



## **Complaints Procedure**

### **1. Introduction**

#### **1.1. Purpose**

The purpose of this procedure is to provide a means of examining a complaint against an ABMT member. A complaint can be brought either by a member of the public seeking or using the service of a member of ABMT, or by another member of ABMT.

#### **1.2. Procedure**

The procedure is investigative. It begins by seeking clarification and grounds for resolution, and may be followed by adjudication and the use of sanctions.

#### **1.3. Time-scale**

A formal complaint should normally be lodged within one year of the event, which forms the substance of the complaint.

#### **1.4. Administration**

The administration of the Complaints Procedure will be through the Executive Committee of ABMT who will appoint a Complaints Sub-committee and Adjudication Panel as and when required.

#### **1.5. Preparatory Consultations**

Before opening the formal complaint, the complainant is encouraged to resolve the issue with the person complained against. Where there is a situation of an enquiry about an ABMT member, which has not been formalised, the inquirer will be referred by the Chair of ABMT- to a member of the Executive Committee of ABMT. This person will offer assistance to the inquirer in explaining the complaints procedure and its implications, and in identifying what help and support they might need. Every effort will be made at this stage to resolve the complaint before a more formal procedure is put in motion.



If, however, the formal Complaints procedure needs to be adopted, the process will continue as outlined below. If not, then any original communications will be returned to the inquirer. Copies both in writing and electronically will be destroyed. This informal process is completely confidential. As the object of this process is in part to determine whether a complaint is appropriate, the person inquired about will not be informed that it has taken place, if the inquirer wishes this.

## **2. Making a Complaint**

### **2.1 Conditions required to initiate a complaint:**

The formal Complaints procedure is invoked only when the following conditions are met:

- a. The allegation is about a breach of specific section(s) of any of the Code of Ethics and Practice of ABMT;
- b. The person complained against is named and was a member of ABMT - at the time of the alleged cause for complaint;
- c. A written and signed complaint is received by the Secretary or the Chair of the ABMT.

### **2.2 Composition of the Complaints Sub-Committee**

The complaints Sub-Committee will consist of:

- a. One member of the Executive Committee of ABMT
- b. One member of the staff of the Training Organisation with whom the complained against has obtained their Certificate in Biodynamic Massage.
- c. A member of an external authoritative body e.g. GCMT



## **2.3 Notification of start of formal complaint**

- 2.3.1 The person lodging the complaint will immediately be sent a written confirmation that the complaint is being investigated. This will be done by the Chair of ABMT who will provide the Executive Committee with the written details of the complaint.
- 2.3.2 Within fourteen days the Executive Committee will appoint a Complaints Sub-Committee. Whereupon the Chair of the Complaints Sub-Committee will be responsible for obtaining adequate details in writing from the person lodging the complaint.
- 2.3.3 Immediately the formal complaint is lodged, a copy of the complaint will be forwarded by recorded delivery to the person complained against, detailing which section(s) of the ABMT Code of Ethics and Practice are alleged to have been breached.
- 2.3.4 Agreement or rebuttal will be requested within fourteen days. Failure to do so without good reason will mean that action may be taken by ABMT as if the breach of the code(s) alleged by the complainant had indeed taken place.

## **2.4 First meeting of the Complaints Sub-Committee**

Within fourteen days of receipt of the written submission from the person who is the subject of the complaint, the complaints Sub-committee will meet to consider the submissions.

## **2.5 Conduct**

Those persons in receipt of information from a complainant and /or taking part in the Complaints Procedure are required to act in a manner that does not breach confidentiality or in such a way that might prejudice or influence the outcome of the investigation. Any breach of this may result in the procedure being halted by the Chair of the Complaints Sub-Committee, who will refer the matter to the Executive Committee of ABMT.



Names of ABMT members complained against are kept confidential from everybody other than the Executive Committee, Complaints Sub-Committee and Adjudication Panel until such time as a recommended course of action or sanction is to be implemented. The Complaints Sub-Committee shall have access to the Executive Committee of ABMT for advice and support.

## **2.6 Suspension of rights of membership**

The Chair of the Complaints Sub-Committee can, after consultation with the Executive Committee and the Chair of ABMT suspend some or all of the following rights of membership with immediate effect pending investigation.

