

THE HANDBOOK OF PROFESSIONAL CONDUCT FOR NATUROPATHS

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INTRODUCTION

The Purpose of the Handbook

1. This handbook has been written to give guidance on the general professional conduct expected of Naturopaths. In any organisation opinions can vary widely and the interpretation of generalised rules is liable to be abused by individuals to suit their own circumstances. A document provides a common standard for all Naturopaths to follow and it has the advantage when published of giving confidence to members of the public by allowing them to know the standards which the General Naturopathic Council Limited requires of Naturopaths.
2. The handbook is not, however, a code and, although certain regulations are laid down in it, it can not hope to foresee all the problems and situations with which a practitioner will be confronted during his professional career. It can only set out principles and amplify them where appropriate. The handbook aims to help members in a positive fashion rather than to dwell upon what they may not do. More detailed, and possibly ephemeral, advice and instructions will be given from time to time by the General Naturopathic Council Limited.

Authority and Interpretation

3. The rules and regulations contained in this handbook have authority and force world-wide; they will be interpreted towards overseas members in the light of local conditions and customs in each case. For the sake of convenience the male gender is used throughout to refer both to male and female, and "member" refers to a member registered with an Organization represented in the General Naturopathic Council Limited unless the context makes it clear, in either case, that another meaning is intended.

THE NATUROPATH AND THE LAW

The Right to Practise

4. Although Naturopathy is not yet regulated by Statute, the general law, nevertheless, affects how Naturopaths are permitted to practise. The General Naturopathic Council Limited requires that Naturopaths should, as a minimum requirement, work within the National Occupational Standards for Naturopathy. A person may practise as a Naturopath and may charge a fee without having had any training or holding any qualifications, provided that he does not purport to be a registered medical practitioner, registered osteopath, a registered dental or veterinary surgeon, a registered chiropractor, or any other state registered practitioner, or to possess other statutory qualifications to which he is not entitled. The situation abroad varies; in many countries Naturopathy is controlled by statute and often, particularly in Europe, is restricted to those who hold a medical qualification. The following paragraphs affect the legal relationship between Naturopaths and their patients and should be borne in mind. They are, however, only a guide and are not intended to be a substitute for legal advice which members may, on occasion, need to seek. The guide is based on the current law of England and Wales.

Consent

5. The treatment of a patient is legally permitted only with his express or implied consent. The law regards as an assault even the touching by one person of another without the latter's consent. It is imperative, therefore, from the legal point of view as well as on the grounds of good practice that a Naturopath should take care to explain the treatment, which he proposes to administer, the reasons for it and the probable consequences. He should then ensure that this has been understood, and is assented to, before he carries the treatment out. This is particularly important when an internal examination is to be undertaken when the express permission of the patient to the procedure should be secured. It is advisable to obtain this permission in written form. Naturopaths must accept that a patient is entitled to refuse treatment or to ignore advice.

The Position of Minors

6. Only the parent or legal guardian of a child under the age of sixteen can give consent for the child to receive Naturopathic treatment. A person aged sixteen or seventeen may consent to "medical treatment" in the absence of the consent of the parent or guardian. It is not clear, however, whether in law "medical treatment" includes Naturopathic treatment. The consent of the respective parent or guardian of every patient under the age of eighteen should, therefore, be obtained, if at all possible. Where this consent can not be obtained, treating the patient may technically constitute an assault. When treating a minor, a parent or guardian should be present at all times.

The Legal Relationship between Naturopath and Patient

7. The legal relationship between Naturopaths and their patients is contractual. Naturopaths agree to use the skill derived from their training and experience to take reasonable care when advising and, when appropriate, treating their patients. In return, patients agree to pay a fee. The terms upon which patients are charged should always be agreed before a consultation. Disputes between Naturopaths and their patients are primarily the concern of the parties themselves and may have to be resolved through legal proceedings. In some cases a complaint against a member may lead to disciplinary proceedings by the member's Governing Body.

Negligence

8. Naturopaths owe a legal duty to their patients to use reasonable skill and care in advising and treating them. If a patient suffers injury or loss because a Naturopath has not used reasonable skill and care, the patient may claim damages in the civil courts. So long as members maintain the skills and knowledge which they acquired during their training, and keep up-dating these constantly, they should have no fear of an accusation of negligence. Naturopaths who fail to work within the limits of their competence may find themselves involved in legal proceedings.

Statutory Limitations on Practising

9. Surgeons, medical and similar practitioners recognized by statute have certain freedoms, which are not available to Naturopaths. Naturopaths may not:
 - a. practise as registered medical practitioners, veterinary surgeons, dentists, or midwives or treat venereal disease unless appropriately qualified;
 - b. advertise treatment for certain specified diseases;
 - c. prescribe controlled drugs;
 - d. administer injections unless they were in the regular practise of doing so before 11th February 1982.
10. Naturopaths have no legal right to obtain x-ray, ultra-sound, or magnetic resonance images from general medical practitioners, medical consultants or hospitals, or to have x-rays taken or to have laboratory tests conducted, although many authorities co-operate in providing these. Practitioners who clinically or physically direct x-rays - that is those who are in charge of or who operate x-ray equipment - must have obtained a "core of knowledge" certificate as laid down by statute. Registered Naturopaths who refer their patients for x-ray examinations as part of a clinical assessment, and who are not themselves involved in the actual taking of x-rays, do not require this certificate.
11. Although registered chiropractors and registered osteopaths are among the groups of health professionals authorised to send pathological specimens through the post, registered naturopaths are not yet so recognized (although recognition has now been requested). Practitioners are, therefore, recommended to ascertain the current regulations and advice (which change from time to time) from a Post Office Customer Service Centre, the addresses of which can be obtained from Post Offices.
12. Animals may only be treated by Naturopaths under the supervision of a qualified veterinary surgeon.

