

Disciplinary Procedures

1. Application for Inquiry

The Ethics and Disciplinary Committee (EDC) hears complaints about registered Craniosacral Therapists (hereinafter called 'CST') who are registered members of the Irish Association of Craniosacral Therapists (IACST) in respect of any of the following allegations:

- a. Conduct which falls short of the standard required of a practitioner.
- b. Professional incompetence.
- c. His ability to practice as a therapist is seriously impaired because of his physical or mental condition.
- d. A failure to comply with a term or condition of registration.
- e. A failure to comply with an undertaking or to take any action specified in a consent or undertaking given to the Committee of the Irish Association of Craniosacral Therapists (hereinafter IACST).
- f. A conviction in the State for an indictable offence or a similar offence outside the State or for an offence consisting of acts or omissions that, if done or made in the State, would constitute an offence triable on indictment.
- g. Conviction of an assault or sexual offence.

1.1 Unacceptable Professional Conduct is:

1. Unacceptable Professional Conduct is such conduct which falls short of the standard required of a practitioner.
2. In deciding whether any conduct falls short of the required standard or whether the member has been incompetent, regard will be had to the IACST Code of Ethics and Conduct policy and Standards of Practice.

2. How to make a complaint

2.1 If a person wishes to make a complaint on any of the above grounds, he or she should write to the IACST, please contact the IACST for the address, setting out the name of the registered person and the detail of the allegation. The IACST will then notify the complainant of how to formally apply for an Inquiry. The application should take the following form:

- It must be in writing
- It must be accompanied by any relevant documentation and information.

2.2 Complaints Officer

A Member of the IACST committee will be appointed as Complaints Officer (hereinafter called “CO”). The CO cannot be the Chairperson or Vice Chairperson, Treasurer or registered officer within the IACST . The CO must be a full member of IACST. The CO’s functions are set out below:

The CO may at his discretion within seven days of being informed of the complaint;

- Discuss with the complainant the reasons for his dissatisfaction,
- What outcome the complainant is seeking
- Whether the members actions breached the code of ethics and/or standards of practice
- Familiarise the complainant with all the steps of the complaints procedure
- Discuss the possible outcomes of pursuing a complaint and ways in which the matter might be resolved without making a formal complaint, such as direct discussion between the parties or mediation,
- Any other relevant matters

2.3 The CO will maintain a record of all complaints received by the IACST. At the IACST’s request, the Head will furnish reports to the IACST committee in relation to all complaints he/she has received and, in any event, he/she will furnish reports to the IACST committee every six months.

2.4 When the CO has received an application for an inquiry, he/she will furnish the application to the member and will invite the member to provide observations and comments in relation to the complaint. The member shall be contacted via his/her registered address. The member should be advised that the DC will review the application and any observations and comments before making a decision. The member will have 28 days to respond in full. The CO has discretion to extend this period, but only for compelling reasons.

2.5 The member should also be advised by the CO in writing, that they may wish to consider seeking advice from a colleague or solicitor before responding to the complaint and that they should contact their insurance company. The CO is specifically debarred from giving any legal advice or advice that could reasonably be understood as legal advice either to the member or the complainant.

2.6 The CO will direct the application and the observations and comments, if any, and any other documents received to the Disciplinary Committee (DC) as soon as practicable and he/she will notify the IACST committee that an application has been made and the date on which it was made.

2.7 Where it appears to a member of the DC, EDC or IACST committee that he or she cannot properly exercise his or her functions due to a personal interest in the matter before the relevant committee, he or she must notify the relevant committee of his or her difficulty and he/she shall not exercise his/her function on such committee.

