



British Society of Echocardiography

British Society of Echocardiography Limited

Rules & Code of Professional Conduct

Introduction

These regulations are made under Article 56 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>President</i>	the BSE President
<i>Trustee</i>	a director of the Society for the purpose of company law and a charity Trustee for the purposes of charity law
<i>Advisory Council</i>	appointed at the discretion of the Trustees to consider and report to the Trustees upon any matters submitted to them for consideration and to perform such other duties of a consultative or advisory nature
<i>the Disciplinary Committee</i>	the Disciplinary Committee as constituted by the Trustees 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



British Society of Echocardiography

<i>Respondent</i>	the Member against whom a complaint has been made
<i>days</i>	days, including Saturdays, Sundays and Public Holidays





British Society of Echocardiography

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 Trustees consider 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 Trustees at their 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: All memberships run on a calendar year

from 1 April to 31 March. Any membership purchased outside of the 1 April will be due for renewal on the next 1 April.

Method of Payment

UK and Ireland Members: subscription fees payable by, credit or debit card, or by paperless Direct Debit into the Society's Account.

International Members: by credit or debit card.

Annual General Meeting

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



British Society of Echocardiography

Privacy & Publications

No report of business transacted at the Annual General Meeting, or any meeting of the Trustees, Advisory Council or its committees shall be communicated to the press or other media without the express written permission of the Trustees.

Vacancies arising with respect to the Trustees of the Society

The Secretary shall notify all Members of any vacancies arising and invite nominations at least six weeks before each annual general meeting.

Members may make nominations to fill any such vacancies in writing (which may include nominations in electronic form) sent to the Secretary's email address to be received at least four weeks before the relevant annual general meeting.

The Secretary shall require each nominee to confirm their willingness and eligibility to stand as a Trustee and to provide a personal written statement as to why such nominee considers he/she should be a Trustee.

If the number of persons nominated for election exceeds the number of vacancies, a ballot shall be held as follows:

The Secretary shall open the ballot to all Members at least two weeks before the relevant annual general meeting publishing the names of each nominee together with the personal written statement.

The Secretary shall close the ballot at least one week before the relevant annual general meeting.

Every Member will have one vote for each Trustee vacancy to be filled.

The nominee or nominees with the most votes shall be elected to fill the vacancy or vacancies.

In the event of an equality of votes the President shall have a second or casting vote.

The result of the ballot or nomination procedure will be announced at the next annual general meeting.

Award of Accreditation

The BSE currently awards Professional Accreditation in the following specialties:

- Transthoracic echo (TTE)
- Transoesophageal Echocardiography (TOE)
- Level 1
- Adult Critical Care Echocardiography
- Stress Echocardiography



British Society of Echocardiography

- Congenital Heart Disease Echocardiography

To be awarded BSE Accreditation, a person must:

- be a Member of the Society in good standing;
- satisfy the BSE Council of their 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.

Re-Accreditation

All Accreditations awarded by the Society are valid for 5 years from the date of the award (or as specified by the Accreditation Committee 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 Accreditation Committee 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:

- Their subscription is not paid within 3 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 Trustees decide 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.



British Society of Echocardiography

Expulsion from the Society

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

- are 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);
- are found guilty in a Court of Law of an offence involving fraud or dishonesty;
- are committed to prison for any other criminal offence; and/or
- contravene the Society's Code of Professional Conduct.

The Society reserves the right to disclose the fact that a Member's Accreditation has been suspended or removed, or that they have 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 Trustees are satisfied that they are 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, Trustees, Advisory Council Members, committees 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.

Equality, Diversity and Inclusion

The British Society of Echocardiography is committed to treating all people equally and with respect irrespective of their age, disability, gender, marriage or civil partnership, pregnancy or maternity, race, religion or belief, sex, or sexual orientation.



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 their professional skill and judgement to the best of their 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 their own appointment, position or actions as an Echocardiographer.
- 4 A Member shall at all times take care to ensure that their 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 their professional competence in Echocardiography and shall encourage persons working under their supervision to do so.
- 6 A Member shall not undertake any responsibility as an Echocardiographer which they do not believe themselves to be trained and competent to discharge.
- 7 A Member shall accept personal responsibility for all work performed personally, or under their supervision or direction and shall take reasonable steps to ensure that persons working under their 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 their 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 their 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 they shall not advertise or solicit clinical referrals, nor shall they 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



British Society of Echocardiography

(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.

