

Accredited Registers

Condition Review — British Acupuncture Council (BAcC)

December 2021

1. Outcome

- 1.1 At the British Acupuncture Council (BAcC)'s most recent annual review, the Professional Standards Authority ('we') issued [four Conditions](#) on its accreditation. These included a requirement to revise its requirements for registrants on advertising, which was completed in July 2021.
- 1.2 This report considers Condition Four: 'BAcC must provide a report to the Accreditation team after the first three months of monitoring [against the revised advertising requirements] has taken place, setting out findings and any actions taken.'
- 1.3 We reviewed the systems that BAcC has put in place to monitor registrants' advertising and found that this Condition has been met.

2. Background

- 2.1 Condition One will be assessed at BAcC's next annual review of accreditation, which is due by April 2022. Conditions Two and Three, which were due in July 2021, were found to have been met. You can read [our report of Conditions Two and Three here](#).

3. Assessment

- 3.1 BAcC piloted a system for monitoring registrants' compliance with its revised requirements for advertising between August and October 2021. BAcC provided us with its report detailing the findings from the monitoring undertaken as part of the pilot.
- 3.2 BAcC told us that from October 2021 onwards, BAcC intends to check a sample size of one percent of registrants annually.
- 3.3 BAcC selected 30 registrants at random and required those that advertised acupuncture services to submit their website content to the [Advertising Standards Authority's Copy Advice Team](#). The Copy Advice Team advises on 'how likely [a registrant's communications material is] likely to be interpreted by the ASA'. BAcC also required the same of the 35 registrants highlighted by the Authority within its earlier assessment.
- 3.4 BAcC had aimed to use the Copy Advice Team's responses to establish clear guidelines for acceptable and unacceptable advertising. This included establishing acceptable examples that could assist development of standards and guidance. BAcC therefore included within the pilot registrant websites it had considered unlikely to present problems, as well as those that did.
- 3.5 BAcC had not concluded its pilot prior to submitting its evidence for Condition Four. BAcC had found that due to: concerns received about 'issues with the CAP Codes and how these are interpreted by the Copy Advice Team', time

needed to support selected members, and internal delays, it had not been able to complete its planned 12-week monitoring cycle by the date its report was due.

- 3.6 BAcC's initial analysis suggested that 90% of registrants were 'already adhering to the advertising codes or are willing to make necessary adjustments, once contacted'. While this suggested that up to 10% of registrants might not be meeting its standards and/or resisted engagement with BAcC, BAcC hoped that this figure would be reduced by the end of the pilot.
- 3.7 BAcC acknowledged the Authority's statement in the earlier [Condition Review](#) that it needed to clarify its processes for escalating advertising concerns from informal resolution to formal disciplinary procedures. These would be necessary to deal with registrants who did not comply with BAcC's standards. BAcC's pilot had however identified issues that hindered development of such processes.
- 3.8 BAcC's [Code of Professional Conduct](#) requires that advertising 'conform[s] to relevant rules in the Committee of Advertising Practice (CAP) Codes'. BAcC set out that this section of the Code would need to be revised, due to:

'First, the means by which ASA assesses clinical evidence to establish the approved list of conditions that it is permissible for acupuncturist to use in their adverts. Second, the way in which the Copy Advice Team interprets the advertising code when giving advice regarding acupuncture.'
- 3.9 BAcC found that as the CAP team's advice was based on previous ASA-adjudicated decisions these were not necessarily in line with more recent evidence, and as individual rulings may not be applicable to all circumstances.
- 3.10 BAcC highlighted a risk that creating arbitrary, or disproportionate, guidelines may provoke registrants 'who otherwise could be persuaded to make changes' to leave the register, resulting in greater risk of harm to the public. BAcC stated its desire to work with the ASA and the Authority to develop clear and appropriate standards. BAcC however recognised:

'Nevertheless, the BAcC needs to establish a framework of actions and consequences to deal with these scenarios before undertaking professional conduct proceedings'.

4. Conclusion

- 4.1 We recognised the work that BAcC is undertaking to establish a clear position from the ASA's copy team on acceptable wording for registrants. We have also seen evidence of BAcC taking action when it identified potentially misleading advertising, during the pilot.
- 4.2 BAcC's revised requirements for its registrants on advertising are still relatively recent. We would expect for it to take some time to achieve compliances across its registrant base. The results of its pilot suggest that ongoing monitoring will identify further instances where actions are required by registrants.
- 4.3 We will check a sample of BAcC registrants at its next assessment, which is due by April 2022, to ascertain progress with embedding its new requirements

on advertising and whether its ongoing approach to a 1% sample appears sufficient.

4.4 We found that the Condition had been met.