3. Disciplinary Committee

- 3.1 The CO of the Disciplinary committee shall direct the matter to the Disciplinary committee (DC) as soon as is practicable. The DC shall be composed of three persons who are members of IACST and the chair shall be the vice-chair of the IACST. The remaining members may be members of the IACST committee but the officers of the committee.
- 3.2 The Disciplinary committee's function is to decide whether the Inquiry should proceed or whether the matter should be referred to mediation. Before coming to this decision the DC considers the observations and comments, if any, from the member and correspondence any other person whom it considers appropriate. The DC will also have regard to the report from the CO.
- 3.3 The DC reserves the right to seek further comments and observations from the complainant or the member in relation to any observations and comments it may have received.
- 3.4 The DC considers the information before it and may make any of the following decisions:
1. That the Inquiry should not proceed in whole or in part because, either The application is not in writing and is not accompanied by the relevant documentation and information.
 2. That the application is frivolous, vexatious or made in bad faith.
 3. That it does not refer to any of the grounds to hold an Inquiry or
 4. That there is insufficient evidence to warrant an Inquiry.
 5. In the case of an allegation where a practitioner has been convicted of a criminal offence as set out in paragraph 1.F of the document herein, the DC may conclude that there is no case to answer if it considers that the criminal offence in question has no material relevance to the fitness of the practitioner concerned to practice craniosacral therapy or to the reputation of craniosacral therapy as a profession.
- B. That the complaint should be referred to mediation. In the event that the mediation is unsuccessful, the complaint shall revert to the EDC. If the DC decides Mediation should be attempted, written consent of both parties should be obtained within 28 days. It will be made clear to both parties that if the mediation process should fail then the right of the complainant to pursue the matter will not be prejudiced. If both parties are satisfied with the outcome then the case will proceed no further. If consent to mediation is forthcoming the DC will seek consent from the IACST committee for the cost of a professional mediator who will be appointed by the IACST. The IACST committee will have the right to sanction reasonable expenditure and attribute costs to the parties as deemed appropriate.

Following the mediation both parties must inform the DC in writing within 28 days of the completion of mediation that they are satisfied and the matter can now be closed. On receipt of both notifications the DC can close the matter and notify the IACST committee that the matter is completed. If no such notification is received the DC will proceed to issue a report to the EDC.

C. That the Inquiry will proceed in whole or in part.

3.5 The DC shall prepare a written report of its decision including the reasons for the decision.

3.6 The IACST committee may overturn that decision and direct that the Inquiry should proceed.

4. Decision to proceed

4.1 If the decision is to proceed with an Inquiry, the DC informs the complainant as soon as practicable in writing of the decision. The notification will set out the reasons for the decision. The member will also be notified of the decision as soon as practicable, together with the reasons for the decision.

4.2 Subsequently the Head of the DC will send a notice to the member setting out the allegation(s) against the member, a list of witnesses to be called at the EDC Inquiry including summaries of evidence along with details of any documentary evidence that will be used at the Inquiry hearing in support of the allegation(s).

4.3 The member shall be informed of the inquiry date in good time in advance of the Inquiry.

5. Decision not to proceed

5.1 When the DC decides that the Inquiry should not proceed, the DC shall notify the IACST committee in writing of the decision. Where the DC is satisfied that, on the facts before it, the safety and well-being of the complainant and any clients of the practitioner against whom the allegation has been made can be properly protected by issuing advice to the practitioner, giving him a formal warning or seeking assurances from him, it may write to the practitioner to this effect.

5.2 If the committee disposes of a case by means of advice or a warning, it shall take steps to ensure that this is received in writing by the practitioner. The committee shall make clear to the practitioner the likely or possible consequences of repeating the conduct which led to the complaint. The practitioner will be asked for confirmation that he has understood and accepts the advice or warning.

