

PROFESSIONAL EXECUTORS

COSRT MEMBER POLICY

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OVERVIEW

COSRT Members carrying out private practice are required to have Professional Executors in place. This is the person appointed to ensure that a Member's professional obligations to the service user and others are appropriately managed in the event of a Member's sudden cessation of practice due to disability, death or other unforeseen circumstance.

FUNCTIONS

The professional executor fulfils several functions in relation to work with service users and Members:

- They protect the Service user by ensuring that in the event of sudden cessation of practice the Service User will be informed by someone who will be able to consider their immediate and long-term needs in these circumstances and to protect their confidentiality and their personal data.
- They protect the Member's family from having to get involved with the Service Users at a time when they are pre-occupied due to dealing with grief or with other issues which arise from death or a sudden disability due to accident or illness.
- They relieve the Member from anxiety about what will happen to the Service Users and practice in such circumstances, thus ensuring fulfilment of the duty of continuity of care.
- They will also deal with certain financial aspects of the practice, such as the collection of outstanding fees.

AGREEMENTS

Members must ensure that Professional Executor relationships are confirmed in signed, written contract form. Agreements should include, but are not limited to:

- Circumstances in which the Professional Executor role is activated and how the Professional Executor will be notified.
- What tasks will be performed by the Professional Executor.
- How the Professional Executor will access documents and data necessary for the role.

- What parties such as family members, supervisors and Service Users will know about the Professional Executor before their role is needed.
- How Service Users will be contacted by the Professional Executor and what information will be shared.

Service User Agreements should also include reference to the Professional Executor to ensure clarity on their part.

CHOICE OF PROFESSIONAL EXECUTOR

The tasks might be performed by a qualified therapist bound by professional codes which cover confidentiality and data protection, or a practice manager who already may be familiar with the Service user and entrusted with the confidential information.

There must be confidence that the Professional Executor can convey unwelcome information in a clear but sensitive manner and can carry out all the duties effectively. This includes liaising with the other executors whilst maintaining fully the Service User's confidentiality.

The Professional Executor may have to act swiftly, and either be available personally for the Service Users or be able to mobilise appropriate resources. Hence it may be advantageous if they are local and know other local practitioners who can be called upon to help.

SITUATIONS REQUIRING A PROFESSIONAL EXECUTOR

DEATH OF MEMBER

The principle here is that the Professional Executor is carrying out the wishes of the Member, as instructed by the Member through their agreed contract.

MEMBER IS UNABLE TO COMMUNICATE

If the Member suffers brain damage through illness, a stroke or an injury, or becomes mentally incapacitated, they may be unable to manage their affairs but legally still be responsible. It can be a

long and expensive process for legal powers to be transferred to another person when the Member is unable to give consent.

A safeguard against such a delay would be to grant the Professional Executor an Enduring Power of Attorney (with limited areas of responsibility) so that they can immediately act legally on behalf of the Member in financial matters. The Professional Executor would implement the agreed contract and make decisions regarding the practice.

Where uncertainties might exist about the duration of the disability, it would be the responsibility of the Professional Executor to decide when and how to inform the Service User of this, as would giving advice or helping Service Users to find a replacement therapist.

MEMBER IS ALIVE, ABLE TO COMMUNICATE BUT UNABLE TO WORK

Here the role of the professional executor would be simply that of communicating with service users and carrying out the Member's wishes in discussion with the Member. The professional executor in this instance would not be responsible for making decisions.

MEMBER IS UNABLE TO WORK BECAUSE OF COMPLAINT

The Professional Executor would implement the agreed contract and make decisions regarding the practice



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