



COMPLAINTS, INVESTIGATION & PROFESSIONAL CONDUCT GUIDE:

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thesta.co.uk



Introduction

The following Sports Therapy Association Standards of Practice, Code of Conduct and Ethics document has been written to inform all registered members (*Student, Affiliate, Full & Graduate*) of the Sports Therapy Association (STA) that these are the required levels of standards, conduct and professionalism expected of them.

The aim of providing such guidance is to maintain a high standard of care whilst also ensuring minimum safety requirements are met to effectively protect and safeguard members of the public. Members are expected to adopt and use this code within their professional and working capacity.

All members have a responsibility to safeguard and protect members of the general public. This includes raising concerns and/or reporting of any incidences of malpractice, unethical procedures, wrongdoing and illegal activity.

This document sets out the policies and procedures that will be followed in the event of a breach of our most recent Code of Conduct, Ethics and Standards of Practice or in the event that a complaint is made against a serving member of the STA. Any complaint that relates to employment or against an training organisation should be made to the employer or organisation in question. The STA may be able to provide professional assistance or advice in these cases but is not responsible for investigating any such matters unless it directly breaches the STA Code of Conduct, Ethics and Standards of Practice.

In the event of a complaint being made against a serving member or in the case a breach of policy is found, members who may be found to not be acting in keeping with the spirit of the code may find their membership revoked and all member benefits and privileges revoked. In any instance during the investigation process, criminal or illegal activity or malpractice is suspected and/or found, the relevant authorities will be informed and any evidence gathered submitted for criminal investigation.

1.0 Complaints Procedure

1.1 All complaints and concerns of fitness to practice and professional conduct, should be made in writing by recorded postal delivery to the STA mailing address provided or by emailing gary@thesta.co.uk

1.2 Complaints should be made within 6 months of the incident in question. Special dispensations may be made for complaints or concerns of a significant nature that occurred after a six month period.

1.3 All complaints and concerns received, will be taken seriously by the STA and dealt with promptly.

1.4 Complaints and/or concerns will be acknowledged by the STA within seven working days of its receipt.



1.5 Complaints and/or concerns of a serious nature that cannot be resolved at the first instance will be taken forward for investigation with a nominated STA panel.

2.0 Fitness to Practice, Code of Conduct and Ethics

2.1 All STA Members are required to familiarise themselves, understand and follow the published STA Codes of Conduct, Ethics and Standards of Practice.

2.2 All STA accredited and affiliated training providers and STA affiliate companies are required to work to uphold standards of practice set out in the agreement with the STA and within the published STA Codes of Conduct, Ethics and Standards of Practice.

3.0 Investigation Process

3.1 In the event of a complaint or concern being taken to investigation, the STA will appoint a lead investigator. The lead investigator will be a serving member of the STA committee.

3.2 The lead investigator will be responsible for informing the Member in writing that a complaint or concern has been brought against them. The full nature of complaint or concern should be given at this stage and the member informed of the investigation process that will be undertaken and the potential outcomes if the complaint or concern is upheld along with a request for a response of receipt of notice of complaint. The response should be given by the Member within ten working days of receipt, if no contact has been made in this time a secondary notice will be sent and the member given a further ten working days to provide a reply. If no response is received after this extended period of notice, then the investigation may be taken to a decision with immediate effect.

3.3 The lead investigator will be responsible for gathering all relevant and available evidence.

3.4 Evidence gathered may vary due to the nature of the complaint. Evidence should include written and signed witness statements, written and recorded live interviews with witnesses.

3.5 If appropriate, the lead investigator will request access to all records, therapist notes, consent forms, screening forms, risk assessments and training records, social media content and online media that are pertinent to the investigation. These may be redacted to protect identities and comply with GDPR.

3.6 All parties that provide evidence as part of the investigation should not divulge any details of the investigation to any other individuals until the conclusion of the investigation and/or hearing.

3.7 Members that are currently under investigation should not contact or converse with any individual that may form part of the investigation process other than the designated STA



lead investigator in first person or through a third party until the conclusion of the investigation and/or hearing is complete.

3.8 Once all evidence is gathered, a decision will be made on whether the complaint will be taken to hearing.

3.9 If the complaint is to be taken to hearing, all current evidence shall be made available to the member prior to the hearing.

3.10 If the member undergoing investigation is currently subject to any criminal investigations or proceedings, the STA investigation process will be postponed until the outcome of the criminal investigation is complete and is no longer before any court.

4.0 Hearing Process

4.1 In the event that the complaint or concern cannot be resolved at the investigation stage, then the STA will schedule a formal hearing.

4.2 Members required to attend a hearing will be given a minimum of fourteen days written notice before the commencement of the hearing.