5.3 The Committee may in its discretion ask for one or more of the following assurances:

- i. That the practitioner will make an apology in writing to the complainant in a form to be approved by the Committee
 - ii. That the practitioner will in future refrain from unacceptable conduct of the kind which led to the complaint
 - iii. That the practitioner will undertake further training which will better fit him to avoid similar complaints.
 - iv. That the practitioner will take medical advice about any health issue arising from the complaint.
 - v. Any other assurance from the practitioner which can reasonably be requested in the light of the complaint.
- 5.4 The Committee in seeking such assurances will inform the practitioner that if he gives the required undertaking in writing and fulfils the terms of this undertaking, giving any reasonable proof that he has done so and avoiding any conduct of the kind which led to the complaint, then no further action will be taken, but that if he fails to give a written undertaking to the chair of the Committee within 28 days of dispatch of the letter by the Committee or gives an undertaking but fails to carry out its terms, or repeats the unacceptable professional conduct, then the Committee will refer the complaint to the DC.
- 5.5 If the practitioner gives the required written assurance, or accepts the advice or warning given by the committee, the complainant will be informed in writing of the Committee's action, what if anything the practitioner has been requested to do and that the matter is closed subject to the practitioner observing the terms of the committee's decision.
- 5.6 The Committee may take all reasonable steps to ascertain that an undertaking given by the practitioner has been observed and may ask for documentary proof.
- 5.7 If the Committee is of the opinion that a practitioner has failed to honour an undertaking given to it, has unreasonably failed to provide proof of carrying out his undertaking, or has repeated conduct of the type which led to the complaint, then it may reconsider the matter and refer the complaint to the EDC. If such a reference is made the Committee may put before either of these committees all the papers relating to the complaint.
- 5.8 The Committee will ensure that a proper record is kept of how the complaint has been dealt with.
- 5.9 Where the Investigating Committee concludes that there is a case to answer but finds that its powers under paragraph 5.2 and 5.3 are not appropriate in the circumstances or have failed to resolve the matter, it shall
- a. Notify both the practitioner concerned and the person making the allegation of its conclusion, and
 - b. Refer the allegation as formulated by the EDC, together with all the papers in the case, to:-

i. The EDC in the case of an allegation relating to the ability of a practitioner being seriously impaired because of his physical or mental condition; or

ii. To the EDC in the case of an allegation of any other kind.

5.10 Where a referral has been made to the EDC in accordance with the previous paragraph, and further investigation produces new evidence which in the opinion of the Complaints Officer might have led the DC to a different conclusion, then the Complaints Officer may apply to the chair of the EDC as the case may be to refer the allegation back to the DC for further consideration. In this event the committee may deal with the matter in any of the ways set out in the preceding paragraphs.

5.11 Where the EDC, in giving the case preliminary consideration short of a full hearing, comes to the conclusion that the DC could reasonably have dealt with the allegation itself by one of the means in the preceding paragraphs it may refer the case back to the DC to dispose of.

5.12 Where the DC concludes that there is no case to answer, it shall notify both the practitioner concerned and the person making the allegation. The case is then closed.

6. Interim Suspension Order by Disciplinary Committee.

6.1 This section applies where under the previous section, the Investigating Committee is investigating an allegation against a practitioner.

6.2 If the Committee is satisfied that it is necessary to do so in order to protect members of the public, it may order the Committee of the IACST to suspend the practitioner's registration and that person will not be allowed to identify themselves as a member of IACST and will not be able to advertise affiliating or associating themselves or their business with the IACST.

6.3 The order shall specify the period of the suspension, which shall not exceed two months beginning with the date on which the order is made.

6.4 The Committee shall not:

- a. Make an order in any case, after it has referred the allegation in question to the EDC.
- b. Make more than one order in respect of the same allegation.

6.5 Before making an order, the Disciplinary Committee shall give the practitioner concerned an opportunity to appear before it and to argue the case against the making of the proposed order.

6.6 At any such hearing, the practitioner shall be entitled to be legally represented.

6.7 An Interim Suspension Order will automatically be revoked if the DC decides that there is no case to answer, or the EDC decides that the allegation is not well founded.

- 6.8 On application made by the practitioner concerned in the case, an Interim Suspension Order may be revoked by the DC before it has made a referral of the case to the EDC. This may be on the ground that a change in the circumstances of the case has made the order unnecessary.
- 6.9 The EDC have power to vary or revoke Interim Suspension Orders made by the Investigating Committee after cases have been referred to them.
- 6.10 Where a practitioner has made an application for revocation of an Interim Suspension Order, which has been refused, he may appeal against the refusal.
- 6.11 Appeals. An appeal must be brought within 28 days of the date on which the notice of refusal was sent to the practitioner.

