

COMPLAINTS PROCEDURE

This document aims to detail the conditions under which a complaint might be made about an SMA member and how the SMA will treat the complaint once it is made.

If there are any questions about this process, then please get in touch with Yvonne Blake, Chair of the SMA, via any of the means below.

THE SMA'S ROLE

Our main objective in handling a complaint is protection of the public.

We cannot provide legal advice or representation and you should contact the police in instances of a potential criminal offence.

We can only become involved if the case is about an SMA member's fitness to practise. The SMA cannot look at complaints about professionals who are not SMA members, nor can the SMA help you make a claim for compensation.

REASONS TO MAKE A COMPLAINT ABOUT AN SMA MEMBER

The required levels of knowledge, skills and behaviour for SMA members are set out in our Code of Conduct. You can find the Code on our website, or contact us on membership@thesma.org to ask for a copy.

If you are not happy with the treatment you have received from an SMA member, or the behaviour of the member, you may decide to complain to us about it.

Anyone can make a complaint to us about an SMA member – including members of the public, employers, other SMA members, or the police.

We can only consider complaints about Fitness to Practice. Fitness to Practice can be defined as having the necessary knowledge, skills, health and character to do any given job safely and effectively. Fitness to Practice may be impaired by any of the following:

- Lack of competence
- Misconduct
- A caution or conviction for an offence in the United Kingdom, or somewhere else for an offence that would be a crime if it were committed in the UK
- The member's physical or mental health
- A determination made by another regulator responsible for massage practice
- Allegations about whether entry to the SMA membership has been made fraudulently or incorrectly

Allegations of misconduct may be made on the following grounds:

- Confirming results that are wrong
- Not carrying out assessments correctly
- Not keeping records correctly
- Not treating clients to a high enough standard
- Not communicating well enough with clients
- Accessing inappropriate websites at work
- Working under the influence of alcohol or drugs
- Falsely claiming sickness leave or study leave
- Entering into sexual relationships with clients

This list is not exhaustive and allegations of misconduct may be made on other grounds if you believe the SMA member in question is in breach of the Code of Conduct. Each case will be considered separately with reference to the specific set of facts.

HOW DO I KNOW IF A COMPLAINT NEEDS TO BE MADE?

Refer in the first instance to our Code of Conduct. If you are still unsure, please contact the SMA's Chair, Yvonne Blake, on 07962 015 780 for a preliminary discussion.

HOW TO MAKE A COMPLAINT

Using our Complaints Form

You can download this from the Complaints section on our website. Please complete it in full and send it, along with any supporting evidence, to Yvonne Blake, Chair of the SMA: yvonne@thesma.org

In Writing

You may submit a claim in writing, if you prefer. Please refer to the Complaints Form on the website so you know what information to include in your complaint. You may send your complaint to Yvonne Blake on email address above, or via the post to:

The SMA, 49 Pendle Road, Clitheroe, Lancashire, BB7 1JQ

By Telephone

We appreciate that it is not always possible to make a complaint in writing. If you would prefer to discuss your complaint over the phone, please contact Yvonne Blake on 07962 015 780.

If Yvonne is unable to deal with your call immediately, she will arrange a convenient time and date to call back and take details of the complaint. Please refer to the Complaints Form, as before, so that you are aware of the information needed.

WHEN A COMPLAINT IS MADE

We will confirm in writing to you that your complaint has been received. We will also contact the SMA member in question to inform them that a complaint has been made against them and who has made it.

Any complaint made about an SMA member will be reviewed by the Complaint Investigation Committee (CIC). The CIC will be comprised of no more than 4 of the SMA's current Board. You will be given the contact details of the chosen point of contact within the CIC.

The CIC will meet in private to consider the details of the complaint and the evidence provided. The CIC may request advice as necessary from the SMA's solicitors.

The CIC does NOT decide if the complaint is proven, only if it raises sufficient concerns that a Fitness to Practise Panel (FPP) should be convened. If the CIC decides that there is no case to answer, both you and the SMA member in question will be contacted with the reasons why the matter is now considered closed. The same complaint cannot be considered more than once. If the CIC decides that there is a case to answer then it will forward all details of the complaint to the FPP.

The FPP is comprised of 1 or 2 current SMA Board members, an experienced SMA Full member and a lay person. The SMA's solicitor may also be invited to attend to provide advice on any legal issues arising, but does not form part of the panel.

Hearings of the panel are held in private, with both the complainant and the member in question invited to attend. Both parties may bring witnesses.

We aim to ensure that hearings are as informal as possible. A member of the panel will normally open the hearing by presenting the case and, if necessary, calling further witnesses for the complainant. The member, or their representative, may cross-examine the witnesses and

the panel can also ask questions. The member may call their own witness/es or make statements to the panel.

Once all evidence has been considered, the hearing will be adjourned while the panel considers if the allegation is proven. If it decides the case is proven, it will say that it is “well-founded”.

If the allegation is “well-founded” then the panel has the power to take any of the following actions:

- Make a “Caution Order” – this means the word ‘caution’ will appear against the member’s name on the National Register. This Caution Order can be for between 1 and 5 years
- Make a “Condition of Practice Order” – this means it can place a restriction or some conditions on the member. It may suggest the member has to work under supervision or has to take further training
- Suspend the member for a maximum of 1 year
- Make a “Striking-Off Order” – a permanent revocation of membership and removal from the National Register

If the panel considers that the allegation is not well-founded then no further action will be taken and the matter will be considered resolved. As at the CIC stage of investigation, no complaint may be made about the same matter more than once.

WITNESS SUPPORT

We may need to take a witness statement from you, in addition to the information provided on the Complaint Form. You may also have to attend the FPP hearing and give evidence in person. If you have any questions or concerns about this then please contact [Citizens Advice](#).

HOW LONG WILL IT TAKE?

We aim to resolve all matters as quickly as possible as we know making a complaint can be stressful. We will communicate with you in full about the likely timeline of events and the reason for any delays that may occur.

CONFIDENTIALITY

All matters will be treated in the strictest confidentiality and all data will be handled in line with current data protection regulations.

Please be aware, however, that we need to inform the member about whom the complaint is being made. You may make an anonymous complaint and if such complaint raises serious and realistic doubts about whether a member of the SMA is fit to practise we will still consider whether or not we should take further action. Please note, however, that this may be very hard to do if we cannot contact the complainant for further information.