

Code of Professional Conduct

Members Obligations & Responsibilities

Your Obligations to Your Patients

Your duty of care

1. You must adhere to the Codes of Safe Clinical Practice at all times. (see Appendix)
2. You must have up-to-date appropriate professional insurance
3. You must treat all patients with respect, dignity, and compassion, and provide a high standard of care that is appropriate to the individual needs of each patient.
4. You must provide clear and accurate information to patients about their condition, treatment, and any potential risks or benefits associated with acupuncture in a way that is easily understood.
5. You must obtain fully informed consent from patients before beginning any treatment, and must respect the autonomy of patients in making decisions about their own health care.
6. You must maintain a high standard of professional knowledge and skills and must keep up-to-date with the latest developments in acupuncture and related fields.
7. The therapeutic relationship between you and your patient is of a professional nature and you must, at all times, conduct yourself professionally, with integrity and in a way which justifies the trust that patients place in you.
8. Any patient consulting you has the right to expect that you will:
 - a. Make their care your overriding priority
 - b. Listen to them carefully and respect their confidentiality
 - c. Explain your findings to them in a way that is easily understood
 - d. Inform them clearly of the nature and purpose of any proposed treatment
 - e. Respect their autonomy and encourage their freedom of choice
 - f. Provide information about how and where you may be contacted during your working hours.
9. In providing care you must:
 - a. Assess any condition thoroughly, with appropriate examination, diagnosis and investigation.
 - b. Recognise the limits of your professional competence and work within this framework.
 - c. Provide, where appropriate and with the patient's written consent, relevant information to other health professionals who are caring for them.
 - d. Consult others and refer for investigation and treatment elsewhere, when necessary, with the client's written consent.
 - e. Keep accurate and comprehensive case notes and records.

- f. Review the patient's treatment and progress at agreed intervals and assess the suitability of further acupuncture treatment.
- g. Encourage patients to promptly seek other forms of treatment if you feel that acupuncture is no longer the most appropriate means of treating their problems.
- h. Promptly report any adverse events or complications that may occur during treatment and, if you become aware of an error on your part, act in compliance with the Adverse Events Guidelines and inform your insurers and your BAF organisation prior to taking any further action or making any comment.
- i. Abide by your membership body's complaints procedure and take prompt action upon receipt of a patient's complaint about any aspect of your professional practice and keep a written record of the complaint and any actions taken for a period of 7 years.
- j. Maintain an Incident Book that records injuries, complaints received during treatment any other adverse events along with and subsequent action taken. The Incident Book should contain sufficient information to enable reporting to the membership body or insurance company at renewal. It is the practitioner's responsibility to notify their insurer of any incidents that may result in a claim at the time of renewal. Your insurance validity will rely on your notification at renewal of any incident that may result in a claim.
- k. Before providing treatment, practitioners must assess any contraindications within the framework of low risk versus high benefit. Please refer to the Contraindications Guidance in the Appendix.
- l. Provide patient advisories when sending patients home with intradermal needles or moxa.

Delegation of professional duties

1. You must ensure that your practice is managed with due care should professional duties be delegated to another acupuncturist or to a practitioner of another therapy. You should be satisfied that any such practitioner is adequately qualified and belongs to a reputable professional body. You must also be satisfied that any services provided by the other practitioner are done so with the agreement of the patient.

Fees and advertising

2. By providing treatment to a patient, a contractual relationship is established, regardless of whether or not a fee is charged. In situations where no explicit contractual relationship exists (such as in emergencies or with friends and family), you are still expected to provide professional care and act in the best interests of the patient.
3. Your fee structure must be prominently displayed in your clinic or treatment room. Any advertisements containing fee information, should clearly state the charges for both initial and subsequent sessions and specify what is covered by each fee.
4. You must be truthful and transparent in your advertising and must not make any false or misleading claims about their services or the benefits of acupuncture.

Case notes

5. You must maintain clear, accurate, and comprehensive case notes that document the following:
 - a. The patient's personal details, including their name, address, telephone number, and date of birth, as well as the date of each consultation.
 - b. The presenting complaint and symptoms reported by the patient.
 - c. Relevant medical and family history including the name and address of the patient's general practitioner (GP).
 - d. Your clinical findings.
 - e. Any treatment given and details of progress of the case, including reviews of treatment planning.
 - f. Any information or advice provided to the patient, particularly in the context of referring the patient to another healthcare professional.
 - g. Any decisions made in conjunction with the patient.
 - h. The patient's consent/signature to treatment, or where applicable, the consent of their next-of-kin.
 - i. Any recommendations provided for home treatment.