Accredited Members

Accredited members are expected to be able to perform and report echocardiographic studies unsupervised.

Accreditation is a minimum requirement and cannot be regarded as a guarantee of competence.

We only need to become involved early if an error results in actual harm to a patient and this should be reported as soon as possible to the Honorary Secretary and will be investigated under the regulations governing the Disciplinary Procedure. You should also inform us if you have dismissed or suspended a Member.

Employers are closer to the sources of risk to patients and better able to recognise and manage them. If they need to, they can intervene directly and quickly and do so in a targeted way dealing specifically with the risks.

Employers should use local informal procedures as the first line measure to address a Member's occasional incidents of poor performance (e.g. imaging discrepancies not resulting in patient harm or the need to recall a single patient). They should be aimed at enabling individuals to reach the required standard. BSE does not need to be informed.

Employers should use local formal procedures when informal steps have been tried fully without leading to an improvement in performance. If these are followed and performance improves BSE does not need to be informed. If performance remains below the standards expected by an accredited Member the Chair of Accreditation should be informed with full details of the performance issues and local steps taken.

Regulations governing Disciplinary Procedure

A formal complaint against a Member alleging that they have 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 of the Society.



1 Preliminary Enquiry

1.1 Upon receipt of a complaint in the required form, it is the duty of the Hon. Secretary:

1.1.1 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.

1.1.2 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;

1.1.3 to seek an assurance that the Complainant will co-operate fully and attend a meeting of the Disciplinary Committee if so requested;

1.2 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.

1.3 The preliminary assessment will be undertaken on the basis of the statement and documentary evidence submitted by the Complainant.

1.4 If the Hon. Secretary and Immediate Past President decide that there is no case to answer, they shall notify the Trustees and the Complainant in writing of the decision within 21 days.

1.5 If the Hon. Secretary and Immediate Past President decide to recommend to the Trustees that a full investigation should be undertaken, they shall immediately notify the Trustees in writing of the recommendation.

1.6 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, they shall immediately notify the Trustees in writing of the recommendation.

1.7 A record of the fact that a preliminary assessment was held and of the decisions taken shall be kept in every case.



- 1.8 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.
- 1.9 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 Trustee or member of the Advisory Council to fulfil the role.

2 **Full investigation**

- 2.1 The Immediate Past President shall appoint an ad hoc Disciplinary Committee comprising 3 Members of the Society, at least two of whom shall be Trustees (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.
- 2.2 The Committee shall be empowered to:
- 2.2.1 conduct a detailed investigation into the complaint, including seeking legal or other professional outside advice as required;
 - 2.2.2 determine that a hearing is appropriate although this is not a necessary requirement;
 - 2.2.3 invite any Member or other person to present written evidence or to attend any meeting or hearing as a witness or advisor;
 - 2.2.4 invite the Complainant and Respondent to attend any meeting or hearing;
 - 2.2.5 take any other action consistent with these regulations in order to assist it to arrive at a firm conclusion;
 - 2.2.6 resolve at the conclusion of the investigation either:
 - 2.2.6.1 that the complaint shall be dismissed and, if so, to direct that all records and documents relating to it shall be destroyed or
 - 2.2.6.2 that the Respondent has been guilty of professional misconduct, in which case it may determine that:
 - (a) the Respondent be formally reprimanded



British Society of Echocardiography

- (b) the Respondent be required to give a written undertaking as to their 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
- 2.2.7 a note recording the action taken shall be retained in the Society's records.
- 2.3 If a hearing is arranged, the Complainant and Respondent shall have the same rights as determined by the Committee:
- 2.3.1 to appear before the Committee on written request and to address the Committee;
 - 2.3.2 to submit documentary evidence to the Committee;
 - 2.3.3 to call witnesses on their behalf and to cross-examine witnesses called by the other side;
 - 2.3.4 to be accompanied by up to two persons to provide such advice and assistance as may be required;
 - 2.3.5 to conduct their own case, either in person or through a previously nominated representative.
- 2.4 As soon as possible after a full investigation is authorised, the Hon. Secretary (acting as Committee Secretary) shall:
- 2.4.1 notify the Complainant and Respondent;
 - 2.4.2 if necessary, consult the Society's legal and other professional advisors;
 - 2.4.3 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;
 - 2.4.4 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;
 - 2.4.5 consult with the Committee Chair and agree with them whether a hearing should take place and, if so, whether it should be preceded by a private meeting of the Committee;
 - 2.4.6 make necessary arrangements for the meeting and/or hearing.



