

COMPLAINTS AND PROFESSIONAL CONDUCT POLICY ©2008

This document sets out the procedure to be followed when a complaint is received by The General Council for Massage Therapies (the GCMT), from the Complementary and Natural Healthcare Council¹ about:

- a GCMT member organisation,
- one of its member training establishments or
- an individual GCMT practitioner who is listed on the CNHC.

For ease of use, any of the above, will be referred to as 'member' from here onwards.

When requested, by the CNHC, the GCMT will investigate complaints for, and on behalf of, the CNHC. The aim of the GCMT is to establish, maintain and improve the standards of all Massage Therapies in order to protect both the public and practitioner. A Complaint's Procedure allows members of the public, as well as fellow practitioners, to make a complaint about a member, training organisation or the organisation as a whole, if they feel that it is appropriate.

In the case where the 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. an informal complaint. The Designated Person 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. They may be a solicitor or caseworker.
- b) Referred to the Professional Conduct Panel, i.e. a formal complaint

For the purposes of this document "member" may refer to an individual, training provider / establishment or affiliated organisation of the GCMT

PROFESSIONAL CONDUCT PANEL (PCP)

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

- a) Chairperson (normally a member of the Executive Council),
- b) A full member of the GCMT i.e. on the Register and belonging at present to a member organisation.
- c) An independent professional person, (normally a healthcare professional)

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 of 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 any of the set Council ethical standards. The PCP will be established as a standing panel with its members serving for set terms of office. The term of office will be 3 years and a member may serve no more than 2 terms of office.

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

¹ When the CNHC develops its own criteria and procedures, this document will require amendment so that the procedures apply only to complaints received by the GCMT itself. The CNHC will investigate its own complaints and the GCMT may wish to revisit this document and amend it.
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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, or expiry of term, 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 standards of conduct and practice as laid down in the GCMT Code of Conduct. The aim is to ensure consistent and fair treatment for all members if a formal complaint is received about professional misconduct.

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 which they think will be of benefit to 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 (on behalf of the CNHC) 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 persons alleged to be

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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 recorded mail. 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 Recorded 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 investigated 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 recorded delivery. 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 would 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:
 - inappropriate behaviour e.g. this would apply to complaints arising from arising from lack of respect in regard to the views and beliefs of their clients in regard to gender, ethnic origins, culture, sexuality, lifestyle, age and social status.
 - professional incompetence
 - physical, sexual or verbal abuse of clients
 - stealing from clients
 - failing to care for clients properly including safety in the treatment room
 - failing to keep proper records
 - deliberately concealing unsafe practice
 - committing serious 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 Chairperson of the PCP, on behalf of the PCP, will be responsible for:
 - 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;
 - 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
 - the complaint is deal with in accordance with the procedures.

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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 Chairpersons of the GCMT and the CNHC 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:
 - Suspension of membership for a fixed period of time as determined by the PCP
 - A written warning
 - A period of supervision with possible formal (re) assessment before reinstatement as appropriate
 - Expulsion from membership of the GCMT and/or registration of the CNHC
 - Interim Suspension in the event that criminal proceedings are underway

Or any combination of the above.

16. The CNHC will be informed of the decision by the PCP and will either accept the decision or seek further clarification from the PCP or refer the matter back to the PCP.
17. If the decision rendered by the PCP or CNHC is not favourable to the member complained about, then they may appeal the decision to the CNHC by submitting a written appeals statement to the Chairperson. The CNHC will either:
 - Ask the PCP to consider any new/additional evidence.
 - Ask the PCP to comment on any complaints about procedural irregularity.
 - Uphold the appeal or dismiss it, after the consideration of the points above by the PCP and any appeal hearing which may be required.
 - 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 or CNHC, the GCMT/CNHC 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:
 - Complaints about individual members

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- Complaints about Organisations

The Secretary will inform the PCP of the number and outcome of any complaints.

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

Where the GCMT and the PCP act on behalf of the CNHC and costs are incurred, the CNHC will reimburse the GCMT for all reasonable and actual costs, subject to such expenditure being agreed with the CNHC prior to it being incurred.

Any individual or organisation wishing to make a complaint against a member or the organisation itself within the context of the Code of Ethics and Conduct should in the first instance contact:

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

O870 850 4452

gcmt@btconnect.com

www.gcmt.org.uk