- a. Promotion in ABMT publications.
- b. The occupancy of a formal role within any of ABMT's structures.
- c. The right to put oneself forward for election to a formal role on the Executive Committee, or any Sub-Committee of ABMT.
- d. Voting rights.

If the complaint is not upheld, all rights will immediately be reinstated by ABMT. Such suspensions will be considered when the complaint is of sufficient seriousness because it alleges either:

1. Physical or emotional harm has been caused and/or,
2. The exploitation of a member of the public is involved and,
3. Where the complaint is of such a kind that it could result in the expulsion of the member from ABMT if the complaint is upheld.

## **2.7 Resignation or lapsing of membership**

Resignation of the member complained against will not inhibit the Complaints procedure and subsequent adjudication process. Re-admission to membership will require the approval of the ABMT Executive Committee.



### **3 Investigation and Conciliation**

#### **3.1 Aim**

The aim of the investigation and conciliation stage is for the Complaints Sub-committee to:

- a. Produce a record of the areas of agreement and disagreement between the parties involved in the complaint.
- b. To note any external evidence, which while it is not sought may already be known to the Complaints Sub-Committee.
- c. Advise on the possibilities of resolution, the need to progress to adjudication or that there is no basis for the complaint to proceed.

#### **3.2 Investigation**

The Complaints Sub-Committee will arrange to meet with the complainant and the person complained against, either separately or together as soon as practicable.

#### **3.3 Notice of meeting**

Written details of venue and date for the meeting will be sent to the complainant and the person complained against.

#### **3.4 Outcome**

Following the meeting(s), the Complaints Sub-Committee will produce a record of the proceedings. Copies will be sent to the complainant and the person complained against and the Executive Committee of ABMT.

The Chair of the Complaints Sub-Committee will notify both parties of the decision on whether or not to proceed to adjudication or to terminate the procedure.



### **3.4 Refusal or failure to attend: Complainant:**

The refusal or failure of the complainant to attend the meeting with the Complaints Sub-Committee without good reason or due notice will mean the complaint is regarded as withdrawn.

The Chair of the Complaints Sub-Committee will write to both parties saying that the complainant is not proceeding further with their complaint. The Complaints Sub-Committee, in this event, will decide whether any further action needs to be taken in the interests of ABMT.

### **3.5 Refusal or failure to attend: Member Complained against:**

The refusal or failure of the person complained against to attend the meeting with the Complaint Sub Committee without good reason or due notice will mean that the Chair of the Complaints Sub Committee will recommend to the Chair of ABMT the termination of membership of that member.

The ABMT Chair will implement this action, which will be published in the ABMT journal/newsletter. A re-application for membership will require the approval of the ABMT Executive Committee.

## **4. Adjudication**

### **4.1 Purpose**

Adjudication exists to examine complaints in a formal manner, decide on their validity, and determine sanctions as appropriate. Where there are several complaints against the same person these may be heard at the same adjudication meeting.

### **4.2 Adjudication Panel**

The Adjudication Panel will consist of three people other than the members of the Complaints Sub-Committee. The Executive Committee of ABMT will appoint the panel members. The composition will have regard for:

1. ABMT's membership policy of equal opportunities.



2. The expertise available concerning the substance of the complaint, and
3. The desirability/feasibility of ensuring that one member of the panel is external to ABMT.

#### **4.3 Declaration of Interest**

Members of the Adjudication Panel have a duty to declare any interest, which may cast doubt on their impartiality. As with the Complaints Sub-Committee, either the complainant or the person complained against may request the removal of one panel member, with the person complained against having first selection.

#### **4.4 Venue**

The Venue selected for an Adjudication Panel will provide a secure and confidential environment.

#### **4.5 Presence of a friend**

When appearing before the Adjudication Panel, both the complainant and the person complained against, maybe accompanied by a friend who may represent them.

If the Complainant wishes to have no contact with the person complained against, it is at the discretion of the Chair of the Adjudication Panel to make the necessary arrangements. In this event the complainant will need to be in a room in the same building as the meeting of the Adjudication Panel and any dialogue necessary can be conducted through the complainants friend and/or a member of the Adjudication Panel.