See appendix for example form to use for Patient Notes.

Patient confidentiality and data protection

6. You must adhere to all applicable laws and regulations governing the practice of acupuncture, including those related to data protection.
7. You must protect the confidentiality of patient information and protect the privacy of patient data. In particular, you must:
 - a. Ensure that all information, medical or otherwise, concerning your patients is stored securely and only accessible by authorised personnel.
 - b. Obtain explicit consent from patients before collecting, using, or sharing their personal data for any purpose, and clearly inform patients about the specific purposes for which their data will be used.
 - c. Use patient data only for the specific purposes for which it was collected, and do not disclose it to any third party without the patient's explicit consent. This includes information related to a patient's attendance at your practice, as well as any views you may hold about the patient, and applies to anyone you may employ in your practice.
 - d. Regularly review and update your data protection policies and procedures to ensure continued compliance with relevant laws and regulations.
 - e. If you keep electronic patient information, you must register with the ICO. There is a cost for this and there are required obligations for data protection.
8. You must keep patient records for a minimum of seven years. In the case of minors, records must be retained until the patient reaches the age of 25 (seven years after reaching 18). This applies even when you have referred the patient on, or you have left the practice where you administered

the treatment. In addition this applies when the patient has deceased. Lawyers or the Police can ask for information on a client; however you can refuse and this requires a court order to instruct you to provide client information and do not have authority to do so without this. Paper copies of patient records should be kept in a locked filing cabinet on the premises. Electronic patient records must be kept and processed in compliance with the rules and procedures as set out in the General Data Protection Regulation (GDPR) Regulation as implemented by the Data Protection Act 2018.

9. If you are employed or are practising in a multidisciplinary practice or acting as a consultant you must agree ownership of and responsibility for the notes. You must ensure that you have access to the notes in the event of disciplinary action being taken against you, any insurance claims or any civil or criminal proceedings. Although a patient can request access their notes, they have no legal rights of ownership. However, if a patient requests a copy of their notes, you must follow the procedure laid out in the Data Protection Act 2018 – see Access to Patient Notes Guidance.
10. The requirement to retain original records applies especially in the buying and selling of a practice; even with a patient's written consent you must only pass on copies of the records, not the original notes. You must also ensure that patients are kept fully informed and offered appropriate choices about their continuing care and the safe-keeping and location of their original records.
11. You must not use knowledge gained from patients or from their records in any other context for personal or professional gain, unless authorised by the patient.
12. You may destroy old records, but you must do so in a manner that ensures the confidentiality of patient information. Burning and shredding are recommended methods for secure disposal.
13. If you write your case notes in any language other than English it will be your responsibility to provide a full translation, if called upon to do so by BAF or your BAF organisation, in the event of a complaint being made, or the records being required for official purposes, or a request being made by the patient under the terms of the Data Protection Act 2018.
14. You may discuss patient case notes with colleagues for further advice and also in clinical supervision and write up patient case studies for wider educational purposes. This is accepted practice so long as the patient anonymity is preserved. It is best practice to capture patient consent for these purposes in the patient's treatment contract or consent form.

Absence from Practice

15. Should you be away from your practice for any length of time it is your duty to ensure that patients are informed about where they may seek appropriate treatment in your absence, or to provide properly trained and qualified locum cover. Should you retire from practice you must also inform your patients that you are retiring and ensure that they are aware of other practitioners in your area and of the location of their original case notes and records.

BAF Codes and statutory legislation

16. BAF Codes have been developed to ensure that you meet the requirements of the bylaws and to maintain high standards within the profession. It is your responsibility to become familiar with both the Code of Safe Practice and this Code of Professional Conduct and must ensure that your practice of acupuncture and your premises meet the required standards.
17. Local authorities are empowered by various acts of parliament to enact bylaws that may require the registration or licensing of acupuncturists and their premises and have the power to prosecute practitioners who fail to comply with these bylaws. Failure to comply with the requirements of such statutory legislation or the Code of Safe Clinical Practice may result in a breach of the Code of Professional Conduct, which may lead to disciplinary action on the grounds of professional misconduct.
18. You may also be found in breach of the Code of Professional Conduct if you contravene third-party legislative requirements, such as:
 - contravening the law and/or be subject to warnings from the Police
 - prosecution for offences other than speeding
 - working in breach of the law that prohibits acupuncturists working on animals without direct supervision of a veterinary
 - breaking environmental health laws,
 - breaking local authority licensing requirements

The above examples are not intended to be an exhaustive list.