7. Ethics and Disciplinary Committee Inquiry

- 7.1 If the complaint proceeds to Inquiry, the evidence is heard by three members of the EDC, including the Vice-Chair of the IACST who shall act as Chairperson. No person who sat on the DC shall sit as a member of the EDC. The Craniosacral therapist should have skills, experiences and philosophies reflective of the member and the matters which are the subject matters of the complaint.
- 7.2 The member may attend and have representation, including legal representation, at the Inquiry.
- 7.3 A legal assessor will advise the EDC, although the legal assessor is not a member of the EDC. Any advice given by the legal assessor will be given to the EDC in front of the parties and the parties will be given an opportunity to comment on such advice.
- 7.4 Evidence is presented to the EDC by or on behalf of the member. The member or his or her legal representative may present evidence and call witnesses.
- 7.5 In circumstances where it is alleged that the member suffers from an impairment of their ability to practise Craniosacral therapy because of a physical or mental condition or an addiction to alcohol or drugs, the Chairperson shall request the registered person to attend an IACST appointed medical expert identified by the Chairperson for the purposes of obtaining an independent medical report. Such report shall be furnished to the member in advance of the Inquiry.
- 7.6 For the purpose of the Inquiry, the EDC may examine any person relevant to the Inquiry on oath. The EDC may administer oaths.

- 7.6.1 A stenographer shall attend and prepare a transcript of the evidence at an inquiry. The EDC will conduct inquiries in private
- 7.6.2 The Committee may at any time after a complaint is referred to it, request a member concerned to do one or more of the following:
- a) undertake to not repeat the conduct to which the complaint relates
 - b) undertake to take such education course, training or other means of improving the member's competence to practise as may be specified by the Committee
 - c) consent to undergo medical treatment
 - d) Admonish or censure
- 7.6.3 Following the hearing, the EDC submits a report to the IACST committee setting out the nature of the allegations and the evidence considered. The report shall state whether the allegations were proven as to fact and the reasons for the EDC's finding in this regard. The report shall also state whether the proven allegations, if any, amount to professional misconduct, poor professional performance etc. and the reasons for the EDC's decision in this regard.
- 7.6.4 The report should be sent to the member as soon as practicable after the Inquiry.

8. IACST Committee

- 8.1 The member shall be invited to attend the IACST meeting or to make written submissions in advance of the IACST meeting. The member may have representation, including legal representation, for the purposes of the IACST meeting.
- 8.2 The IACST committee (hereinafter the committee) shall review the transcript of the evidence of the EDC Inquiry and the exhibits.
- 8.3 The Committee shall:
- a) If no finding was made against the member by the EDC in respect of the allegations, approve the report of the EDC.
 - b) If a finding was made against the member by the EDC in respect of the allegations, the committee shall decide whether to impose a sanction.
- 8.4 No person who sat on the DC or the EDC shall sit at the committee meeting. The committee may impose any of the following sanctions:
- (a) An admonishment or censure
 - (a) The attachment of conditions including restrictions on the practice of Craniosacral therapy.
 - (b) The suspension of his or her membership for a specified period, or
 - (c) The cancellation of his or her membership
 - (d) Impose a penalty of not more than €5,000.

8.5 The member shall be notified as soon as possible of the Committee's decision.

9. Appeal regarding sanction

9.1 The member shall be notified of the right of appeal of the Committee's decision as regards sanction. Any such appeal shall be notified to the Committee within 28 days of receipt of the Committee's decision.

9.2 The appeal shall be heard by no more than three members of Committee and at least one member of Committee, who shall be the Chairperson of the committee. No person who was a member of the DC or the EDC may hear the appeal

9.3 The appeal shall take place within a reasonable time after the Committee's meeting and the member is entitled to make representations/have representations made on his/her behalf.

9.4 A report from the appeal hearing shall be prepared as soon as practicable.

9.5 The committee shall issue a report annually, available to the members of the IACST , detailing any cases it has dealt with during the previous 12 months and the action taken in those cases. The report shall contain no details which might identify the practitioners involved, unless such details are already in the public domain.

9.6 The representatives appointed to the various positions, the CO, DC and the EDC must remain in those positions until the process has completed regardless of whether a new committee has been elected. Unless extraneous personal circumstances exist the appointed officers and members of the DC and EDC shall remain in their positions until the disciplinary process has reached completion. The disciplinary process should be completed within 12 calendar months at the latest from the date of the first receipt of the complaint. The proceedings should be completed as soon as is practicable.

