

## COMPLAINT PROCEDURE

### About the Sports Massage Association (the SMA)

The SMA was launched in 2001 after being promoted by the National Sports Medicine Institute and a selected committee whose remit was to produce an acceptable education standard for Sports Massage in the UK and form a governing body. A grant was given by the English Institute of Sport and approval from UK Sport and the majority of governing sports bodies.

Members of the SMA are listed and registered at the Level of Qualification (or equivalent) that they have achieved. They are required to accept the standards, Code of Conduct and continuing professional development requirements stipulated by the SMA.

To learn more about the SMA, please visit the website - [www.thesma.org](http://www.thesma.org)

### How to make a complaint about a Sports Massage Association Member

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

Anyone can make a complaint to us about an SMA member. This includes employers, members of the public, other members and the police.

Ultimately the Fitness to Practice Panel is responsible for handling complaints. These are known as allegations. They question whether SMA members are fit to practice.

Fitness to Practice: when an SMA member is described as being fit to practice, this means that they possess the necessary knowledge and skills, as well as health and character, to do their job safely and effectively.

The required levels of knowledge, skills and behaviour are set out in the SMA's Code of Conduct. For information on this code please visit the website [www.thesma.org](http://www.thesma.org) or contact the SMA at [admin@thesma.org](mailto:admin@thesma.org).

### Types of complaints which can be considered

We can only consider complaints about fitness to practice. These types of complaint are those which question whether an SMA member's fitness to practise is 'impaired' by:

- A 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.
- Their 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.

Any action taken by the SMA will affect a person's membership throughout the UK.

### Cases can include or include:

- Theft
- Violence
- Child Pornography
- Inappropriate behaviour

### Misconduct includes:

- Confirming results that are wrong.

- Not carrying out assessments well enough.
- 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.
- Having sexual relationships with clients.

THIS IS BY NO MEANS A COMPLETE LIST. EACH CASE WILL BE CONSIDERED SEPARATELY WITH REFERENCE TO THE SPECIFIC SET OF FACTS.

Whether you need to tell us about an issue will depend on the seriousness and circumstances. If you are not sure about any of this please, contact the SMA for an initial discussion. Contact details can be found at [www.thesma.org](http://www.thesma.org).

### **How to make a complaint**

If you want to make a complaint about a member of the SMA you can do so in one of the following ways:

#### **1. By writing to the following address:**

Sports Massage Association  
PO Box 70412  
LONDON  
NW1W 8XF

You can download our Complaint Form from the Complaints Section on the website [www.thesma.org](http://www.thesma.org).

#### **2. By telephone:**

We appreciate that it is not always possible for complaints to be made in writing. To make a complaint by telephone, please contact the SMA administration office on 0845 459 6031. If they are unable to deal with the call immediately they will arrange a convenient time and date to call and take details of the complaint.

### **What happens next?**

Any complaint about one of the SMA's members will be followed up by the Complaint Investigation Committee. We will write to you to confirm that we have received your complaint. A member of the Complaint Investigation Committee will deal with your complaint. You will be given their details. We will also write to the SMA member to inform them that a complaint has been made against them.

The information will be passed to the Complaint Investigation Committee. They will meet in private and consider the documents available to see whether the SMA needs to take any further action. The Committee will be made up of at least three and no more than four Board members. Advice may be taken from the SMA's legal advisers if required.

This Committee does not decide whether the complaint is proven but only if it raises any worries about fitness to practice. If the Committee decides that a complaint should go forward, it states that there is a case to answer. If the Committee decides that the complaint does not need to be taken any further, it will give the reasons why. The SMA will write to you and to the SMA member to confirm the Complaint Investigation Committee's findings.

The same complaint cannot be considered twice. Should the Committee decide there is a case to answer, they will pass this case to the Fitness to Practise Panel.

### **Confidentiality of information**

Please be aware that when we are investigating a complaint, we will need to tell the SMA member who has made the complaint.

Our main objective is to protect the public.

If an anonymous complaint raises serious and realistic doubts about whether a member of the SMA is fit to practice, we will still consider whether we should take further action. However, this may be very hard to do if we cannot contact the person who made the complaint for more information.

### **How long will it take?**

Making a complaint can be very stressful and so we will try to consider your complaint as quickly as we possibly can. If it is decided that there is a case to answer, we will give you an estimate of how long our enquiries will take.

### **Hearing of case to answer**

Hearings of the Fitness to Practise Panel will be held in private. The panel will include an experienced SMA member, a lay person and one or two Board members. The SMA's solicitor will also be present, not to take part in the decision making, but to give the panel (and any other people involved) advice and information on the law and procedure.

We will try 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 witnesses. The member or their representative may cross-examine the witnesses and the panel can also ask questions. After that, the member may call witnesses or make statements to the panel.

The panel will normally adjourn the hearing and leave the room to decide whether the allegation is proven. If it decides the case is proven, it will say that it is "well-founded".

### **The Fitness to Practise Panel has the following powers:**

- It can decide to take no further action.
- It can make a caution order. This means the word caution will appear against the member's name on the SMA Register. This caution order can be for between one and five years.
- It can make a conditions of practice order. This means it places a restriction or some conditions on the member. It may suggest the member has to work under supervision or has to take further training.
- It can suspend a member for a maximum of one year.
- It can impose a 'Striking off Order' meaning the member's name will be removed from the SMA's Register of Members and that person is no longer an SMA member.

### **Witness support and giving evidence**

We may need to talk to you and take a witness statement if you make a complaint about an SMA member. You may also need to give evidence in person at a hearing. If you have any questions or concerns about this, you can contact The Citizens Advice service - [www.citizensadvice.org.uk](http://www.citizensadvice.org.uk) or Witness, a charity dedicated to help people who have been abused by social care or health workers – [www.popan.org.uk](http://www.popan.org.uk).

The SMA cannot provide legal advice or representation.

The SMA can only become involved if the case is about an SMA member's fitness to practice. The SMA cannot (i) look at complaints about professionals who are not members of the SMA or (ii) help you make a claim for compensation.

SMA. April 2012.