Certificates and Statements

13. Signing 'medical' certificates without authority and signing false certificates are criminal offences. Naturopaths may issue sickness certificates for state benefit or other purposes. By doing so they give their professional opinion, which will be relied upon by the authority concerned. Members owe a professional duty to take great care when certifying facts and must state honest opinions in any certificates which they sign or statements which they make.

RELATIONSHIPS WITH PATIENTS

A Position of Trust

14. The relationship between a Naturopath and his patient is that of a professional with his patient. The prime task of a Naturopath in treatment is to inflict no harm, but to relieve suffering. The interests of the patient, or of the prospective patient, must, therefore, come first at all times. Patients, for their part, are entitled to put their trust in their Naturopath and to expect that advice and treatment given to them will be solely for the purposes of promoting each patient's welfare. Patients may grant to members ready access to their homes, confide in them and defer to their judgment without exercising their own discrimination. It is the duty of members not to abuse that trust in any way.

Social Relationships

15. Members may wish to strike up a social relationship with some of their patients or they may find themselves called upon to treat professionally those who are already their friends. There is no harm at all in this provided that the line between the professional and the social relationship is clear to both parties. Members are warned that advice given socially may well carry legal liability with it.

Confidentiality

16. Naturopaths have an absolute duty (subject to the exceptions set out below) to keep all information, which they have learned, directly or indirectly, in their professional capacities and the opinions, which they have formed concerning their patients, entirely confidential and not to reveal them voluntarily to third parties. This duty extends to their receptionists and to any other employees. The obligation is not removed by the death of the patient. When a Naturopath wishes to report on the patient's progress to his general medical practitioner he should normally do so only with the patient's knowledge and consent.

Exceptions to the Rule of Confidentiality

17. There are occasions when exceptions to this principle are permitted. They are as follows:

- a. Notifiable diseases;
- b. When the patient or his legal adviser has given written and valid consent. When a member is requested by his patient to write a professional report upon him for legal purposes, or to appear as an expert witness, the request should usually be channelled through the legal adviser;
- c. When, in the opinion of the Naturopath, it is in the best interests of the patient to share the information with his normal medical adviser and the patient withholds his consent. The member should use all reasonable efforts to persuade the patient to allow the information to be given;
- d. When the Naturopath considers that it is undesirable on medical grounds to seek the patient's consent and it is in his best interests to give information on his clinical condition to his general medical practitioner or to a close relative or professional adviser;
- e. When the Naturopath's duty to society over-rides his duty to his patient, for instance when there is a strong likelihood of the patient taking action, which might put the security of the public in jeopardy. Everything reasonably possible should then be done to persuade the patient to disclose the information himself before the practitioner takes the matter into his own hands. The Naturopath must be aware that if he does transmit information given to him in confidence he may be called upon by his Governing Body's disciplinary committee(s) to justify his conduct;
- f. When ordered to do so by a Court of Law. The Court has the power to order the disclosure and production of documents (including medical records) in the possession, custody or power of a Naturopath. Members who are faced with the likelihood of such a Court Order should consult the Secretary of the General Naturopathic Council Limited.

Caring Treatment

18. The caring Naturopath always explains to a patient what is being done to him, showing interest in him as a person and not as the object of a technical procedure. In this way misunderstandings are avoided. This is particularly important whenever an examination or treatment has to be carried out anywhere near the intimate areas. On those occasions the Naturopath should explain in advance, explicitly and in clear and gentle terms, what it is that he proposes to do, and why, and it is preferable to pause and to ask the patient for agreement to the procedure. If the procedures include an internal examination then the patient's specific consent to this should be obtained (see paragraph 5 above). In addition, whenever practicable, a suitable chaperone, preferably a member of the staff, should be present and appropriate remarks should be made in the case notes.

Moral Conduct

19. The General Naturopathic Council Limited takes a particularly serious view of a Naturopath who enters upon a sexual affair with a patient. It is not necessary that actual sexual misconduct should occur for the crucial relationship between practitioner and patient to be disturbed and members should, therefore, be aware of the dangers of developing a personal relationship of an emotional nature with a patient or with a member of his family. Acts of indecent assault or exposure are criminal offences in themselves but it is not necessary for a criminal conviction to have been sustained for a Naturopath's behaviour to be construed as professional misconduct. In this context it should be noted, that indecent assault need not necessarily include a physical act: It is enough that the patient should feel himself threatened. Members, male and female, should be aware, too, of the possibility of attempts being made by their patients to seduce them. Any member who experiences such an attempt should, in his own interest, report the facts to the Secretary of his Governing Body without delay.

Undue Influence

20. a. Naturopaths must never enter into any financial arrangements for receiving patients, or directing patients, or solicit a patient by any means to accept treatment when the patient has not specifically requested it. Such an action may well invalidate the patient's consent.

- b. Undue influence can extend to such things as giving financial advice and lending or borrowing money. The test is "was the patient influenced by the Naturopath to make a financial or other decision, which he would not normally have made?"

