



ATCM Complaints and Fitness to Practise Procedure

Effective Date: March 2026

Next Review Date: October 2027

1. Introduction

The Association of Traditional Chinese Medicine and Acupuncture UK (ATCM) is committed to protecting the public, maintaining professional standards, and ensuring confidence in the practice of traditional Chinese medicine and acupuncture.

This procedure provides a clear, fair, and transparent framework for managing complaints and concerns about ATCM members. It reflects principles of natural justice, proportionality, and public protection, and aligns with recognised UK regulatory expectations.

2. Objectives

The objectives of this procedure are to:

- protect patients and the public
- uphold professional standards
- ensure fairness to practitioners
- maintain public confidence in the profession
- ensure consistent and transparent decision-making

3. Scope

ATCM may consider complaints relating to:

- breaches of the Code of Professional Conduct
- breaches of the Code of Practice
- breaches of other ATCM professional standards (including Professional Titles and Advertising Standards, etc.)
- unsafe or ineffective clinical practice

- unethical or dishonest behaviour
- behaviour likely to bring the profession into disrepute

ATCM can only investigate complaints concerning registered members.

4. Principles

All complaints will be handled in accordance with the following principles:

- public protection is paramount
- fairness and impartiality
- proportionality
- transparency
- independence between investigation, decision-making, and appeal

5. Submission of Complaints

Complaints should normally be submitted in writing and include:

- practitioner details
- description of the concern
- relevant dates and locations
- supporting evidence (if available)
- complainant contact details

ATCM will acknowledge complaints within **10 working days**.

6. Initial Assessment and Triage

All complaints will undergo triage and risk assessment to determine:

- jurisdiction
- seriousness
- risk to public safety

Complaint Levels

- Level 1: Service concerns (informal resolution)
- Level 2: Professional conduct concerns (investigation required)

- Level 3: Serious concerns (high risk, possible interim action)

7. Early Resolution

Where appropriate, complaints may be resolved without formal investigation through:

- clarification
- communication support
- informal advice

Early resolution will not be used where public safety is at risk.

8. Risk Assessment

ATCM will apply a structured and ongoing risk assessment considering:

- patient safety
- vulnerability of service users
- seriousness of allegations
- risk of repetition
- public confidence

Risk levels may be reviewed throughout the case.

9. Interim Measures

Interim measures are separate from sanctions and are precautionary in nature.

Where necessary, ATCM may impose interim measures, including:

- interim conditions
- temporary suspension

These measures are precautionary and subject to review.

10. Investigation

10.1 Appointment

An Investigating Officer will be appointed.

10.2 Process

The investigation may include:

- evidence gathering
- witness statements
- expert input

10.3 Practitioner Response

The practitioner will normally have **21 days** to respond.

11. Duty of Candour and Cooperation

Practitioners must:

- cooperate fully
- provide accurate information
- act honestly

Failure to cooperate may affect outcomes.

12. Non-Engagement

If a practitioner does not engage:

- the case may proceed in their absence
- decisions may be based on available evidence

Failure to engage may be taken into account in assessing risk, insight, and appropriate sanction.

13. Case Examiner Review

A Case Examiner will determine whether:

- there is no case to answer
- the case can be resolved by advice or warning
- the case proceeds to hearing

14. Hearings

Hearings will include:

- presentation of evidence
- practitioner response
- questioning
- deliberation

Hearings must be fair, structured, and documented.

15. Standard of Proof

Decisions are made on the balance of probabilities.

16. Determination of Fitness to Practise

The PCC will determine impairment based on:

- breach of standards
- harm caused
- insight and remediation
- risk of repetition

17. Decision-Making and Reasoning

Decisions must follow a structured approach: facts → misconduct → impairment → sanction.

The PCC must consider each stage separately and provide clear reasons for its findings at each stage.

A finding at one stage must not automatically determine the outcome at the next stage.

Decisions must clearly set out:

- findings of fact
- whether those facts amount to misconduct
- determination of impairment
- reasoning
- justification of sanction

18. Public Interest

Decisions must consider:

- protect the public
- maintain public confidence
- uphold professional standards

19. Sanctions

Sanctions will follow the ATCM Indicative Sanctions Guidance.

Any sanction imposed must be the least restrictive option necessary to protect the public, maintain confidence in the profession, and uphold professional standards.

20. Review of Sanctions

Where conditions or suspension apply:

- review dates must be set
- compliance must be demonstrated

21. Appeals

Appeals must:

- be submitted within **28 days**
- be based on valid grounds

Appeals are heard by an independent panel.

A practitioner who has been removed from membership may apply for re-admission in accordance with the ATCM Indicative Sanctions Guidance and Membership Rules.

22. Accessibility and Support

ATCM will provide reasonable adjustments including:

- translation
- disability support
- representation

23. Record Keeping

ATCM will maintain a full audit trail of:

- decisions
- evidence
- reasoning

24. Learning and Improvement

Complaints data will be used to:

- identify trends
- improve standards
- inform guidance

25. Publication of Outcomes

Outcomes may be published where necessary for:

- public protection
- transparency

Decisions on publication will take into account seriousness, risk, public interest, and the practitioner's level of insight and engagement.

26. Confidentiality

All information will be handled in accordance with UK data protection law.

27. Review of Procedure

This procedure will be reviewed periodically to ensure continued effectiveness and alignment with best regulatory practice.

Approved by ATCM council