British Society of Echocardiography

- 2.4.7 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.
- 2.4.8 The date and time of the hearing shall be made by mutual agreement of all parties with the ultimate decision made by the Committee Chair.
- 2.5 If a hearing is to take place, both parties shall be:
- 2.5.1 reminded of the procedure and their rights;
 - 2.5.2 invited to appear in person and advised that if they do not appear the hearing will proceed in their absence;
 - 2.5.3 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.
 - 2.5.4 reminded of the rule about costs as set out in clause 5 and clause 6.
- 2.6 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:
- 2.6.1 the Committee Chair 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 Chair shall have the power to adjourn the hearing and, after consultation with those present, fix a time and venue for its resumption;
 - 2.6.2 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;
 - 2.6.3 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;
 - 2.6.4 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.
- 3 Appeal**
- 3.1 The Complainant or the Respondent may appeal to the Trustees 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.



- 3.2 The only permissible grounds of appeal are as follows:
- 3.2.1 The Committee was unable to take into account evidence which has come to light since the hearing;
 - 3.2.2 The Committee's decision was against the weight of the evidence;
 - 3.2.3 The penalty imposed by the Committee was disproportionate to the gravity of the facts as found by the Committee;
 - 3.2.4 The Committee's decision was affected by bias, breach of the rules of natural justice or breach of the Society's procedural rules;
 - 3.2.5 The Committee's decision was such that no reasonable Disciplinary Committee would have reached that decision.
 - 3.2.6 The appellant has the right to choose one of two forms of appeal hearing.
 - 3.2.6.1 An appeal heard by the Trustees under clause 4.3
 - 3.2.6.2 An appeal heard by an appeal panel under clause 4.4
 - 3.2.7 The decisions available to the Trustees 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.
- 3.3 An appeal may be heard by the Trustees at their next planned meeting unless this is less than 21 days after the appeal is received in which case the subsequent meeting of the Trustees will hear the appeal.
- 3.3.1 Each party shall be given at least 21 days' notice in writing of the date of the meeting of the Trustees at which the appeal will be considered, and invited to put forward written representations to the Trustees 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.
 - 3.3.2 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.
 - 3.3.3 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.



- 3.3.4 A record of the fact of the appeal, the decision and the reasons for the decision shall be kept in every case.
- 3.4 An appeal may be heard by an Appeal Panel
- 3.4.1 The Appeal Panel has 3 members, the most senior Trustee not on the original Disciplinary Committee as Chair, usually the President; the next most senior member of the same discipline as the appellant; a senior member of the Society not a Trustee, typically a Past President chosen by the President. (The order of Seniority is President, Vice President, , Committee Chairpersons, Length of Service on Council).
- 3.4.2 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 Chair on procedure and all aspects of the appeal, but not to adjudicate the appeal.
- 3.4.3 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.
- 3.4.4 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 Chair.
- 3.4.5 All parties shall be:
- 3.4.6 reminded of the procedures and their rights;
- 3.4.7 invited to appear in person and advised that if they do not appear the hearing will proceed in their absence;
- 3.4.8 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.
- 3.4.9 reminded of the rule about costs.
- 3.4.10 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;
- 3.4.11 the Appeal Panel Chair 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 Chair shall have the power to adjourn the hearing and, after consultation with those present, fix a time and venue for its resumption;
- 3.4.12 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;
- 3.4.13 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 Chair shall immediately notify the Trustees in writing of the Appeal Panel's decision;



3.4.14 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.

3.5 No further appeals are allowed.

4 **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.

4.1 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.

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

5 **Costs**

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

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

5.1.2 the Respondent is personally responsible for meeting their own costs in connection with the full investigation;

5.1.3 The Appellant is personally responsible for meeting their own costs in connection with an appeal.

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

6.0 **Litigation**

6.1 In the unusual event of a Respondent taking unsuccessful legal action against the Society, the Society reserves the right to recover its costs from the Respondent.