



### **Complaints policy relating to patients, carers and lay representatives of the College**

The Royal College of Psychiatrists strives to provide excellent service to everyone who comes into contact with our Members and Associates, our staff or our patients, carers and lay representatives. However, if you are dissatisfied with some aspect of our work then you may wish to complain.

If something goes wrong, our aim is to ensure that a complaint we have the power to deal with is addressed quickly and fairly. Sometimes it may be easiest and quickest to try to sort a matter out informally; if you do wish to make a formal complaint it is important to understand what the College is able to deal with and what lies outside its remit.

#### **What we can do and what we cannot do**

We cannot deal with complaints which are unrelated to the College's work or activities.

We cannot deal with the following issues because other organisations are responsible:

- If you have a concern or complaint about an individual psychiatrist and his or her right or competence to practice you should contact the General Medical Council
- Complaints about treatment received within the NHS are dealt with firstly by the hospital or other organisation concerned, through the legal system or (in England) by the Health Service Ombudsman
- Complaints about organisations in the independent sector are dealt with by these organisations, or through the legal system
- Complaints relating to the Mental Health Act in England (the use of powers and duties in the Act only) can be looked at by the Care Quality Commission. Equivalent complaints in Wales are dealt with by the Health Inspectorate, in Scotland by the Mental Welfare Commission and in Northern Ireland by the Regulation and Quality Improvement Authority.

Like all organisations we have complaints procedures. This policy applies to complaints relating to patients, carers and lay representatives. There is a separate College Complaints policy which applies to College Members or Associates in relation to work

carried out on behalf of the College, while acting as a representative of the College or in some other College capacity.

If your complaint is about a member of staff, please contact the Head of Human Resources. There is a separate policy covering this.

Complaints about the MRCPsych examinations process are dealt with under a separate complaints procedure. Please contact the Head of Examinations.

Further information and advice about making a complaint (either informally or formally) can be sought in confidence by contacting:

The Complaints Manager  
Royal College of Psychiatrists  
21 Prescot Street  
London E1 8BB

## **INTRODUCTION**

This policy sets out the College's procedures for dealing with complaints which may be received in relation to our patients, carers and lay representatives about incidents which occur in the course of College business, or whilst acting as a representative of the College or in some other College capacity. A complaint may be concerned with the failure to observe agreed codes of conduct (for example, the code of conduct to support patients and carers involved in College activities), or a role specification or contract, but this is not an exhaustive list.

## **GUIDING PRINCIPLES**

The College aims to ensure that all complaints which are within our remit are resolved quickly and fairly. Sometimes it may be best and quickest for the person complaining (the '**Complainant**' or '**you**') to try to sort the matter out informally before making a formal complaint. The Complaints Manager, acting on the advice of the Chief Executive or Registrar, may suggest a course of action to address the complaint without the need to resort to formal procedures. In some cases, the Complaints Manager may suggest mediation as the most appropriate way forward. The process of making a complaint should be treated in confidence in order to limit any effect upon the individual making the complaint and upon the subject of the complaint.

The College reserves the right not to investigate, or to stop investigating, any complaint which the Complainant is pursuing unreasonably or where the Complainant is being obviously abusive, prejudiced or offensive. The College will promptly notify the Complainant if it exercises this right.

## **HOW DO I MAKE A COMPLAINT/WHAT TIME LIMITS APPLY?**

Your complaint should be made in writing by post or hand delivery only (email, faxes or any other form of electronic media are not acceptable). Your letter should be addressed to the Complaints Manager, The Royal College of Psychiatrists, 21 Prescot Street, London E1 8BB.

The complaint should contain the following information:

- Your own name
- Your postal address and email address (if you wish to be contacted by email)
- The nature of your complaint
- What has or has not been done, and why you are complaining about this
- The name(s) of the person or people you are complaining about
- Relevant dates and times
- Names of any witnesses to the alleged cause of the complaint
- Copies of any documents relevant to the complaint
- Details of anything which has been done to try to resolve things informally
- How you would like the matter resolved.

You must make your complaint within 3 calendar months after you first became aware of the conduct or other events or circumstances which give rise to your complaint. This time limit will be strictly enforced but the Complaints Manager may (on behalf of the Chief Executive or Registrar) accept a complaint made outside this time limit if you can show that there are exceptional reasons for the delay (such as illness or incapacity)

## **WHAT WILL HAPPEN WITH MY COMPLAINT?**

Your complaint will be received by the Complaints Manager on behalf of the Chief Executive. A written acknowledgement will be sent, usually within 5 working days of the receipt of the complaint.