Fees

21. Nearly all Naturopaths are in private practice and it is up to each individual to decide what fees to charge his patients. While market forces will generally dictate the level, members are expected to set responsible rates and not to charge fees which are exorbitant. It is desirable to inform a patient in advance of a consultation what he will be asked to pay for it and where extra services, such as x-rays or laboratory tests, have to be paid for this must be made explicit and the price must be indicated. Where a member is registered for Value- Added Tax this must be stated and the price given must be inclusive of this tax. While it is up to the Naturopath's discretion to give reductions in fees to individuals because of their circumstances, or to categories of people such as pensioners or children, financial inducements must not be offered or given for multiple treatments or for a period of treatment nor may vouchers be marketed for free treatment or for reduced fees. Occasionally patients, particularly those who appear regularly, suggest to their Naturopath that they should pay a lump sum, either annually or just once, in consideration for which they would be entitled to unlimited free treatment, or treatment at a sharply reduced fee, either for a finite period of time, or for life. Such schemes seem superficially to be sensible and attractive; yet the General Naturopathic Council Limited considers that they carry with them risks which should not be accepted. The main inherent dangers are that patients may bring pressure to bear on their Naturopaths to give them treatment which is not necessary or that Naturopaths may try to persuade patients not to have treatment when, from a clinical point of view, treatment is indicated. Other dangers include the risks of Naturopaths moving to different geographical areas without tying up administrative or legal arrangements to transfer cover to a suitable colleague or of Naturopaths finding themselves in a financial position, which makes it impossible for them to honour their contracts. In future, therefore, Naturopaths are forbidden to run single premium insurance schemes in connection with their own professional practices. Such measures should be left to commercial health insurance companies and medical aid societies. Any Naturopath who is already under contract in a scheme of this type should declare his position to the Secretary of his Governing Body.

RELATIONSHIPS WITH MEDICAL PRACTITIONERS AND SURGEONS

Guidelines

22. In the guidance on professional conduct and discipline of both the General Medical Council and the British Medical Association it is laid down that medical practitioners and surgeons may delegate, to persons who have been trained to perform specialised functions, treatment or procedures falling within the proper scope of their skills. The referring practitioner must, however, be satisfied that the person to whom these functions are delegated is competent to carry them out. A similar line is followed by the chiropractic, the dental, the osteopathic, and the veterinary professions.

Cross-Referral Procedures

23. a. The General Naturopathic Limited consider it good practice that Naturopaths should maintain contact with general medical practitioners, surgeons, osteopaths, chiropractors, veterinarians, dentists and C.A.M. practitioners over mutually-shared patients in a professional manner. Co-operation might be improved if the Naturopath were to take every opportunity to communicate with such a patient's general medical practitioner, etc., whenever appropriate. When a patient has been referred, either formally or informally, the Naturopath should write a formal letter giving details of the case history, the clinical examination, his findings and the proposed treatment. When a patient has been discharged the Naturopath should write again, informing the referring practitioner of the outcome of the treatment. If the patient fails to respond to treatment the Naturopath should send him back to the referring practitioner with a covering letter. Ideally, the same procedure should be carried out when a patient consults the Naturopath without a referral except that, on those occasions, it is essential to get the patient's consent before the correspondence takes place. A proper professional report will tend to build a relationship based on mutual trust by which the different, sometimes complementary, roles are understood better. Most private health insurance companies require that a policy holder should be referred to a Naturopath by his general medical practitioner, and occasionally by a medical consultant, in order for the cost for the Naturopathic treatment to become refundable.

- b. Responsibility for ceasing prescribed drugs lies with the person who prescribed them. When a patient has made sufficient progress that it appears to the Naturopath he may be able to withdraw from the prescribed medication, this is to be done in conjunction with the patient's prescriber. If the prescriber is not co-operative then the Naturopath may advise the patient to seek the advice of another registered medical practitioner.

Liaison

24. Naturopaths are encouraged to establish a close working liaison with all their local health care professionals. While the best way of achieving this is through the cross-referral of patients, opportunities often exist for members to offer to give talks or lectures or to hold discussions on Naturopathy and health care. The approach is best made by groups of Naturopaths to group practices or C.A.M. clinics. In all cases, but particularly when individual members introduce themselves to individual medical practitioners or surgeons, care must be taken not to give the impression that the Naturopath is simply touting for business.

RELATIONSHIPS WITHIN THE PROFESSION

Mutual Confidence and Respect

25. a. It is important, for the welfare of patients, the reputation of the Naturopathic medical profession and the happiness of individuals, that there should be mutual confidence and respect between Naturopaths. There are bound to be differences of opinion and, occasionally, antagonisms and clashes of personality among members from time to time but the General Naturopathic Council Limited looks to members to sort these out in a mature and sensible fashion without letting them spill over into the public consciousness. Should the latter happen then the General Naturopathic Council Limited and its constituent Organizations would certainly be concerned as the matter may thereby raise issues of professional misconduct; otherwise it is the affair only of the practitioners themselves.
- b. It is recognized that the primary obligation of members is towards the membership of their Organization and the students of their accredited training establishment(s) and would at all times seek to represent their interests in the best possible way. However, members should themselves seek, and encourage their fellow members or students to seek, contact with Naturopaths from other constituent Organizations of the General Naturopathic Council Limited

Attendance upon Colleagues

26. It is the custom, but not an obligation, for one Naturopath to give his professional services to another free of charge.

Setting up Practice

27. It is a normal courtesy when members set up practice for the first time or move to a new area for them to inform their colleagues in the neighbourhood of their arrival. While healthy competition between Naturopaths is a sign of the times, establishing a new practice in immediate proximity to an existing one may give rise to a suspicion that undue influence might be applied to entice patients to the newcomer. A seemly spatial separation should be maintained between the two practices, except by mutual agreement.

Principals and Assistants

28. When Naturopaths are considering working together, either as partners or as principal and assistant, it is strongly recommended that legal advice be taken and that a written contract be entered into. The General Naturopathic Council Limited and constituent Organizations expect principals to look after the interests of their assistants and blatant mishandling or exploitation of them may be regarded as professional misconduct. The goodwill of a practice resides in the principal.

Transfer of Patients

29. When patients are transferred between Naturopaths, full consultation should take place, including the sending of a letter of referral with a comprehensive report on the patient and any pertinent x-ray, ultra-sound, or magnetic resonance images and test results. A patient has the right to expect continuity of treatment, as far as possible, from the Naturopath of his choice, and principals of practices are expected to make reasonable administrative arrangements to see that this happens. Difficulties arise when either patient or Naturopath moves location. A principal or a

partner in a practice should, as a matter of course, inform each of his patients when he moves and should make arrangements for the patient either to continue to consult him or to be transferred to another Naturopath. An assistant, however, must not take any steps to persuade a patient whom he has been treating to accompany him, although the principal has a duty to inform patients who enquire of the former assistant's new address. The General Naturopathic Council Limited takes a serious view of attempts, latent or patent, by one Naturopath to poach patients from another.

