Committee's decision and the reasons for it and remind them of the rules about appeals and costs. A record of the fact of the full investigation, the decision and the reasons for the decision, shall be kept in every case.

4 **Appeal**

- 4.1 The Complainant or the Respondent may appeal to the Council from a decision of the Disciplinary Committee by lodging with the Hon. Secretary and the other party within 4 weeks of receiving notice of the decision a notice of appeal, stating the grounds of appeal.
- 4.2 The only permissible grounds of appeal are as follows:

- 4.2.1 The Committee was unable to take into account evidence which has come to light since the hearing;
- 4.2.2 The Committee's decision was against the weight of the evidence;
- 4.2.3 The penalty imposed by the Committee was disproportionate to the gravity of the facts as found by the Committee;
- 4.2.4 The Committee's decision was affected by bias, breach of the rules of natural justice or breach of the Society's procedural rules;
- 4.2.5 The Committee's decision was such that no reasonable Disciplinary Committee would have reached that decision.
- 4.2.6 The appellant has the right to choose one of two forms of appeal hearing.
 - 4.2.6.1 An appeal heard by the Council under clause 4.3
 - 4.2.6.2 An appeal heard by an appeal panel under clause 4.4
- 4.2.7 The decisions available to Council or the Appeal Panel are:
 - (a) upholding the original decision;
 - (b) overturning the original decision;
 - (c) upholding the initial finding but substituting a lesser sanction;
 - (d) substituting a greater sanction.
- 4.3 An appeal may be heard by Council at the next planned meeting of Council unless this is less than 21 days after the appeal is received in which case the subsequent meeting of Council will hear the appeal.
 - 4.3.1 Each party shall be given at least 21 days' notice in writing of the date of the meeting of the Council at which the appeal will be considered, and invited to put forward written representations to the Council not less than 7 days before the date of the meeting. Neither party shall be entitled to be present in person when the matter is considered.

- 4.3.2 The President shall if possible preside at the meeting at which the appeal is considered but no member of the Disciplinary Committee from whose decision the appeal is made may be present while the appeal is heard or vote.
 - 4.3.3 The decision of the Council on an appeal is final, and the parties shall be notified in writing of the Council's decision on the appeal as soon as possible.
 - 4.3.4 A record of the fact of the appeal, the decision and the reasons for the decision shall be kept in every case.
- 4.4 An appeal may be heard by an Appeal Panel
- 4.4.1 The Appeal Panel has 3 members, the most senior member of Council not on the original Disciplinary Committee as Chairman, usually the President; the next most senior member of the same discipline as the appellant; a senior member of the Society not on Council, typically a Past President chosen by the President. (The order of Seniority is President, Vice President, Treasurer, Committee Chairpersons, Length of Service on Council).
 - 4.4.2 The Appeal Panel will be assisted by a legally qualified person recommended by the Society's solicitors to ensure due and fair process, to advise the Chairman on procedure and all aspects of the appeal, but not to adjudicate the appeal.
 - 4.4.3 The appeal hearing shall be held in a mutually convenient location, the default being London, either the offices of the Society or the British Cardiovascular Society.
 - 4.4.4 The date and time of the appeal hearing shall be made by mutual agreement of all parties with the ultimate decision made by the Appeal Panel Chairman.
 - 4.4.5 All parties shall be:
 - 4.4.6 reminded of the procedures and their rights;

- 4.4.7 invited to appear in person and advised that if they do not appear the hearing will proceed in their absence;
- 4.4.8 informed that they must supply the name(s) and address(es) and status (professional advisor, witness, friend, etc.) of any persons, not exceeding two for each party, who will accompany them.
- 4.4.9 reminded of the rule about costs.
- 4.4.10 A hearing shall be conducted with due regard to the principles of natural justice and as far as possible in accordance with the following outline;
- 4.4.11 the Appeal Panel Chairman shall preside, and shall be responsible for giving rulings on the admissibility of evidence and on any questions of principle or procedure that may arise. The Appeal Panel Chairman shall have the power to adjourn the hearing and, after consultation with those present, fix a time and venue for its resumption;
- 4.4.12 the procedure for hearing evidence and for examination and cross-examination of witnesses shall as far as possible follow that for a case heard before the Civil Courts;
- 4.4.13 at the conclusion of the appeal hearing the Appeal Panel and its advisors shall consider their findings in private and, if possible, reach a decision. The Appeal Panel Chairman shall immediately notify the Council in writing of the Appeal Panel's decision;
- 4.4.14 the Hon. Secretary shall as soon as practicable notify the Complainant and the Respondent in writing of the Appeal Panel's decision and the reasons for it and remind them of the rules about appeals and costs. A record of the fact of the full investigation, the decision and the reasons for the decision, shall be kept in every case.

4.5 No further appeals are allowed.

5 **Imposing penalties**

It should be noted that the benchmark sanction for cheating in the Accreditation process is suspension from membership for 5 years. In addition the member's employer would normally be notified that such a sanction has been imposed. The Committee and an Appeal Panel should take note of this but not be bound by this sanction.

5.1 If no notice of appeal is lodged within the prescribed period, the Hon. Secretary shall notify the President who shall impose such penalty or take such other action as the Disciplinary Committee has recommended.

5.2 Where there has been an appeal, the penalty (if any) shall be imposed immediately after the decision has been reached.

6 **Costs**

6.1 Unless the Council decides that for exceptional reasons another course should be adopted:

6.1.1 any reasonable costs incurred by the Complainant in connection with a full investigation are to be met by the Society;

6.1.2 the Respondent is personally responsible for meeting his/her own costs in connection with the full investigation;

6.1.3 The Appellant is personally responsible for meeting his/her own costs in connection with an appeal.

6.2 Subject thereto, it is a matter for the Council decide who is to meet the costs of the parties.

7.0 **Litigation**

7.1 In the unusual event of a Respondent taking unsuccessful legal action against the Society, the Society reserves the right to recover it's costs from the Respondent.