



Complaints & Disciplinary Procedure

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1 Introduction

- 1.1 All Members of The Complementary Medical Association are required to comply with these Disciplinary Procedures and The CMA Code of Ethics, as displayed on The CMA Website.
- 1.2 Furthermore, compliance with the CMA Code of Ethics is mandatory for CMA Members, as is compliance with UK law (or the law of the land in which the Member works) as it applies to each therapy. Membership of the CMA implies acceptance of and adherence to our Code of Ethics and our Complaints and Disciplinary Procedures.
- 1.3 All information relating to disciplinary matters must always be treated as strictly confidential and on a “need-to-know” basis and relevant documentation kept in a secure place. If complaint data are emailed or in any other electronic format, copy must be kept securely in a cloud-based secure location.
- 1.4 The Complementary Medical Association takes any complaint against our Members very seriously and undertakes to investigate any formal complaint raised in writing as a matter of urgency.

2 Issues Covered by these Disciplinary Procedures

- 2.1 Breaches of The CMA Code of Ethics.
- 2.2 Any acts of conduct falling under the category of a criminal offence.
- 2.3 Conviction for a criminal offence bringing The Complementary Medical Association into disrepute.
- 2.4 Dishonesty or fraudulent or deliberately misleading misrepresentation of qualifications in general.
- 2.5 Dishonesty or fraudulent misrepresentation in applying for Membership of The CMA in any category: Practitioner, Student, Training School, Approved Supplier, Clinic, Spa & Retreat or Association Membership.

Notes

- a) Where legal proceedings are instituted outside the framework of The CMA, disciplinary procedures (other than temporary suspension) will be temporarily halted pending the outcome of such proceedings.
- b) It is not the policy of The CMA to initiate legal proceedings on behalf of its Members.

3 Procedure for Complaints

3.1 Complaint by a Student about a CMA Registered Training School

- 3.1.1 The complaint must be in writing, ideally emailed to The CMA at Admin@The-CMA.org.uk for expedience sake.
- 3.1.2 All details of the situation including the date and time of the offence, statements made, how they were dealt with etc. must be written clearly and legibly and passed to The CMA as soon as feasibly possible. It helps expedite our investigation if all details can be arranged in a chronological order, where possible.
- 3.1.3 If the complaint is about the conduct of an individual within the School, the complaint must include their name and role within the School.
- 3.1.4 Details of any other person spoken to or from whom help was requested regarding the matter must also include their name, role within the School and the date they were approached and what the outcome of the approach was.
- 3.1.5 The Complainant must allow their documentation to be duplicated and passed to the other relevant parties to enable a fair hearing and allow for written response.
- 3.1.6 On the receipt of the written response from the defending party, a disciplinary Committee will be convened, and the investigation will begin.

3.2 Complaint Against a Registered CMA Member by a Member of the Public

- 3.2.1 The person will be requested to put their complaint in writing stating the name and address of the Practitioner and indicating the date, time, circumstance, activities and outcomes that constitute the complaint.
- 3.2.2 The Complaint must be submitted to Admin@The-CMA.org.uk. A copy of the complaint will be forwarded to the President of The CMA.
- 3.2.3 The Complainant will be supplied with copies of the action taken by the Association against the Practitioner.
- 3.2.4 The Complainant will be asked to present their written response to the action taken.
- 3.2.5 On receipt of Complainant's response decisions will be made regarding further action required.

- 3.2.6 In the event that further action is required, The CMA will instigate the Complaints and Investigation Procedure and establish a Disciplinary Committee to deal with the matter.

3.3 Non-CMA Practitioner, Student or Training School against a CMA Registered Member

- 3.3.1 No action can be taken, as The CMA has no jurisdiction over any Practitioner, School or other Member body / organisation outside CMA Membership
- 3.3.2 Advice may be given as to any help or support that any other organisations may be able to provide but this in no way renders The CMA liable for the outcome of any further procedure.

4 Documentation pertaining to the complaint:

- 4.1 All documentary evidence will be kept in a secure place – if online or electronic, it will be kept securely in the cloud.
- 4.2 Full records of all proceedings must be kept, and all conversations recorded in writing. If a taped recording is to be made, all parties must be made aware of this and must provide written permission.
- 4.3 Confidentiality must be maintained before, during and after any investigation.
- 4.4 Any evidence must be in writing and must be signed and dated.