Emergency Treatment

30. In an emergency, including when the patient's normal practitioner is on holiday, any Naturopath may see another's patient. As soon as the emergency is over, however, care of the patient should be restored to the original practitioner unless it makes sense, in the patient's interest and with the express agreement of the patient, for the stand-in Naturopath to complete a course of treatment. The stand-in should take particular care not to put pressure on the patient to make the change a permanent one.

Criticism of Other Practitioners

31. Finding fault with other people is regrettably a normal human characteristic and on many occasions Naturopaths will believe, sometimes with justification, that their methods, techniques and standards of treatment are superior to those of some of their colleagues. They are entitled to advocate their ways of doing things dispassionately in learned journals; they are not allowed to claim superiority for themselves and, in particular, they are not allowed to criticise publicly other Naturopaths by name, directly or by implication. This does not inhibit them, however, from bringing to the notice of the Secretariat of the General Naturopathic Council Limited, in a proper fashion and with the necessary evidence, cases of unprofessional conduct by members or cases where a member may be unfit, by reason of ill-health, to carry on in practice. Indeed, Naturopaths have a duty to report such matters.

32. This prohibition against criticising others extends to criticism of those Naturopaths who are not members of the constituent Organizations of the General Naturopathic Council Limited, unless there are good professional grounds for making the criticisms and these are made in the proper manner. Such other Naturopaths, a considerable number of whom carry out their professional duties in a thoroughly competent and honourable manner, should be regarded as professional colleagues with whom to co-operate in a spirit of friendship without in any way dropping the standards laid down. The General Naturopathic Council Limited are not in the business of denigrating those Naturopaths who do not belong to it. All that can be said is that the General Naturopathic Council Limited does not know of their standards of training or professional practice.

Membership of Other Professional Organisations

33. The General Naturopathic Council Limited has no objection to members being simultaneously members of two or more Naturopathic Associations. Such members should bear in mind, however, that different Associations may have diverse standards, and, furthermore, they must accept that their dual or multiple memberships do not give them any immunity from the consequences of contravening the regulations laid down by the General Naturopathic Council Limited as contained in this Handbook or in any other rules or advice issued by other Governing Organizations for the conduct of its members.

RELATIONSHIPS WITH OTHER HEALTH CARE PRACTITIONERS

Cross-Referrals

34. When it is in the best interests of his patient(s), a Naturopath may refer the patient(s) to practitioners of other medical disciplines or specialist therapies provided that the Naturopath is satisfied as to the competence, training and professional standards of the practitioner concerned. On such occasions, as much clinical information should be provided as is necessary.

Criticism

35. Criticism of the practitioners of other therapies is not allowed, unless there are good professional grounds for making the criticisms. Practitioners of other medical systems or specialist therapies should be regarded as professional colleagues with whom to co-operate in a spirit of friendship, without in any way dropping the standards of a Naturopath. Neither the General Naturopathic Council Limited, nor its constituent Organizations, are in the business of denigrating practitioners of other therapies.

Practising Specialist Therapies

36. Members are entitled to practise specialist therapies themselves and to belong to professional bodies governing such therapies provided that their activities do not bring the Naturopathic medical profession into disrepute. Those members who practise specialist therapies are expected first to have undergone a structured course in the therapeutic modality at a recognised training establishment. As with membership of other Naturopathic organisations, membership of bodies to do with specialist therapies does not put Naturopaths beyond the jurisdiction of the General Naturopathic Council Limited or its constituent Organizations when matters of professional conduct are at issue. If an allegation of professional misconduct is made against a Naturopath in connexion with a consultation which he was or is holding, either partially or exclusively, in his role as a practitioner of a specialist therapy, the General Naturopathic Council Limited will expect the governing body for that specialist therapy for which the patient primarily consulted the Naturopath to take the lead in investigating the complaint. Such an investigation by another professional body however will not stop the General Naturopathic Council Limited or the appropriate constituent Registering Organization from taking its own disciplinary action afterwards, if it sees fit so to do.

SCOPE AND STANDARDS OF PRACTICE

Limitations on the Scope of Practice

37. Naturopaths should confine themselves to clinical diagnosis and practice in those fields of Naturopathy in which they have received training and which are recognised generally by the profession as being beneficial or certainly innocuous. Training, for this purpose, means the accumulation of knowledge and skills gained during approved undergraduate and postgraduate education and by experience evaluated at a level of competence acceptable for the independent practice of Naturopathy. This does not restrict the careful extension of those professional skills provided that the Naturopaths recognizes the limits. This extension of professional skills may include the employment of an adjuvant technique provided that this has been learnt properly by attendance on a course of instruction or under the tutelage and close supervision of a practitioner fully trained and experienced in its use. A Naturopath going beyond the limits of those skills may raise questions of professional misconduct.

Maintenance of Standards

38. Naturopaths will have all been trained to a high standard of professional competence and the General Naturopathic Council Limited expects them to treat their patients to that standard throughout their professional careers. It is accepted that in the normal course of human fallibility misjudgements and wrong decisions will be made from time to time and the General Naturopathic Council Limited, or its constituent Organizations, will not concern themselves with these, provided that they are satisfied that the Naturopath has acted reasonably and in good faith, in accordance with the principles of his training and experience. Members are expected to manage their patients with courtesy and good manners and to show care for them. Unwarranted rudeness, a failure to bother and neglect of a patient are matters which may call for disciplinary action.