#### **4.6 Conduct of Meeting**

This is a formal meeting. A Chair appointed by the members of the Adjudication Panel will be responsible for ensuring that the Panel is conducted in a manner, which shows due regard to the gravity of the situation and to considerations of confidentiality. A secretary who is not a member of the Panel will be appointed to make a record of the proceedings.



#### **4.7 Administrator**

The Chair of the Complaints Sub-Committee is responsible for arranging the panel meeting and notifying all participants in writing.

#### **4.8 Written Evidence**

Written evidence or submissions must be submitted by the Complainant and the person complained against, along with any relevant submissions from witnesses. Submissions must be received by the Chair of the Complaints sub-committee, not less than fifteen working days prior to the date fixed for the Adjudication Panel meeting. Such papers will be circulated to Panel members, the complainant and the person complained against, not less than ten working days prior to the meeting. The Chair of the Adjudication Panel may take advice on these papers and for procedural matters from a solicitor.

#### **4.9 New Evidence**

Any new evidence to be admitted on the day of the Adjudication Panel meeting is admitted at the discretion of the Panel and may be in the form of short oral or written submissions.

#### **4.10 Attendance of witnesses**

The Adjudication Panel may invite witnesses to attend to speak to, and answer questions about their written submissions.

#### **4.11 Adjudication Panel Meeting**

Protocol requires that both parties or their 'friends' are present while:

1. A summary of the complainant's case is put.
2. A summary of the case of the person complained against is put.
3. The complainant and/or friend put questions, through the Chair to the person complained against.
4. The person complained against and/or friend puts questions, through the Chair, to the complainant.



5. Adjudication Panel members may then seek clarification from the complainant, the person complained against and any witnesses called by the panel.

#### **4.12 The Adjudication**

The Adjudication Panel then determines whether or not a breach of the ABMT Code of Ethics and Practice has occurred or whether it is probable that a breach has occurred. In the event that unanimity is not achieved, a split decision can be handed down.

#### **4.13 Notification of Findings**

The Chair of the Adjudication Panel will notify the decision in writing to the parties involved within ten working days.

The Chair of the Complaints Sub-Committee will notify the Chair of ABMT of the outcome of the adjudication and recommend any sanctions to be imposed.

The Chair of ABMT will implement any sanctions and these will be published in the ABMT Journal/newsletter.

In the event that a member is expelled from ABMT, the Chair of the Complaints Sub-Committee will inform in writing, all relevant organisations to which ABMT is affiliated.

Particular care needs to be taken to avoid dissemination of the substance and outcome of a Complaints Procedure to media, mainstream or alternative.

### **5. Sanctions**

In the application of sanctions, care will be taken to consider the best interests of the ABMT member. Any of the following sanctions may be applied:

1. Warning to improve/change in a specific way to take certain measures (e.g. extra training in a particular area) by a certain date.
2. Monitoring by a supervisor, acceptable to ABMT and paid for by the person complained against, for a set period or in a certain area.



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3. Suspension of registered/associate or rights of registered or associate membership (as in 2.6 a-d) for a stated period until conditions specified by ABMT have been satisfied.
4. Termination of registered or associate membership.
5. Request to cease practicing/training/supervising for a specified period or indefinitely.

## **6. Appeals Procedure**

- 6.1** The person complained against may appeal against the sanction and/or decision by writing to the Chair of the Complaints Sub-Committee within fourteen days of notification of findings. They may also appeal on the grounds that the complaints procedure itself, as specified above, was not properly followed.
- 6.2** The Chair of the Complaints Sub-Committee will, in consultation with the Executive Committee of ABMT, decide whether it is appropriate to institute the appeals procedure.
- 6.3** The Chair of the Complaints Sub-Committee will arrange for the Chair of ABMT to nominate up to three people, not previously involved in the case, to consider the appeal. They will meet with the person complained against and consider the appeal on the evidence presented to the Adjudication Panel. They may also request further written or oral submission from either party.
- 6.4** The Appeals Panel will report its conclusions and recommendations to the Chair of ABMT who will implement its decision, which will be final.

## **7. Expenses**

ABMT is not responsible for travel or any other expenses incurred either by the complainant or the person complained against in connection with any stage of the complaint. Costs incurred by the Complaints Sub-Committee or Adjudication Panel may be required from either party to the complaint, or drawn from ABMT funds, at the discretion of the Chair of ABMT.

Reviewed February 2019