4.3 If the Member cannot attend a scheduled hearing, they must inform the STA in writing within 48 hours of the commencement of the meeting. Failure to provide 48 hours notice, may result in the hearing taking place and a decision made in the Members absence. Notice should be sent to either gary@thesta.co.uk or by way of response to the initial email sender.

4.4 Due to geographical constraints, all hearings will take place on a secure online meeting platform. A meeting link will be provided at the time initial notice is given of the hearing. If members cannot access the meeting link, they must inform the STA upon receipt of notice being given by contacting either gary@thesta.co.uk or by way of response to the initial email sender. Members are required to join the online meeting and be visible via webcam and have access to a working microphone to provide verbal communication. If these requirements are not able to be met, the Member should inform the STA upon receipt of the initial notice being received.

4.5 At the time of hearing being scheduled, the STA will appoint a hearing panel consisting of current, serving STA committee members and Regional Representatives.

4.6 The hearing panel will consist of:

4.6.1 Chair, who will be responsible for leading the hearing process.

4.6.2 STA witness, who is to remain impartial throughout and will have a non verbal role in the investigation.

4.6.3 Secretary, responsible for accurately recording the meeting minutes. This role may also be undertaken by the STA witness.

4.7 Those appointed to the hearing panel must be impartial to the case and must not form any part of the investigation process or have a personal relationship with the STA Member that is subject to investigation.



4.8 The STA Member that is subject to hearing may appoint an independent witness to attend the hearing. They must inform the STA in writing to either gary@thesta.co.uk or by way of response to the initial email sender within 48 hours of the commencement of the hearing of their intention and the identity of the independent witness. The role of the independent witness is to be a non verbal role and they should not converse with the hearing Chair or ask or answer questions on behalf of the member subject to the hearing.

4.9 The Chair will present details of the allegations, complaints or concerns raised and key findings from the investigation process.

4.10 During the hearing, the Chair will discuss the allegations of the complaint or concern with the member to gain further clarification of the details and events and allow the member to present their defence.

4.11 After all evidence has been presented and the member has been given the opportunity to provide a statement, a period of adjournment will be called so that the Chair may make a fully informed decision on the outcome. During this period of adjournment, the member may seek counsel or converse with their designated independent witness in a private setting.

4.12 On commencement of the hearing, the Chair will present a summary of findings and allow the member the opportunity to present any further defence they may have. It is the chair's decision if this further defence will affect the final outcome decision. If further consideration is needed, a second period of adjournment will be undertaken.

5.0 Outcome

5.1 Once all evidence and the case for the defence has been made and considered. The Chair will proceed with the final decision on the outcome of the hearing and inform the Member of any potential consequences of the outcome.

5.2 If a complaint is upheld the Chair may invoke the following;

5.2.1 Written warning, that will stay in place for a period of twelve months from the date of issue.

5.2.2 Suspension of membership and associated benefits for a period of time determined by the Chair.

5.2.3 Expulsion and cancellation of STA membership and associated benefits.

5.2.4 Suspension of membership if investigation is halted due to criminal proceedings.

5.3 If STA membership is suspended or cancelled, access to any affinity insurance scheme will be immediately null and void. The STA will inform their affiliate insurance companies of the change in circumstances, from this point it will be the decision of the insurance company on whether to offer a new policy or refuse any further applications for insurance policies.



5.4 The STA may share the resultant outcome of the hearing with other Sports Therapy, Sports Rehabilitation, Sports Massage, Soft Tissue Therapy and Manual Therapy industry stakeholders.

5.5 If a criminal offence or illegal activity is discovered during the investigation or hearing process, the STA are obliged to report any such findings to the police and make any evidence found available that may be used in criminal proceedings. The investigation or hearing will be postponed until such proceedings are complete and not before a court.

5.6 The STA will inform all relevant parties involved in the initial complaint of the outcome within 30 days of the final decision being made.

5.7 All meeting, investigation and hearing minutes and a letter detailing the final decision will be sent by recorded post to the member within seven days of the hearing being concluded.

6.0 Appeals Procedure

6.1 Members have the right to appeal any decision or outcome of an investigation and/or hearing.

6.2 Appeals should be made in writing within 7 days of the receipt of the final decision letter by way of recorded post to; Sports Therapy Association, 67 Saxilby Road, Sturton By Stow, Lincoln, LN1 2AA

6.3 In the event of an appeal being made, the STA will appoint a designated person from the current, serving STA committee or a STA Regional Representative to consider the evidence gathered from the investigation and the hearing and make an informed decision on the final outcome of the complaint. This process should be complete and a decision made within thirty working days of receipt of the appeal. This decision is to be final and not subject to any further appeal process.

Contact Information

Address: Sports Therapy Association, 67 Saxilby Road, Sturton By Stow, Lincoln, LN1 2AA

Email: gary@thesta.co.uk

Tel: 01427 788162

Website: thesta.co.uk