19. You have a duty to cooperate with all investigations or audits by the BAF or your BAF organisation either against you or relating to others, whether individuals or organisations. You must also comply with any rulings made by the BAF or your BAF organisation's Conduct Committee in enforcing the Codes of Safe Clinical Practice and Professional Conduct. Non-compliance may be considered a breach of professional conduct and may lead to disciplinary action on the grounds of professional misconduct, which could also result in the invalidation of your insurance..

Continuing study

20. It is your responsibility to keep up to date with developments in acupuncture practice, including any changes to legislation and regulations that may impact your practice. You should also keep abreast of new research and developments in acupuncture and related fields in order to provide the best possible care to your patients. This can be achieved by attending appropriate seminars and postgraduate training courses, or by undertaking recognised continuing professional development training. Failure to take part in an appropriate amount of postgraduate education will be taken into account by the Professional Conduct Committee if there are any allegations concerning your professional competence.

Your ethical boundaries with patients

Inappropriate relationships

21. You must not engage in any form of sexual relationship with a patient as it is considered inappropriate and unprofessional. Additionally, any emotional relationship that may develop with a

patient must be monitored and kept within professional boundaries. If you find yourself becoming emotionally or sexually involved with a patient, you should terminate the professional relationship and refer the patient to another practitioner..

22. As a practitioner, you must discourage any patient from developing an inappropriate emotional attachment to you. If necessary, you should end the professional relationship and report the matter to your insurance provider and your BAF organisation. Seeking advice from a colleague or supervisor can also be beneficial, while ensuring the anonymity of the patient is maintained..
23. Your conduct towards patients should always be professional and respectful, and you must avoid any behaviour or actions that can be perceived as abusive, harassing or inappropriate. This includes non-physical gestures, unnecessary physical contact, verbal suggestion, or innuendo..
24. You must respect and preserve a patient's modesty. You should only ask your patient to undress to the minimum level required by you to carry out an effective examination and/or treatment. You must allow the patient privacy to dress and undress and also ensure that you provide adequate clean gowns or blankets for their use. You should not leave the patient exposed for more time than is necessary to carry out treatment. If treatment involves sensitive or intimate areas of the body, you must obtain explicit consent and offer the patient the opportunity to have a chaperone present. This can be a spouse, a relative or friend. Alternatively, you may be able to provide a chaperone from your practice.
25. When treating a relative or a friend, you must maintain clear boundaries between your social and professional relationships. It is important to ensure that professional duties are not affected by past, present, or anticipated relationships of any kind.
26. You must ensure that past, present or anticipated relationships of any kind do not interfere with your professional duties, and you must avoid any behaviour which can be misconstrued in any way.

Patient consent

27. You must explain carefully the procedures and treatment that you intend to provide and must recognise that the patient is entitled to choose whether or not to accept advice or treatment. Examining or even preparing to treat someone without their consent could be deemed inappropriate or unprofessional and continuing to treat someone after they withdraw their consent via verbal instruction in the middle of a treatment could be deemed assault.
28. When obtaining consent, you must ensure that it is informed and given voluntarily by a patient who has capacity to make decisions about their healthcare. Although consent may once have been taken as implied by a patient's actions in turning up and lying on the treatment couch, explicit consent is now considered essential. You must seek explicit consent and ensure that the patient understands what you propose to do. This is particularly important where treatment may involve sensitive areas of the body. If this is necessary, refer to the guidance for "Intimate Area Consent". You are recommended to record all relevant information in the case notes.
29. When a patient indicates painful response or suggests there is an issue or asks you to stop – informed consent is at that point removed. You must pause the treatment and ask for explicit

consent before continuing any further. This applies to any incident that suggests the patient is experiencing discomfort, pain, or demonstrates body language that suggests they are unhappy in any way.

