

## **CODE OF ETHICS AND PRACTICE**

This code applies to registered members of the I.M.T.A. Its purpose is to establish and maintain standards for the practice of massage therapy, and to inform and protect members of the public seeking massage therapy treatment.

### **1. THE DUTIES**

These are the general principles that therapists need to observe in order to responsibly fulfil their calling. To ignore these would imply a lack of regard for the needs of the client and the reputation of massage therapy and the Irish Massage Therapists Association.

- 1.1 In general, members should endeavour to act in such a manner as to: inspire public trust and confidence, uphold and enhance the good standing and reputation of the massage therapy profession and, above all, safeguard the interests of the client.
- 1.2 Members' professional conduct towards their client is respectful of the dignity and integrity of the individual, as a whole person. Their beliefs and values must be taken into account. Empathy, care, trust and confidentiality are characteristics of a professional massage therapist.
- 1.3 A therapist should practice their profession with integrity and dignity.
- 1.4 The highest standards must be maintained in conduct, the care of the client and professional expertise.
- 1.5 The therapist owes loyalty to their client and should have regard for their wishes.
- 1.6 The therapist should not exploit their clients emotionally, physically, sexually or financially.
- 1.7 The therapist should neither claim nor guarantee to cure, nor should they prescribe medication.
- 1.8 Essential oils should not be introduced or prescribed by the therapist unless qualified to do so.
- 1.9 Members' certificates and fee scales should be clearly displayed.
- 1.10 If a client is currently receiving medical treatment for a specific condition liaison between practitioner and the client's medical professional is advised.

### **2. THE OBLIGATIONS**

These are the restrictions and regulations which the Association must impose upon its members for legal and professional reasons.

#### **THE THERAPIST IS REQUIRED**

- 2.1 To comply with the law of the state or territory where the therapist practices.
- 2.2 To advise the General Secretary of the Association immediately in the event of any police or government (including local government) inquiry into their practice.
- 2.3 To secure and maintain full indemnity insurance.
- 2.4 Not to treat or make a physical examination of a child under 16, except in the presence of a parent or guardian.
- 2.5 Not to disclose any information about a client which comes, from them, through their professional relationship with the client, except:
  - (a) when required to do so by rule of law; or

- (b) in an emergency or other dangerous situation where, in the opinion of the therapist, the information may assist in the prevention or possible injury to the client or to another person; or
- (c) the client has consented to the nature and extent of the disclosure.

### **3. CONDUCT**

- 3.1** A therapist shall keep full records of all treatments of clients, including the following details:
  - (a) Name, address, telephone number and date of birth
  - (b) Essential details of medical history
  - (c) Dated of treatment
  - (d) Details of treatment
- 3.2** On deciding to retire or move practice, a therapist must inform all clients of their intention to do so and of any arrangements being made for the transfer of the practice to another therapist.
- 3.3** It is recommended that records should be kept for a minimum of seven years.
- 3.4** A therapist may not in public, nor to a client, disparage or speak disrespectfully of a fellow therapist.
- 3.5** Where a therapist has a good reason to believe a fellow therapist has committed misconduct or has any complaint whatsoever about them, a confidential report should be made to the Irish Massage Therapists Association. The therapist concerned will be informed by the Secretary.
- 3.6** Dress should be clean and appropriate for the professional practice of a massage therapist.
- 3.7** Premises should be of a professional standard and should be kept, along with all equipment, in a serviceable and hygienic condition.

### **4. ADJUCATION**

The Executive Committee of the Association shall appoint a Professional Purposes Sub-Committee which shall advise upon conduct and adjudicate upon matters concerning the skills, competence, qualification and conduct of massage therapists on the register.

- 4.1** The Professional Purposes Sub-Committee shall make a ruling.
- 4.2** An appeal may be made to the Executive Committee, following which the decision is final and binding.

Breach of the Code of Ethics shall invalidate membership of the Irish Massage Therapists Association.

# **PROCEDURES FOR DEALING WITH INFRINGEMENTS OF THE COD OF ETHICS AND OTHER COMPLAINTS**

## **1. INTRODUCTION**

### **1.1 Purpose**

The purpose of this Procedure is to provide a means of resolving amicably where possible, any complaint against a member of the I.M.T.A. in connection with the practice of massage, training in massage, supervision of massage, or in the administration of the affairs of I.M.T.A. All members of the I.M.T.A. are required to accept the Procedures as a condition of membership.