Minimum Acceptable Standards

39. As a minimum standard Naturopaths are required to operate competently to the levels set out in the Naturopathic Core Elements.

Allegations by Patients

40. There may well be occasions during the Naturopath's career when a patient will make an allegation against him, which is unfounded. The allegation is likely to be either one of improper behaviour, and the steps to be taken to safeguard against this or to deal with it when it occurs are set out in paragraphs 18 and 19 above, or, more usually, of negligence. The General Naturopathic Council Limited is not concerned with routine differences of opinion between Naturopath and patient, which do not raise issues of professional misconduct. These are matters for the Naturopath and the patient to settle between themselves, but members are advised strongly never to make any admission, explicit or implied, of liability but to put the matter into the hands of their solicitors straight away, informing their insurance companies, their professional associations as well as the Secretary of the General Naturopathic Council Limited at the same time.

Investigation of Complaints

41. The General Naturopathic Council Limited is concerned when a patient alleges negligence or maltreatment and the allegation is serious enough to raise doubts about the member's overall professional competence. When a complaint of this kind is made against a member, the Professional Conduct Sub-Committee of the General Naturopathic Council Limited will consider it to see whether the facts as alleged constitute a case to answer. If they do the matter will be investigated further by the Disciplinary Committee. Complaints of improper behaviour will always merit initial investigation to see if they are well founded. The procedures outlined in paragraphs 86-101 below will apply.

Postgraduate Training

42. Members are expected to refresh their knowledge and techniques and to keep abreast of current thinking and procedures by regularly attending seminars and post-graduate training courses. Failure to engage periodically in a reasonable amount of post-graduate education will be taken into account by the Professional Conduct Sub-Committee when hearing allegations which call a member's professional competence into question.

THE MANAGEMENT AND CONTROL OF PRACTICES

Limited Companies

43. The General Naturopathic Council Limited does not allow members to form their practices into limited liability companies because this is inconsistent with members' personal responsibility for their actions and may thereby deprive an injured party of the rights against the member as an individual which otherwise the injured party would have had. Where a Naturopath practises in a clinic or similar concern which is a limited liability company he must personally undertake legal responsibility for the advice or treatment which he gives to the patient.

Professional Indemnity Insurance

44. The General Naturopathic Council Limited requires practising members to hold professional indemnity insurance cover as a condition of membership in constituent Organizations. It is essential that, before treating or advising any patient professionally, a Naturopath is appropriately covered by a suitable and adequate policy. Professional indemnity insurance policies must meet the criteria set out in the paragraphs immediately below in order to satisfy the General Naturopathic Council Limited that the insurance is adequate. A list will be kept by the Secretary of known qualifying underwriters and policies but any member may submit a new policy to the Secretariat of the General Naturopathic Council Limited for consideration.

- a. The policy must indemnify the member against all sums which he shall become legally liable to pay as damages arising out of any bodily injury, mental injury, illness, disease or death of any patient caused by any negligent act, error or omission committed by the member in or about the conduct of the member's occupation. This indemnity must include "Good Samaritan" acts, which shall mean treatment administered at the scene of a medical emergency, accident or disaster by the member who is present, either by chance or in response to an S.O.S. call.
- b. The Limit of Indemnity provided by the policy must be not less than the minimum for the time being laid down by the General Naturopathic Council Limited.
- c. The "Assured" named in the schedule of the policy shall be deemed to mean not only the member concerned but also any person who is, has been or may become during the life of

the policy a principal, partner, director, employee or volunteer of the member named, but only in respect of claims arising from work undertaken on behalf of the member.

- d. The policy, or a separate policy allied to it, must provide cover for public liability and cover for actions under the Health and Safety at Work Act. The 'Limit of Indemnity' in respect of such cover must be not less than the minimum for the time being laid down by the General Naturopathic Council Limited.

Professional Standards

45. Members are expected to practise in appropriate professional surroundings and administrative arrangements must be efficient. Members should consider carefully what constitutes good professional practice and must always maintain high standards of behaviour and personal appearance when dealing with patients. Where a practice is on shop premises it must have an entrance separate to that of the shop in order to maintain a proper professional atmosphere and to keep the practice distinct from commercial activities.

Inspection of Premises

46. By membership of the constituent Organization(s) of the General Naturopathic Council Limited Naturopaths grant a licence permitting the said Council to nominate properly designated persons to carry out an inspection of the premises from which a member practises for the purpose of investigating a complaint. Members will be given reasonable notice of any such inspection, which will take place at a time to be agreed between the inspectors and the member concerned. Failure to co-operate with a request for an inspection may be treated as professional misconduct and lead to disciplinary proceedings.

Maintenance of Records

47. The maintenance of accurate, comprehensive and legible records on each patient is an essential part of managing a practice. The recording of negative findings can be just as essential as positive comments, particularly for subsequent reference if allegations of negligence are made. If the records are stored electronically, members will need to consider their liability to register under the Data Protection Act 1984 and they ought to be aware that people whose details are kept on computer have the right to inspect all of these details. Medical records belong to the Naturopath concerned and do not have to be disclosed to a patient except as required by the Data Protection Act or by order of a Court of Law.

Stationery

48. Letterheads, receipts and other stationery relating to the member's practice must be printed in a style appropriate for a profession. Where members practise in partnership, all partners' names must be included on all business letters, invoices, receipts and demands, and a list of the partners and their details must be kept at the premises of the practice. Changes in partnerships should be notified to the Secretary of the Registering Organization as soon as they occur. Practitioners registered for Value-Added Tax (VAT) must ensure that all appropriate stationery complies with VAT requirements.