30. For patients who may not have mental capacity to consent, please refer to and follow guidelines and procedures in the “Mental Capacity Guidance”.
31. You must record any subsequent explanation and consent obtained if the course of treatment extends beyond the original projection, if treatment continues beyond an agreed review date.
32. You must not delegate the obtaining of consent to a receptionist or unqualified assistant. Informed consent requires that you (or an appropriately qualified colleague) must explain the procedure, be available to answer questions and be able to satisfy yourself that the patient understands what you have told them and is willing to proceed.

Consent of minors

33. Your consultation forms must confirm the age of the patient and if the patient is under the age of 16, seek the consent of a parent or guardian. Please refer to the guidelines in the appendix for treating patients under 18 for full details on obtaining and recording consent.
34. The refusal of treatment by a child under the age of 16 may carry legal force and override the consent, even though properly given, of a legally authorised adult. If you are in any doubt, you must stop treatment. A child who does not provide consent must not be treated regardless of any parental consent.
35. To determine requirements for working safely with minors, please refer to the document entitled “*Guidelines for Treating Patients Under 18*”

Disclosures without consent

36. There are exceptions to the duty of care of confidentiality of patient records and verbal disclosure. This can include:
 - a. When disclosure is required by law, such as in cases where there is a legal obligation to report certain types of information to the authorities.
 - b. In the event of a legal request for disclosure, only pertinent information should be disclosed. No unnecessary information should be shared. This applies whether the patient is living or deceased.
 - c. When disclosure is necessary to protect the patient or others from serious harm, such as in cases where the patient poses a threat to themselves or others.
 - d. When disclosure is in the public interest, such as in cases where it is necessary to prevent a serious crime or protect public health.
 - e. When disclosure is necessary for the purpose of medical research, provided that the research has been approved by an ethics committee and the patient’s identity is kept anonymous.

- f. For anonymised use in supervision or case studies that are used either in a professional way (such as a professional journal) or in a training environment or in the event of professional clinical or practitioner supervision.

These exceptions should be used cautiously, and the patient's rights and interests must always be considered when deciding whether or not to disclose their information without their consent.

Your commercial obligations

Advertising standards

37. All advertising must be decent, honest, truthful, evidence based and must be applicable to the training of the practitioner and only refer to treatments within your own training and therefore scope of practice. Your advertisements may include information about any non-acupuncture qualifications and special interests that you may have but must not make claims of superiority or disparage professional colleagues.
38. Advertising must not make any misleading claims about the benefits of acupuncture. It must not create unjustified expectations about the length or type of treatment or its prospects for relieving the condition concerned.

Financial and commercial activities

39. You must make a clear distinction between your acupuncture practice and any commercial activity in which you may be involved. There must be no suspicion of any business affairs having an influence over your attitude towards patients and their care.
40. To promote a product to patients for no good reason other than profit is highly unethical. If you sell or recommend any product or service to a patient, you must be satisfied this will be of benefit to the patient and that you are appropriately qualified to offer such products or advice. Any financial interest you have in doing so must not influence the care or treatment provided.
41. You must not encourage your patients to give, lend or bequeath money or gifts which will directly or indirectly benefit you. You must also not put pressure on patients or their families to make donations to other people or organisations.

Your obligations in multidisciplinary practice

Membership of other professional organisations

42. If you belong to other professional organisations whose ethical standards differ from those of BAF you must be aware that this cannot put you beyond BAF and your BAF organisation's jurisdiction where matters of professional conduct are concerned.

Practising other therapies

43. If you practise other therapies, you must have undertaken an appropriate course of structured training and have up to date indemnity insurance to cover all of these other therapies. If you use other therapeutic modalities without appropriate training you will be in breach of this Code and may not be covered by your professional insurance.

Use of adjunctive techniques

44. If you use techniques, supplements or equipment which are not within the normal scope of acupuncture practice you must inform the patient of this and request consent. Patients should be aware of the modalities you intend to use. I.e, in treatment, if you choose to use cupping or gua sha or moxa – you must explain what you intend to do, how it may affect or feel for the patient and ask for permission. You are also responsible for ensuring that you are appropriately trained in and hold valid insurance for the use of the technique and all supplemental equipment, and to record in your notes, your patient's consent to the treatment proposed.

