

COMPLAINTS AND PROFESSIONAL CONDUCT POLICY

Subject to final approval by the Council on 10/7/14

This document sets out the procedure to be followed when a complaint is received by The General Council for Massage Therapies (the GCMT) about a member organisation. For ease a member organisation will be described as 'member' in the rest of the policy document.

Complaints received about individuals representing member organisations will not be dealt with by the GCMT. If a complaint against an individual is upheld however, it may, depending on the nature of the complaint, be appropriate to replace that individual as a member representative. Any decision to replace an individual representing a member organisation will be taken by Council members.

The aim of the GCMT is to establish, maintain and improve the standards of all Massage and Soft Tissue Therapies in order to protect both the public and practitioner. A Complaints Procedure allows members of the public, as well as fellow practitioners and other organisations, to make a complaint about a member if they feel that it is appropriate.

Where a complaint is made against a member then, following initial investigation by the Secretary, the complaint will be:

- a) Dealt with by the Secretary or Designated Person (DP), i.e. as an informal complaint. The DP should be delegated by the Chairman and may be the Secretary or some other responsible person. The DP is responsible for initiating and ensuring that the correct procedures are followed. The DP must belong to a different member organisation from either of the parties to the complaint.
- b) Referred to the Professional Conduct Panel, i.e. a formal complaint

PROFESSIONAL CONDUCT PANEL (PCP)

The members of the GCMT Council shall elect persons to form the Professional Conduct Panel (PCP). The PCP shall consist of at least three members comprising:

- a) Chair (normally a member of the Council)
- b) A GCMT council member
- c) An independent professional person

The independent professional person may be:

- i) a member of another complementary therapy professional forum;

ii) a member of a related professional healthcare body, such as the Chartered Society of Physiotherapists or the Royal College of Nursing;

iii) another suitable person, agreed through negotiation between the Chair of the GCMT and the parties to the complaint.

The PCP will consider alleged violations of ethical and professional standards.

A panel member may not serve in any situation where his or her impartiality or the presence of actual or apparent conflict of interest might reasonably be questioned.

Members of the panel will not have been previously involved with the case.

A quorum consists of three panel members and panel action shall be determined by majority vote.

Where a vacancy of a panel member occurs as a result of resignation, unavailability, disqualification, the members of the GCMT council shall designate or elect a substitute / replacement as appropriate.

PROFESSIONAL CONDUCT COMPLAINTS PROCEDURE

This procedure is designed to help and encourage all members to achieve and maintain ethical standards and professionalism. The aim is to ensure consistent and fair treatment for all members and complainants if a formal complaint is received.

Principles

1. Complaints should be dealt with promptly and investigated thoroughly and all parties must be kept fully informed at all times especially when there is a delay in resolving the issue. Timescales are for guidance and should not be imposed where the integrity of the process may be compromised.
2. At every stage of the procedure the member will be informed of the nature of the complaint/allegation against them and be given the opportunity to state their case.
3. The member will have the right to be accompanied by a person of their choosing at any hearings that may be held.
4. If disciplinary action is necessary it will only be taken after the case has been fully investigated.
5. A member will have the right to appeal against any disciplinary penalty imposed.
6. All complaints should be received positively and taken seriously. Many complaints may be satisfactorily resolved and dealt with quickly and easily by the initial response that is made.
7. All complaints should normally be made within 6 months from the time of the event complained about.

8. Complaints should be investigated and managed in accordance with correct procedure. The responsibility for this falls to the Secretary or Designated Person (DP) of the GCMT.

Evidence

1. Evidence gathered by any party will be varied. However 'best' evidence is written evidence supported by live testimony from witnesses to the PCP at a hearing. In such cases this evidence may be tested by the other party.

2. Secondary evidence will be written evidence, which cannot be supported by live testimony, but which shall still have value and be considered by the PCP.

3. The Secretary or DP shall gather all such evidence that they think will be of benefit in coming to a decision in any complaint. This will be written letters or statements from individuals, documentary evidence, records, etc. All evidence will be made available to the PCP and the member complained about.

4. The 'parties' to any investigation are the GCMT and the member complained about. The complainant will be a party to the proceedings but only in so far as they shall be asked to provide evidence of the complaint. They shall not have rights of appeal.

Procedures

1. Any member receiving a complaint should inform the Secretary immediately. All complaints must be put in writing: which may include email, hand written or typed letters. A complainant may authorise a 3rd party to submit the written complaint to GCMT on his/her behalf, provided such authority is provided in writing along with the complaint itself. The complainant should identify the member organisation and the persons alleged to be involved and the facts concerning the alleged conduct in as much detail and specificity as possible with available documentation. The written complaint should be addressed to the Secretary and sent by email or 'signed for' delivery or another suitable method of secured postage. The statement should identify by name, address and telephone number the person making the information known to the GCMT and others who may have knowledge of the facts and circumstances concerning the alleged conduct. Supplementary information relating to the content or form of the information may be requested. If a written statement is not possible then an alternative method of recording the complaint should be agreed upon.

2. The Secretary or DP will acknowledge a complaint in writing, enclosing a copy of the Complaints and Professional Conduct Policy and Complaint's Form within five (5) working days of its receipt. All notifications and correspondence will be sent by 'signed for' delivery or another suitable method of secure postage. Email correspondence will be satisfactory if confirmation of receipt is also provided.