5 Action to be taken after an investigation

- 5.1 The Disciplinary Committee shall, in all cases, provide and forward a summary report of the case and the decision taken to the President of The CMA with copies forwarded to The CMA Administrator.
- 5.2.1 The CMA shall keep a list of individuals who, after full investigation, are suspended or expelled by The CMA and their name will be removed from the CMA Membership Database.

6 Structure of The CMA Disciplinary Committee

Where a complaint cannot be resolved by informal mediation by CMA personnel and the relevant parties to the complaint, a Disciplinary Committee will be formed.

- 6.1 The CMA Disciplinary Committee and a Chairperson will be selected and will investigate all complaints from all sources.
- 6.2 The Disciplinary Committee will select a Chairperson who will be either a layperson or an individual from another Organisation. The individual selected must not be from the same therapy or have knowledge of the CMA Registered Practitioner or College Member that is under investigation.

7 Sanctions against a CMA Member

- 7.1 Where there is an obvious reason to believe that continued practice of a therapy by an individual might harm patients or exacerbate scandal while the investigation proceeds, the person under investigation may be suspended.
- 7.2 Where there is obvious reason to believe that continued training by a CMA Registered School – or person within that School might harm students or exacerbate scandal while the investigation proceeds the School may be suspended. Where a complaint pertains to an individual within that School – but not about the School then The CMA will advise the School accordingly so that they can take appropriate action.
- 7.3 The suspension may not be for more than two calendar months on the authority of the President of The CMA.
- 7.4 The individual concerned will be informed of this action immediately, and in writing by secure means including email.
- 7.5 All action(s) must be clearly recorded.
- 7.6 The CMA will consider taking legal advice if there is any question of a breach of Human Rights legislation or criminal act.
- 7.7 The CMA shall have the power to dismiss the case or to impose any one or more of the following penalties which must be communicated forthwith to the Member concerned, in writing or email by secure means.
 - 7.7.1 Infractions of The CMA Code of Ethics, conduct that could bring The CMA into disrepute, or any complaint against a Member that is unresolved to the satisfaction of The CMA may incur sanctions, up to and including forfeiture of CMA Membership. The CMA will not offer any refunds of Membership fees should we strike off a Member. The CMA will not refund portions of any Membership fee paid while a Member is suspended.

- 7.8 All CMA decisions in the matter of sanctions must be based on a majority agreement passed by the Members of the Disciplinary Committee. This decision will be final and binding.
- 7.9 Any sanction imposed on a Practitioner Member or Training School may be revoked or modified at any time by the Disciplinary Committee in the same manner as above.
- 7.10 The result of the investigation will be communicated forthwith in writing to the complainant.
- 7.11 Where the Practitioner is also a Member of another complementary medical Professional body, the President will consider, in the light of circumstances, whether to recommend parallel action by that organisation and they must act as they see fit and in accordance with their own Disciplinary and Complaints procedure.
- 7.12 The CMA must be kept informed of all developments by the Member. We strongly advise that legal counsel is sought and the Member's professional indemnity insurer must be made aware of any complaint.

8 Appeals procedure

An Appeals Procedure is implemented when one or both parties are dissatisfied with the decisions that have been reached.

- 8.1 These procedures apply to an individual or an organisation involved with The CMA.
- 8.2 The CMA will state, in writing, clearly accurately and legibly, their reasons for the reversal and dismissal of the sanctions.
- 8.3 The Counter Claimant will state, in writing, clearly accurately and legibly, their reason for upholding of the sanctions.
- 8.4 The Disciplinary Committee will hear both sides of the argument. Both parties will be kept informed whilst the Disciplinary Committee deliberates and forms a final decision.
- 8.5 The decision of the Disciplinary Committee at an Appeal is final and binding.
- 8.6 Should it not be possible for all parties to be together physically then this procedure will be conducted by confidential email or online.

Confidentiality

- i) Details of the case can only be discussed by those directly involved, their legal advisors and their insurers. Disclosure to a third party is only required if requested by the police or the courts.
- ii) Discussion after the decision has been finalised is prohibited and could lead to Court Action for Slander or Libel.
- iii) The records of the proceedings, including the Disciplinary Committee's deliberations, will be held in password protected file for recording purposes only. No individual is allowed to hold any copies.

9 Costs of complaint investigations

- 9.1 Complainants, Practitioners or Member Organisations involved in complaint investigations will be responsible for their own costs.

APPEAL AGAINST A DISCIPLINARY DECISION

Name of the Appellant.....

Address.....

..... Post Code.....

Reason for Appeal.....

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Signature.....Date.....

Attach to this form any additional documentary evidence to support the Appeal and forward them to:

Admin@The-CMA.org.uk