Use of the title 'doctor'

45. Courtesy titles, doctorates in any other field, and postgraduate acupuncture qualifications are not acceptable as a basis for the use of the title 'doctor' as a prefix when being addressed as an acupuncturist unless you hold a Doctor of Medicine. If you have a doctorate in anything other than a Doctor of Medicine, then you should use your name and PhD and the subject or Dr NAME (doctor of xxxxx) so it is clear that you are not a GP or medical doctor.

Treatment of animals

46. You must not carry out any type of treatment on an animal unless you are a qualified veterinary physician. Under the Veterinary Surgeon's Act 1966 acupuncture is considered an invasive procedure and may only be carried out by registered veterinarians.

Your relationship with professional colleagues

Relationships with other practitioners

47. In this section 'practitioner' refers to all healthcare professionals, including acupuncturists, who may or may not be registrants of BAF.
48. If you treat the patient of another practitioner because of locum cover, holiday, illness or any other reason such as referral, you must encourage the patient to return to their original practitioner as soon as that practitioner becomes available again and so that they can continue their treatment to conclusion. You must not attempt to solicit the patient, either directly or by default, to continue treatment with you.
49. In all cases the wishes of the patient are paramount. If a patient decides to transfer from you to another practitioner, it is ethical and in the patient's interest, for you and the other practitioner involved to communicate with each other about this transfer, and for relevant information about the patient to be forwarded, with the patient's written consent.

Relationships with medical doctors

50. It is good practice to maintain contact with general practitioners (GPs) and registered medical practitioners (RMPs) over shared patients. You should acknowledge referrals from a GP or RMP, and you should also consider it good practice to inform and communicate with a patient's GP, with the patient's consent, when the patient has self-referred.

Criticism of other practitioners

51. You may sometimes encounter criticism of the competence or professionalism of other practitioners voiced by patients or colleagues. If you hear such criticisms of other practitioners, whether they are registrants of BAF or not, you must at all times act with the utmost discretion and professionalism and must be extremely cautious about voicing any opinion. This applies equally if you yourself hold critical views of others, either in your own field or in another healthcare discipline.

52. You are expected to act with integrity, discretion, and respect for the views of others. You are entitled to put forward your views on good clinical practice in publications, seminars, etc. However, you must not criticise other healthcare disciplines or practitioners, either directly or by implication, over and above the standards which apply in the debates to which you contribute.

Dealing with concerns about other practitioners' behaviour

53. If you have evidence or are reliably informed that another practitioner's conduct, health or professional competence poses a threat to patients you have a responsibility to take appropriate action to protect patients' safety and to report to your membership body.

Your obligations as a teacher

Giving training in acupuncture

54. Any training or teaching which you give in the practical skills and theory of acupuncture should be done under the auspices of a reputable training establishment. The course should follow the National Occupational Standards (NOS) for acupuncture.

55. You may teach acupuncture theory and techniques to other fully qualified practitioners. You must ensure that you have obtained appropriate additional insurance for teaching, if required, and indemnify those whom you have trained in the use of the techniques.

56. You may teach acupuncture techniques to fully qualified non-acupuncturist practitioners who are part of another professional body. However, before doing so you must ensure that you have appropriate insurance and that those completing the course understand that it does not qualify them to use the title 'acupuncturist'. If you are teaching short courses to non-acupuncture practitioners, the course must be set up so as to include all required health and safety, acupuncture health and safety guidelines and warnings and the handling and disposal of all needles. The course material must be appropriate for the level of the learners and adhere to the National Occupational Standards (NOS) for that style of acupuncture.

Public lectures

57. You are permitted to give lectures to medical and paramedical groups and the general public to promote better understanding of the work of the professional acupuncturist and the range of your services. Such lectures must only be for information and must not be promoted or construed as training in acupuncture.

Assistants and observers

58. You are permitted to have acupuncture students, potential acupuncture students, or other individuals present as observers in your practice. Observers may only be present with the explicit permission of the patient and may not carry out any part of the treatment. You must avoid 'coercive consent' where a patient feels that they are under pressure to allow an observer to be present.

59. Student acupuncturists may provide treatment to patients within the scope of their practice, provided that they have obtained informed consent from the patient and are covered by adequate professional indemnity insurance. The student must also be directly supervised by a qualified acupuncturist as part of their approved clinical training.