Teaching and Instructing

49. It is clearly in the public interest for all Naturopaths to receive adequate training and instruction and to demonstrate their competence before they are permitted to practise in their own right. For this reason the following rules apply:
 - a. Observers: Potential students of Naturopathy may be present as observers during a consultation or treatment provided that the patient freely gives prior permission. An observer may not attempt to treat a patient.
 - b. Apprentices: Members may not employ or otherwise engage apprentices.
 - c. Students: Members may give instruction in Naturopathy to students only as part of a formal course of training. Such students may treat patients whose fully informed consent has been obtained beforehand, so long as they are supervised by a member, who will be responsible for the students' conduct. The member must ensure that any legal liability to a patient arising from the students' actions is covered by the member's, or the delegating College's professional indemnity insurance policy. Members who teach specialist therapies must ensure that there is no risk that the profession of Naturopathy will be brought into disrepute thereby.

Practising with Non-Member Naturopaths

50. Members, whether principals or assistants, must ensure that the qualifications and training of all Naturopaths with whom they practise are adequate so that there is no risk to the safety of patients. All such Naturopaths must hold professional indemnity insurance cover. Members must also ensure that non-members with whom they practise are not held out to the public as members.
51. When a member Naturopath works together with a Naturopath who is not a member of a constituent Organization of the General Naturopathic Council Limited, he must take careful steps to ensure that any patient, referred to him by his registering Organization or by others using the Register's Directory, is treated only by him and not, without the patient's informed consent, by the non-member Naturopath.

Practising in Clinics and with Other Health Care Practitioners or with Specialist Therapists

52. The principle is that the Naturopath is the best judge of the quality, competence and suitability of those other practitioners with whom he wishes to associate professionally but that he is expected to exercise reasonable care and discretion in making his choice.
53. The General Naturopathic Council Limited has no objection to members practising in clinics or similar establishments, either entirely Naturopathic or multi-disciplinary, provided that those clinics are reputable and are run in a professional and seemly manner. If, however, anything happens at the clinic or establishment which brings, or could bring, the Naturopathic profession into disrepute, or which causes the member to contravene the regulations of the General Naturopathic Council Limited, even inadvertently, the member may have to answer for it.
54. It is the responsibility of the individual Naturopath to satisfy himself that the establishment in which he proposes to work (which may form part of an hotel, club or similar institution) fulfils the criteria set herein. The methods used to promote the clinic must be of a high professional standard.

Commercialism

55. The view of the General Naturopathic Council Limited on the combination of professional and commercial activities is that a Naturopath must not associate with commerce in such a way as to let it influence, or appear to influence, his attitude towards the treatment of patients. Members may be approached by companies marketing a variety of products - vitamins, furniture or therapeutic appliances, for example - and offering commission, discounts or other financial inducements for the introduction of business. The acceptance of a commission under such circumstances and the stocking or display and sale of products or associated literature with the intention of encouraging patients to purchase them for no good reason other than profit is unethical. The only situation in which a practitioner may stock or sell medicaments or appliances is when, in his professional judgement, such goods will be of immediate benefit to the patient. A more professional approach, however, is for the practitioner to advise the patient where the prescribed product may be obtained rather than for him to expose himself to the criticism of standing to gain financially from the recommendation. Naturopaths must make a sharp distinction between their practices and any commercial undertaking in which they are involved so that members of the public are unable to establish a link between the two and they must make it clear, when commenting favourably on a commercial product connected with their professional work, that their names must not be used by manufacturers for commercial purposes.

PROMOTING THE INDIVIDUAL AND THE PROFESSION

Advertising standards are subject to amendment by virtue of policy changes by the Advertising Standards Agency and other such recognised authorities. Amendments and updates to this section will be included in an Appendix at the end of this Handbook.

The Concept for Advertising

56. Patients are entitled to expect that advice and treatment given to them will be solely for the purposes of their own welfare. Any suspicion that the Naturopath has a financial motive in his patient's progress can only lead to mistrust, anxiety or distress. At the same time all but the most naive of patients are perfectly aware that a Naturopath has a living to make, commitments to meet and aspirations to improve his situation which are entirely proper. It follows that the requirements of the patient to get comprehensive information and best advice upon the scope and type of treatment available and the need of the Naturopath to advertise his services are quite compatible with each other. Members may promote themselves and their practices, therefore, in accordance with the Principles and Explanatory Guidelines set out in the following paragraphs.

The Principles of Advertising

57. The following principles will be applied by the Professional Conduct Sub-Committee and Committee in relation to advertisements by Naturopaths:
- a. Advertising, both in form and content, shall be appropriate to the interests of the patients.
 - b. Advertising, both in form and content, shall be appropriate to the standing of the profession of Naturopathy and to the standing of a profession generally.
 - c. Advertising shall not contain claims of superiority, specialism or curability and any other claims made shall be capable of substantiation.
 - d. Advertising shall not be false, fraudulent, misleading, deceptive, self-laudatory, extravagant or sensational.
 - e. Advertising shall not denigrate other members of the profession or other professions.
 - f. Advertising shall comply both with legal requirements and with the British Code of Advertising Practice.

Guidelines for Advertising - The Interests of Patients

58. The prime task of a Naturopath, as of any member of the medical and paramedical professions, is to relieve suffering. The interests of the patient, and of the prospective patient, are therefore paramount at all times in matters concerning advertising as in all other matters.
59. Advertisements shall recognise that many patients, particularly those who are anxious for themselves or for their dependents or who are in pain, may be vulnerable to advertising encouraging them to seek treatment which, in their particular condition, may be inappropriate or unnecessary.
60. Advertising shall not play on patients' anxiety or create unjustified expectations as to the form or length of the treatment or its prospects for relieving the condition concerned.
61. The relationship between practitioner and patient is one of trust and it is essential that advertising shall be of such nature that the trust of the patient is not abused and his lack of knowledge of either his condition or Naturopathy is not exploited.