### **1.2 Conciliation**

The intention is that this Procedure will, wherever possible, be constructively conciliatory and that it will maintain standards of practice by seeking to improve, where this appears to be necessary, the way that members of the I.M.T.A. work. It is not intended to be punitive, although the Procedure may include the use of some sanction which would normally be used as a last resort.

### **1.3 Code of Ethics**

Members are expected to accept and work to the I.M.T.A.'s Code of Ethics and any infringement of this will be taken into account in considering a complaint. The Code is, however, a guideline to the establishment and maintenance of standards.

### **1.4 Support**

Members who are subject of a complaint are advised to talk the matter over with a colleague or supervisor. In any discussion or hearing under the Procedure they may be accompanied, if they wish, by someone who can act as an advisor and provide support.

### **1.5 Expenses**

The I.M.T.A. is not responsible for any expenses incurred by either the member or complainant when the Procedure is invoked.

## **2. INFORMAL STAGE**

### **2.1 Initial Steps**

If someone alleges grounds for a complaint against a member, they should first be encouraged to talk it over with the member concerned and to resolve it in a friendly manner, being clear and explicit about the grounds of the complaint.

### **2.2 Second Step**

If such an informal discussion fails, or either party refuses to participate in it, the complaint, if referred to the I.M.T.A. will be passed to the General Secretary who will inform the Executive Committee of the I.M.T.A.. The Executive Committee will appoint a Complaints Panel to deal with it.

All complaints submitted must be in writing. The complainant must be informed that a copy of the complaint will be forwarded to the member against whom the complaint is made.

### **2.3 Complaints Panel**

The Complaints Panel will be established by the Executive Committee will consist of 2/3 members who will assess the validity of the complaint and implement and supervise the Procedure appropriate for dealing with the complaint. Panel members will be chosen from a number of senior members of the I.M.T.A. who are actively concerned with ethical issues and who have agreed to make themselves available for this purpose.

### **2.4 Confidentiality**

All proceedings between the Complaints Panel and the other two parties will be confidential. Only the outcomes of any meetings may be disclosed to the I.M.T.A. Executive Committee, where appropriate.

### **2.5 Grounds for Formal Complaint**

The Complaints Panel will forward the complaint to the member complained against and request a written reply to the allegations.

### **2.6 Third Step**

If the Complaints Panel finds grounds for a complaint they will immediately advise the member to refer the matter to their insurance company if he/she has not already done so. If the Complaints Panel finds no basis to the complaints it will inform the Executive of the I.M.T.A. and both the complainant and the member against whom the complaint was made. If it finds a basis to the complaint then the Formal Stage will be initiated.

## **3. FORMAL STAGE**

3.1 The Complaints Panel will inform both the complainant and the member complained against that the Formal Stage has been initiated. All correspondence should be by registered post.

3.2 The member will be advised to inform his/her insurance company immediately of the situation.

The Complaints Panel before reaching a conclusion may seek further written clarification from both parties. The Complaints Panel may reach a determination on the basis of the written submissions. The Complaints Panel has the option, at all times, to call either or both parties to meet it before it makes its determination.

3.3. The member, the complainant and the Executive Committee will be informed in writing of the Panel's decision.

3.4 The member may appeal the Panel's decision in writing. This must be done within four weeks. The grounds for the appeal will be reviewed by the Executive Committee

## **4. SANCTIONS**

4.1 If the Complaints Panel considers it appropriate, it may impose appropriate sanctions upon the member complained against

Examples of such sanctions are:

(a) Warning to improve/change in a specific way by a specific date

- (b) rescinding of recognition of a training course for a specific period or indefinitely
- (c) request to cease practice/training/supervision for a specified period or indefinitely
- (d) Expulsion from membership and exclusion from all meetings of the I.M.T.A., for ever or for a limited period.

The Complaints Panel will write a report to the Executive Committee outlining its conclusions and sanctions. This report will not contain the name of the member complained against, but their membership number will be recorded.