3. If the complaint is of a minor nature, for example it does not fall under the definitions of Professional Misconduct under 8 below; it may be possible for the Secretary or DP to resolve it without convening a meeting of the PCP. This may include face to face contact with all

parties. Complaints falling into this category will normally be resolved within a further ten (10) working days.

4. Complaints related to employment, student training or courses for Massage Therapy should normally be investigated by the employer/school/college in the first instance. The Secretary or DP will refer the matter to the relevant organisation as soon as possible and inform the complainant that the relevant organisation should be given the opportunity to investigate and resolve the matter. Only if the matter is not resolved satisfactorily and amounts to a breach of any professional Code or guidelines, will the matter be pursued further in accordance with these procedures. Allegations of criminal activity will not be considered until all criminal investigations have been concluded and are no longer before any court.

5. A copy of the complaint and the information collected will be sent to the member informing them that a complaint is being investigated and request a response in writing, within ten (10) working days by 'signed for' delivery or another suitable method of secured postage. If no reply is received within the specified time a second request for information is sent out to the Member, allowing a further ten (10) working days. Failure to bring any response could instigate automatic suspension.

6. The Secretary or DP will review the complaint and plan and carry out further investigation as appropriate.

This review will normally take no longer than thirty (30) working days and includes time for the member to respond to the complaint as detailed in paragraph 3 above.

7. Where the complaint is to be referred for further investigation, or is deemed to be one of alleged professional misconduct, the Secretary or DP will inform the members of the PCP and convene a meeting within fifteen (15) working days to discuss further action.

8. Professional misconduct complaints would include but not be limited to:

i) inappropriate behaviour e.g. this would apply to complaints arising from lack of respect in regard to the views and beliefs of their members and other individuals or organisations, or in regard to gender, ethnic origins, culture, sexuality, lifestyle, age and social status.

ii) failing to comply with relevant legal requirements, codes of conduct or ethics.

iii) professional incompetence. e.g failing to follow own internal processes.

iv) failing to keep proper records

v) criminal offences

9. The PCP will normally hold a meeting (virtual, telephone, or face to face) within fifteen (15) working days of the written submission being received from the member. The Chair of the PCP, on behalf of the PCP, will be responsible for:

- i) ensuring all the required information, statements and any further documentation is presented by the Secretary or DP on behalf of the GCMT, and by other parties where appropriate;
- ii) timescales and direction given by the Chair of the PCP (where relevant) to the Secretary or DP, or any other party, are complied with; and
- iii) the complaint is dealt with in accordance with the procedures.

If the evidence is not available or forthcoming, then the PCP may determine its findings or outcomes when it is satisfied that further delay is unlikely to produce such evidence.

10. Where considered necessary a hearing may be held and the attendance of both parties and other witnesses may be requested. Where this is the case, any party may request an adjournment in order for further facts to be gathered.

11. Where a hearing is held, the GCMT (the Secretary or the DP) shall present the findings of the investigation. The complainant and any witnesses may be required to give evidence and be cross examined by the PCP or the member complained about. Similarly the member complained about shall present their case and may bring witnesses to give evidence. The member complained about, and their witnesses, may be subject to cross examination by the PCP or the Secretary or DP.

12. The PCP may determine the procedures which it wishes to be followed by all parties and will inform all parties accordingly.

13. The GCMT and the member complained about may instruct legal advisors or representation to act on their behalf. The PCP may appoint a legal advisor to advise them on issues of law or procedure where necessary.

14. If the decision rendered by the PCP finds that the allegations are not established, no further action shall occur. Prior to all parties being advised in writing, the Chair of the GCMT will be notified of this decision. The Secretary or DP will send a written response to all parties following the investigation within thirty (30) working days of the initial PCP meeting following receipt of complaint from the Secretary or from date of hearing if held.

15. Should the complaint be upheld one of the following actions will be taken:

- i) Suspension of membership for a fixed period of time as determined by the PCP
- ii) A written warning
- iii) A period of supervision with possible formal (re) assessment before reinstatement as appropriate
- iv) Expulsion from membership of the GCMT
- v) Interim Suspension in the event that criminal proceedings are underway
- vi) or any combination of the above

16. If the decision rendered by the PCP is not favourable to the member complained about, then they may appeal the decision by submitting a written appeals statement to the Chair of GCMT.

The Chair will either:

- i) Ask the PCP to consider any new/additional evidence.
- ii) Ask the PCP to comment on any complaints about procedural irregularity.
- iii) Uphold the appeal or dismiss it, after the consideration of the points above by the PCP and any appeal hearing which may be required.
- iv) Dismiss the appeal where there is no new evidence or issue of procedural irregularity.

18. The Secretary/DP will inform all parties of the outcome of the finding against the member complained about, or the outcome of any appeal, within 30 days of the decision.

19. When a complaint is likely to result in legal action against the GCMT the GCMT solicitor should be informed and consulted by the PCP.

20. The PCP and GCMT will keep accurate records of all complaints and the outcomes by category.

General

A Complaint's Report will form part of the Secretary's annual report to the AGM.

Any individual or organisation wishing to make a complaint against a member should in the first instance contact:

THE SECRETARY
THE GENERAL COUNCIL FOR MASSAGE THERAPIES
27 Old Gloucester Street
London
WC1N 3XX

Tel: 0870 850 4452

Email: gcmt@btconnect.com

Website: www.gcmt.org.uk