Guidelines for Advertising - The Interests of the Profession

62. The public expects high standards of propriety, integrity and behaviour from the professions. Accordingly, advertising shall give members of the public the information which they need for their own purposes whilst retaining their confidence in Naturopathy and in the Naturopathic profession.
63. Advertising shall not be of a kind, which could reasonably be regarded as likely to bring the profession into disrepute.
64. Practices should be identified by professional name plates or signs of a size, colour and form appropriate to the nature of the area and to the location of the practice and bearing the names and qualifications of the Naturopath(s) practising at the premises. The names should be of those members regularly in attendance; details of former practitioners should be removed within a reasonable period of time.
65. Assistants may not advertise without the permission of their principals.
66. Non-Naturopathic qualifications and titles may be shown in connexion with a Naturopath's practice such as degrees from bona fide academic institutions, state honours, statutory designations or medical or paramedical qualifications awarded by established and generally recognised professional bodies of reputation and standing.
67. Where fees are quoted in an advertisement the fees charged for both the initial consultation and subsequent treatment sessions shall be stated. A clear indication of exactly what is included within the fees quoted shall also be given (e.g. whether treatment, if appropriate, is included within the initial consultation fee). If Value-Added Tax is payable this should be stated and the fee quoted should be inclusive of V.A.T. Any arrangements for the discounting of fees shall be limited to specific groups or classes of patients and shall not be related to the treatment of particular conditions or be offered in the form of vouchers, incentives or similar schemes. Where free consultations are offered, advertised or given by Naturopaths they must be bona fide consultations, consisting of at least the three basic elements of taking a case history, making a clinical examination, and making a differential diagnosis. Sessions at which a patient, or a prospective patient, simply completes a questionnaire or chats to a practitioner are not bona fide

consultations and should not be advertised or described as such.

68. Advertising through unsolicited canvassing, by door-to-door or postal distribution, telephone or 'cold canvass' personal visits, is prohibited. The definition of a proscribed written or printed advertisement will be a leaflet, or similar literature, which promotes an individual or his practice. The inclusion of a member's name and details in a publication with general advertising or in a card or directory of general information, distributed free of charge, is permitted.
69. Essential practice information, consisting of names and qualifications, address and telephone numbers, hours of business and arrangements for emergency cover and special facilities such as car parking and crèches, and information about Naturopathy itself may be distributed to medical and bona fide paramedical practitioners, dispensing pharmacists and non-commercial points of contact such as public libraries, information centres and Citizens' Advice Bureaux. Naturopaths may also circulate information about Naturopathy and their practice to those holding formal appointments as medical or personnel officers of commercial concerns in reasonable geographical proximity to the member's practice.
70. Naturopaths are responsible for ensuring that their advertisements appear in surroundings which are appropriate to professional advertisements.
71. Where advertising takes place in joint advertisements with practitioners of specialist therapies, Naturopaths shall take reasonable steps to ensure that those other practitioners are members of recognised professional bodies whose standards of practice and behaviour are equivalent to those required by the General Naturopathic Council Limited, and that the professional advertisements are clearly separated from advertisements for commercial or leisure activities.

Claims of Superiority, Specialisms and Cures

72. Claims of superiority in advertisements are inappropriate in the case of Naturopathy because they are almost certainly incapable of proof, are liable to be misunderstood by patients and are inappropriate to a profession.
73. There are no recognised specialist qualifications in Naturopathy; hence none shall be claimed in advertisements. Special interests, if clearly stated as such, may however be mentioned.
74. Advertising which expressly or implicitly claims to cure conditions, as distinct from relieving symptoms, is prohibited.

False or Misleading Claims

75. In this regard, attention is drawn to the requirements of the British Code of Advertising Practice.

Denigration

76. The interests of the patient and of the profession require that any denigration of a professional colleague, or member of another medical or paramedical profession, whether directly or by implication, is prohibited.

Compliance with Other Requirements

77. Specific attention is drawn to the British Code of Advertising Practice. For the avoidance of doubt, and notwithstanding the terms of the Code, Part C1 ("advertisements containing health claims") applies to advertisements by Naturopaths, in addition to the General Principles of the Code.

General Naturopathic Council Limited House Advertisements

78. Where members wish to advertise their practices in conjunction with the practices of other members in "block entry" advertisements, where a principal purpose of the advertisement is to identify the practitioners as a group of Naturopaths and where the name of the General Naturopathic Council Limited is used in the advertisement or the implication is that the General Naturopathic Council Limited has sponsored the advertisement, the said Council reserves the right to dictate the content and format of the advertisement and to lay down rules for its use.
 - a: Block entry advertisements may be suffixed to the General Naturopathic Council Limited's own advertisements, artwork for which can be obtained from its Secretariat, or they may be printed on their own in the Yellow Pages and/or Thomson directories, for example. They may be placed either by an individual Naturopath acting as agent for the other advertisers, or by a commercial concern acting with the said Council's approval, or by the publishers themselves.
 - b. The contracts are individual ones between the publishers and the Naturopaths concerned except where a Naturopath is the co-ordinator for the advertisement. The contract with the publishers is then his and he will act as an agent for all members who wish their details to be included in the advertisement. He is entitled to charge those members a reasonable commission for the work which he does, and the expenses which he incurs, on their behalf.
 - c. All Naturopaths who practise within the geographical circulation area of the publication in which the block entry advertisement appears must be given the opportunity of putting their names in the advertisement. It is up to the individual member then to decide whether he wishes to subscribe to it. Responsibility for contacting the relevant member rests with the commercial concern or publishers, or with the Naturopath who has elected to place the advertisement, who will be supplied, on request to his registering Organizations, with a copy of an up-to-date list of Naturopaths practising within the circulation area.
 - d. Where a block entry is suffixed to one of the General Naturopathic Council Limited's own advertisements it should be headed by the words "Some Local Naturopaths". This wording may be altered in consultation with the constituent Organization's Secretary to suit particular circumstances.
 - e. Where a block entry is printed on its own it should appear under the heading "Naturopaths" and should include the preamble and suffix set out in Annex A. The inclusion of this preamble and suffix is mandatory unless authority to dispense with it is granted by the General Naturopathic Council Limited.
 - f. Entries should be listed by towns in alphabetical order unless it makes sense to do otherwise. Within towns names of practitioners should be listed in alphabetical order. The town heading may be in heavy type but the rest of the entry must be in light type.