Research

60. If you are involved in research involving patients you must check if you need approval of an appropriate research ethics committee. You can find out more at: <http://www.hra-decisiontools.org.uk/ethics/> - check this

61. If performed in a hospital setting, NHS Trust R & D find link should be contacted. You must also obtain the patients' consent if they are involved in your research. You must put the patients' interests first and only proceed if you are satisfied that their care is not compromised to meet the needs of your research aims.

62. You must also ensure that patients' confidentiality is preserved in the sharing or publication of research findings. If the results of research cannot be aggregated in such a way as to conceal the identity of individual patients, any consent obtained from the patient for the use of such results must be based on full details of the distribution, publication and ownership of these results. If a patient refuses consent for the disclosure of research results this choice must be respected.

Standards of behaviour

Upholding the high standards of the acupuncture profession

63. You must uphold the high standards of the acupuncture profession at all times. You must not bring the profession into disrepute by unprofessional behaviour.

Reporting important information about your conduct and competence

You must tell the BAF and your BAF organisation without delay if you are charged or convicted anywhere in the world, with an offence or if you:

- a. Receive a conditional discharge for an offence.
- b. Accept a police caution or any warning except for minor motoring offences.

64. You have a duty to notify BAF and your BAF organisation if you are:
- Disciplined by any organisation responsible for regulating or licensing a profession.
 - Suspended or placed under a practice restriction by your employer or a similar organisation because of concerns related to your conduct or competence.
 - Suffering from an illness or medical condition which might affect your ability to practise.
65. In the event of any loss, damage, injury, or accident resulting in, or likely to result in, a claim you must take the following steps:
- Notify your BAF organisation and your insurance company or Balens as soon as reasonably possible, fully cooperate with them and offer any assistance they may reasonably require.
 - Immediately send to your insurance company any writ or summons issued against you.
 - Supply, at your own expense, full details of the claim in writing including any supporting evidence and information that they require as soon as possible and within a maximum of 30 days) from the notification of the event, damage, interruption or bodily injury.
 - Take action to minimise the damage and to avoid interruption or interference with the business and to prevent further injury or damage.
 - Seek instructions on next steps from your insurance company.
 - If you are insured by Balens Limited, you should follow procedures in the Guidelines for Adverse Events. See appendix

Discrimination

66. As a practitioner, you have a legal duty to promote equality and diversity within your services, extending to both your patients and your employees. Discrimination on the grounds of a protected characteristic, such as gender, race or ethnicity, disability, religion or belief, sexual orientation, age or marital status, is prohibited by law. You must ensure that your services are accessible to all and that reasonable adjustments are made to accommodate the needs of patients with disabilities or other protected characteristics. If, in providing a particular treatment or advice, you feel that it conflicts with your personal, religious or moral beliefs and that this conflict might affect the treatment or advice you provide, you must explain this to the patient and offer to refer them to another practitioner. As an employer, you have the same duties to your employees as you do to your patients. You are also legally responsible for any discriminatory actions committed by your employees in the course of their employment. Please refer to the Equality Policy provided in the appendix for further guidance.

Complaints

67. If a patient makes a complaint, you must deal with it in a timely and appropriate manner. This includes acknowledging the complaint, investigating the issue, and providing a response to the patient. You must also ensure that you maintain patient confidentiality throughout the complaints process. It is important to reflect on the issue and use it as an opportunity to improve your practice. This may involve making changes to your policies, procedures or communication with patients.

68. In the event that a complaint is not resolved to the patient's satisfaction, they may refer the matter to your BAF organisation. You must cooperate fully with any investigation and provide all relevant information.

Use of your organisation's and BAF logos and certification marks

69. You must comply with all terms, conditions, regulations and all licence agreements that your BAF organisation and/or the BAF shall from time to time apply with reference to the use of its name, logo and all marketing and promotional material in paper, electronic, digital or other format. In addition, you must comply with all terms, conditions, regulations and licence agreements relating to accreditation marks, certification marks, trademarks logos, corporate markings applied by a third party that you may be permitted to use by virtue of your membership. The logos are only valid for the time that your membership is up to date and paid. You should note that your insurance with the Balens discounted BAF Affinity Scheme is dependent upon your membership with a BAF organisation being valid and up to date.