

College of Occupational Therapists Specialist Section – Independent Practice

Code of Business Practice



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**COLLEGE OF OCCUPATIONAL THERAPISTS
SPECIALIST SECTION – INDEPENDENT PRACTICE**

CODE OF BUSINESS PRACTICE

This code seeks to guide occupational therapists in independent or private practice (self-employed or occupational therapy business proprietors) to achieve standards of good practice by defining some clear principles on which the practice should be based. It is understood that the practitioner will be working within current health and social care legislation.

This Code has been endorsed by the College of Occupational Therapists and members of the College of Occupational Therapists Specialist Section - Independent Practice (COTSS – Independent Practice). It is due for review in 2011.

1. THE PRACTITIONER

- 1.1 The independent practitioner is on the Health Professions Council Register and works both to the *Standards of conduct, performance and ethics* (HPC 2008) and the *Standards of proficiency – occupational therapists* (HPC 2007).
- 1.2 The practitioner is appropriately professionally experienced to deliver the service he/she is offering.
- 1.3 The practitioner works to the *Code of ethics and professional conduct for occupational therapists* published by the College of Occupational Therapists (COT 2005).
- 1.4 The practitioner adheres to the *Professional standards for occupational therapy practice* (COT 2007).
- 1.5 The practitioner is strongly recommended to belong to and maintain membership of the British Association/ College of Occupational Therapists, the COTSS – Independent Practice and related clinical specialist sections.

2. GIVING YOUR BUSINESS AN IDENTITY

- 2.1 The practitioner clearly defines for himself/herself and others the legal trading status of their work: sole trader, partnership, limited company.
- 2.2 Each practice defines in writing its objectives and scope of professional and business practice including the nature of the professional work and how the service is delivered.

3. ENSURING A ROBUST BUSINESS – AND PROTECTING AGAINST RISK

- 3.1 The practitioner is aware of the requirements placed on them to adhere to Inland Revenue, National Insurance and Data Protection regulations.
- 3.2 The practitioner, dependent on the nature, size or location of the business, is aware of and adheres to the law (United Kingdom and European Union) and good practice pertaining to areas including but not limited to:
 - i. Employment
 - ii. Customs and Excise (VAT) regulations
 - iii. Health and Safety
 - iv. Company Law legislation
 - v. Supply of Goods and Services legislation
 - vi. National Care Standards
 - vii. Criminal Records Bureau requirements
 - viii. Human Rights
 - ix. Anti-discrimination legislation - including disability, race, gender and sexual orientation.
 - x. Consumer legislation – including Guide to Consumer Protection Act 1987.
- 3.3 The practitioner carries professional, public and product indemnity, relevant to the business, and also employer's liability if employing staff or taking students (the certificate of employer's liability insurance has to be displayed).
- 3.4 The practitioner continues the professional indemnity and other insurance for the necessary period of years following cessation of practice to cover the lapse of time allowed in law for possible claims to be made.
- 3.5 The practitioner has a system of financial record keeping and accounting in accordance with relevant legal, tax and accounting practice. There is an annual financial audit or accounts review.
- 3.6 The practitioner has a strategy for reflecting on business progress and planning future business development.
- 3.7 The practitioner sets and maintains a clear fee structure, regularly reviewed, which fairly reflects the nature of the business undertaken.
- 3.8 The practitioner takes a pro-active and responsible approach to financial planning and cash flow management.
- 3.9 The practitioner setting up in independent practice does not canvas customers of his or her previous employer.

4. PROVIDING A QUALITY SERVICE

- 4.1 The practitioner takes responsibility for his/her own continuing professional development in their chosen field of practice.
- 4.2 The practitioner takes responsibility for updating his/her knowledge of current business issues relevant to the practice.
- 4.3 The practitioner takes responsibility for ensuring adequate mentoring and advice for business development.
- 4.4 The practitioner maintains records, which are clear and accurate, facilitating an optimum service to customers and satisfying legal, College of Occupational Therapists and Health Professions Council requirements.
- 4.5 The practitioner has a clear system in place for recording and managing complaints and other customer feedback, and clarifying lines of accountability.
- 4.6 The practitioner gives and adheres to clear timescales for the customer with respect to enquiries, and completion of reports and other work agreed, providing supporting documentation where relevant.

5. PROMOTING YOUR BUSINESS HONESTLY

- 5.1 The practitioner has Terms of Business in written form readily available for each customer.
- 5.2 The practitioner has a contract in written form to cover each piece of work, agreed prior to commencement of that work and to include all likely fees and expenses.
- 5.3 Advertising and marketing by the practitioner should be in accordance with the *Code of ethics and professional conduct for occupational therapists* (COT 2005) and the *British code of advertising, sales promotion and direct marketing* (Committee of Advertising Practice 2003).
- 5.4 The British Association of Occupational Therapists and College of Occupational Therapists logos are protected by copyright and cannot be used by individuals. The COTSS – Independent Practice image and logo are only for use by the Specialist Section officers in conjunction with COTSS – Independent Practice business.
- 5.5 The practitioner ensures that they have sufficient business resources and expertise to deliver the service that is advertised or commissioned.

- 5.6 Customers are presented with information on a range of products or suppliers to ensure that their needs and choices are not compromised by the practitioner.
- 5.7 Any conflict of interest, pecuniary or otherwise, must be declared to the customer.

REFERENCES

College of Occupational Therapists (2005) *Code of ethics and professional conduct for occupational therapists*. London: COT.

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Committee of Advertising Practice (2003) *The British code of advertising, sales promotion and direct marketing*. London: CAP. Available at: http://www.cap.org.uk/cap/codes/cap_code/ Accessed on 16 December 2008.

Health Professions Council (2008) *Standards of conduct, performance and ethics: your duties as a registrant: 2003*. Available at: http://www.hpc-uk.org/publications/brochures/HPC034HPCA5_Standards_of_conduct_performance_and_ethics.pdf Accessed on 3 November 2008.

Health Professions Council (2007) *Standards of proficiency – occupational therapists*. Available at: http://www.hpc-uk.org/publications/standards/Standards_of_Proficiency_Occupational_Therapists.pdf Accessed on 3 November 2008.

RECOMMENDED READING

Dimond B (2005) *Legal aspects of occupational therapy*. 2nd ed. Oxford: Blackwell.

Mandelstam M (2005) *Occupational Therapy Law and Good Practice*. London: College of Occupational Therapists.