- g. The only details which may be printed are the members' names, qualifications, addresses and telephone numbers, including any emergency telephone numbers. The words "Home Visits" may be used in addition to a single practice address in any one town. No other copy material is permitted.
- h. The entries are intended to draw the public eye to the General Naturopathic Council Limited and the members. They are not there to promote specialist therapies or to enhance the standing of members with additional academic or other awards. All Naturopathic qualifications approved by the General Naturopathic Council Limited may, however, be used. The usual letters to appear after every member's name will be "ND". Registered Medical Practitioners may suffix their names with up to two medical qualifications in addition to the other mandatory or discretionary letters.

Advertising Agencies

79. The relaxation in the rules on advertising may encourage publishers to contact Naturopaths with a view to selling advertising space to them. Members are reminded that many publishers are more concerned with profit than with the accuracy of the content of an advertisement, which they have accepted. Members are advised, therefore, to make sure that their instructions are written, detailed and precise and that a careful record is kept of them. Printer's proofs should be obtained whenever possible and written confirmation of the order should be sought. Where an error has been made in the printed copy, which may raise an issue under the advertising rules, the Secretariat of the General Naturopathic Council Limited should be informed as soon as possible.

Adverse Publicity

80. Members are reminded also that adverse publicity, which is damaging to the reputation of the Naturopathic profession may sometimes arise as a result of thoughtless, unedifying or sensational remarks during interviews with representatives of the media. Naturopaths who are invited to write articles or to give interviews may seek advice from the Public Relations department of the General Naturopathic Council Limited or of the constituent Organization with whom he is registered. Care should be taken when mentioning either of these in articles and interviews to ensure that no impression is given that one or both are sponsoring the content, or are endorsing the opinions given, unless express approval has been obtained beforehand.

PROFESSIONAL MISCONDUCT

Definition

81. The term "Professional Misconduct" is used in the same sense as the term "Serious Professional Misconduct" is used by the General Medical Council, that is "serious misconduct judged according to the rules, written or unwritten, governing the profession." What is, or is not, unethical conduct or behaviour is for the Professional Conduct Sub-Committee or Disciplinary Committee to decide, applying the standards of the day. Over a period of time case law, from decisions of the Disciplinary Committee of the General Naturopathic Council Limited, will develop and this will give a more detailed indication of what is, and what is not, considered to be acceptable conduct, remembering that the said Council has the power to adjudge as unethical any behaviour which reflects gravely upon the profession of Naturopathy or the Council or the members. All complaints and allegations made against members, whether by patients, members of the public or other Naturopaths, are examined carefully by the Council's system of disciplinary tribunals under the procedures set out in the Articles appended to this Handbook.

Personal Behaviour

82. People are entitled to expect from Naturopaths, as from all professional men and women, high standards of personal behaviour, not just in relation to their professional duties but at all times. The standards required are higher than those expected from the average person. Disciplinary proceedings can be expected to be taken, therefore, against members who bring the profession into disrepute by their personal misuse or abuse of alcohol or other drugs or by dishonest, violent or indecent behaviour. Members should be aware that the Professional Ethics Sub-Committee and Disciplinary Committee are obliged to accept the findings of a Court of Law and are not able to re-open the investigation of facts which led to a conviction. They can consider only the seriousness of the conviction and any surrounding circumstances in mitigation. Members should, therefore, treat with caution any encouragement to plead guilty to an offence and should take legal advice before so doing.

Abuse of Professional Privileges

83. The Registered Naturopath is in a privileged position in that his patients put their trust in him and confide in him to an extent which may make them dependent upon him to a certain degree. The member who abuses that position of trust, for example by breaching a patient's confidence, by using undue influence to obtain gifts or other benefits from a patient or to borrow money from him, or by entering into a sexual relationship with a patient, is liable to have disciplinary action taken against him. This position of privilege extends as well to his relationship with his colleagues, where such matters as filching patients, criticising other practitioners and breaching the principles and guidelines on advertising can raise questions of Professional Misconduct.

Neglect

84. Members are expected to care properly for their patients and to behave correctly towards them. The General Naturopathic Council Limited recognizes that from time to time honest mistakes will be made and that properly applied techniques will go wrong. Serious professional negligence, however, neglect of patients, wanton failure to provide appropriate treatment, cumulative error and shoddy standards of practice will be investigated with a view to disciplinary action being taken against the member concerned.

Seeking Guidance

85. Where members are perplexed, or are in doubt as to the course to be followed, or have a professional problem which they wish to discuss, they are strongly advised to approach either the Secretary or the chairman of the appropriate committee of the General Naturopathic Council Limited.

DISCIPLINARY PROCEDURES

The Legal Basis

86. The disciplinary powers of the General Naturopathic Council Limited and its procedures are derived from the constituent Organizations who register Naturopaths as their members since as applicants for membership the Naturopaths make a solemn affirmation to keep to their registering Organization's rules and regulations. The election to membership forms a binding contract between the member and the registering Organization, and between the members themselves. Reference should be made to the Articles appended to this Handbook for a full exposition of the Council's derived disciplinary powers.

APPENDIX

An addendum will be incorporated into this document with regard to Advertising and Conduct / Disciplinary processes.

The General Naturopathic Council Limited shall have power to make or vary the Code of Ethics as contained in this Handbook and to direct that any course of conduct may be deemed to be proscribed conduct if carried out by a member.