A Complaint Investigator, who may be a Director or a relevant College office holder, will be appointed by the Chief Executive to investigate the matter. The Complaint Investigator will be supported by the Complaints Manager. The person being complained about will receive details of the complaint, either by post or at a specially convened meeting if the contents are particularly sensitive.

As soon as possible, and normally within 28 days of appointment, the Complaint Investigator will complete an investigation and report to the Chief Executive, or to the Registrar if the Chief Executive has been involved in the matter at an earlier stage. The investigation may involve a number of stages. Where face to face meetings are involved, the Complaints Manager may attend to take notes of what is said.

An investigation may include one or more of the following (this is not an exhaustive list) as decided by the Complaint Investigator:

- Reviewing the complaint and supporting paperwork
- A meeting with the Complainant, who may bring with them an individual to support them
- A meeting with the subject of the complaint, who may bring with them an individual to support them
- Meetings with witnesses, who may be accompanied by individuals to support them
- Review of notes of all meetings and of supporting evidence (such as emails or telephone records)
- Any further meetings with anyone involved, which are necessary because new information has come to light during the investigation.

On receiving the report from the Complaint Investigator, the Chief Executive, or the Registrar if the Chief Executive has been involved at an earlier stage, will decide upon a course of action from among the following possibilities:

- Seeking further information from anyone involved in the process
- Advising both parties that informal mediation conducted by an independent mediator would be appropriate
- Advising the Complainant that the matter should be referred elsewhere
- Advising the Complainant that the complaint has been dismissed as unfounded
- Adopting all or part of any suggestion you make as to how you would like the matter resolved or offering an alternative outcome that he or she considers proportionate to the complaint (such as an apology by the subject of the complaint and/or assurance that the problem will not be repeated)
- Asking the subject of the complaint to step down from a College role or roles

If mediation is advised, the Chief Executive or the Registrar (if the Chief Executive has been involved at an earlier stage) will normally propose a mediator with the appropriate training/accreditation and expertise. Both parties will need to agree a mediator, the terms of his/her engagement, the date/time/ place for the mediation and the level of formality required in the mediation. In the case of formal mediation, the parties would enter into a mediation agreement setting out the procedure for the mediation. Normally, the College will pay half of the mediator's fees on behalf of the subject of the complaint and the Complainant will pay half of such fees but the College will consider, on a case by case basis, paying all of the mediator's fees; each party will pay their own costs of preparing for, and attending, the mediation.

#### **WHAT IF I AM NOT SATISFIED WITH THE RESULT OF MY COMPLAINT?**

Both the Complainant and the subject of the complaint have the right to appeal against a decision of the Chief Executive, or of the Registrar if (s)he has received the report. An appeal must meet at least one of the following criteria – you cannot appeal simply because you do not like the decision:

- New evidence has come to light which you could not have reasonably provided to the Complaints Investigator and which, had it been available to the Chief Executive, or to the

Registrar (if the Chief Executive was involved at an earlier stage of the proceedings), might have resulted in a different recommendation or outcome

- There were particular circumstances relating to the subject of the complaint, now known, which were not known to the Chief Executive, or the Registrar, at the time of the decision, and which, if they had been known, might have resulted in a different recommendation or outcome.

## **HOW DO I SUBMIT AN APPEAL?**

An appeal, on the part of either the Complainant or the subject of the complaint, must be submitted in writing within 10 working days of dispatch of the notification of the Chief Executive's decision (or that of the Registrar). This decision will be notified by letter. Appeals will be considered by the Registrar or by the President if the Chief Executive has been involved at an earlier stage, normally within 42 working days of receipt.

The written application of appeal should be addressed to the Complaints Manager and must contain the following:

- Confirmation of the name and contact details of person submitting the appeal
- Details of the grounds on which the appeal is made, which must fall within the criteria listed above
- Copies of any supporting documents or information which the appellant (the person making the appeal) wishes to bring forward in evidence – new evidence, which was not before the Complaints Investigator, will only be considered if it meets the criteria for presenting new evidence (as set out in the previous section).

On receipt of the appeal, the Registrar, or the President, assisted by the Complaints Manager, will take the following actions:

- Review the appeal to determine whether it is a valid appeal under the terms above
- Acknowledge the appeal in writing, confirming whether it is accepted as valid or not, and the next steps if it is valid
- Consider the appeal and come to a decision, which will be final and binding on both parties.

There will only be an appeal hearing in exceptional circumstances.

The Registrar, or the President, may:

- Uphold the original decision of the Chief Executive, or the Registrar, and dismiss the appeal
- Allow an appeal in favour of the subject of the complaint, removing any sanctions applied
- Allow the appeal in favour of the Complainant and make a recommendation about what should happen.

The decision will be notified in writing to both parties within 10 working days of the date of the decision.

Approved by the Board of Trustees  
29 January 2016

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