4.2 The Executive Committee will receive the report of the Complaints Panel. The name of the member complained against will not be minuted, except in the event of sanctions being imposed, and then only after the appeals procedure has been exhausted. However, their membership number will be recorded.

4.3 The Executive Committee will inform both parties of the decision of the Complaints Panel and will be responsible for monitoring compliance with the sanctions. It will also determine the consequences of any non-compliance, which would include expulsion from membership after a second warning.

## **5. APPEALS**

5.1 The person complained against may appeal in writing to the Executive Committee (within four weeks of being notified) against the sanction imposed.

5.2 The Executive Committee shall set up an Appeals Panel consisting of two members of the Association nominated by the Executive Committee and not previously involved in the decision which is being appealed against. The appellant may be accompanied to the meeting of the Appeals Panel by a friend or advisor.

5.3 The Appeals Panel will report its conclusion and determinations to the Executive Committee.

5.4 The decision of the Appeals Panel is final.

5.5 The Association will record the outcome of the appeal. If the imposed sanctions are confirmed then the name of the member complained against will be recorded.

5.6 The General Secretary will communicate the decisions of the Appeals Panel to both parties.

5.7 As in earlier stages, all correspondence will be sent by registered post.

## **Suggestions for I.M.T.A. Members regarding an Alleged Breach of the Code of Ethics & Practice**

Although relatively few massage therapists will be accused of unethical conduct during their professional careers, it has been demonstrated that as the profession of massage therapy develops and receives more public recognition as a legitimate profession, that there may be a corresponding increase in ethical complaints being filed against practitioners

It is crucial for practitioners accused of a violation to respond in a manner which is highly professional, measured and appropriate from first notification of the complaint. This notification in itself can be a traumatic experience.

The following guidelines may be helpful:

1. Ensure that you have a copy of the complaint which may, or may not, contain the alleged breach of the Code of Ethics.
2. Read the Code of Ethics, especially the section to which the alleged breach refers to. Ensure that you have read the Complaints Procedure fully.
3. Obtain the necessary support, help and advice that you will need to deal with the matter.

This includes:

a. **Emotional Support**

For therapists who have had a complaint filed against them, PAN (Profession Advocacy Network, U.S.) has described such an experience as “one of the most devastating experiences that a professional will ever encounter”. In the event of the emotional experience becoming overwhelming or causing excessive anguish and anxiety, consider obtaining the help of a psychotherapist or counsellor. It is important not to discuss or divulge the details of the alleged incident(s) which are confidential to the people concerned. The I.M.T.A. advises members facing a complaint to discuss the matter with one trusted advisor.

b. **Executive Support**

It is considered important to discuss the nature of the alleged breach of the Code of Ethics with another professional, perhaps your Regional Coordinator. This will enable you to look objectively at the complaint, decide on the options available to you, outline the necessary course of action and assist in formulating a considered response to the complaint. Should the complaint advance to a Formal Stage of the Complaints Procedure, you will be invited to send a written submission to the Complaints Panel.

c. **Legal Advice**

Depending on the nature of the alleged complaint, you may wish to seek advice from a legal expert – very often this is via your insurance company.

d. **Insurance Advice**

It is advisable to inform your insurance company of the pending allegation. The I.M.T.A. recommends that you inform your insurer prior to attending any disciplinary hearing. It is likely that prompt notification to your insurance company

will protect your position more adequately in the event the incident later moves into a formal claim for damages against you.

4. Accurately record any meetings, submissions of responses with dates, times and substantive content. Where possible, transcribe verbatim all conversations concerning the complaint.
5. The issue of confidentiality in relation to client information will require careful consideration. It is imperative that the information is confined to that which is necessary to the Procedure.
6. Ensure that you are satisfied that adequate records are kept of the proceedings of the Complaints Procedure. It may be wise to consider maintaining your own personal record of events and proceedings.

In conclusion, it is important to re-state that the majority of massage therapists will enjoy a lifetime of professional practice without a complaint being filed against them. However, as we become more professional, it is essential that we develop a greater awareness of the ethical and legal dimensions of our profession.

**This Code of Ethics and Practice and the Procedures for Dealing With Infringements of the Code of Ethics and Other Complaints was Adopted at the A.G.M on Saturday 31<sup>st</sup> March 2012 and became effective from that date.**