

THE ROYAL COLLEGE OF PSYCHIATRISTS COMPLAINTS PROCEDURE

COMPLAINTS AGAINST COLLEGE STAFF

This procedure deals with complaints about **College Staff** in relation to their work on behalf of the College from College members, associates, trainees or members of the public.

This procedure does not deal with complaints between College Staff which is dealt with through the Grievance Procedure.

1. DEFINITIONS

" The Chief Executive"	Means the most Senior Manager responsible for all College staff and the individual who will hear the complaint against a Head of Department.
"Complainant"	Means an Officer, member(s), associate(s) or member(s) of the public who is making a complaint against a member(s) of staff in relation to their work on behalf of the College.
"Complaint Investigator"	Means the Head of Department or independent expert (e.g. auditor) appointed by the Chief Executive to undertake an investigation.
"The Dean"	Means the Honorary Officer who is the principal academic officer of the College who is responsible for chairing the Education, Training and Standards Committee and who will hear any complaint against the Chief Executive if the Registrar is personally involved in the complaint.
"The Head of Department"	Means the member of the Senior Management Team who will hear the complaint but is not the Subject of the Complaint's line manager.
"The Registrar"	Means the Honorary Officer responsible for College Policy, membership support, external relations and for the College's work with patients and carers and who will hear any complaints against the Chief Executive.
"Subject of the Complaint"	Means the member of staff about whom the complaint has been made.

2. PRINCIPLES

- 2.1 The College aims to ensure that complaints are resolved fairly and promptly.
- 2.2 In all cases, the complainant must make every effort to resolve the complaint informally.
- 2.3 If it is difficult for the complainant to resolve the matter informally, this is still encouraged through the intervention of someone not involved in the complaint.
- 2.4 If the matter cannot be resolved as in 2.2 or 2.3, a complainant who wishes to make a formal complaint must make it clear that they are embarking on the formal Complaints Procedure as outlined in point 4, below.
- 2.5 At any point in the Complaints Procedure there is always the option of resolving the matter informally, in collaboration with someone not involved in the complaint and agreed upon by both parties.
- 2.6 If the complaint is against the Chief Executive, the Registrar will take the role of the Chief Executive and the Dean will take the role of the Registrar in these procedures.

3. WHO IS RESPONSIBLE FOR THE PROCEDURE?

- 3.1 The Chief Executive maintains an overview of all complaints against College staff and this procedure.

4. HOW CAN I COMPLAIN?

- 4.1 A letter outlining your complaint must be sent to the relevant Head of Department or the Chief Executive (if the Subject of the Complaint is a Head of Department) or the Registrar (if the Subject of the Complaint is the Chief Executive).
- 4.2 The letter should be sent within 28 days of the alleged incident.
- 4.3 The letter should describe:
 - 4.3.1 The exact nature of the complaint.
 - 4.3.2 The name(s) of any individual(s) about whom you are complaining.
 - 4.3.3 The date(s) and time(s) of the alleged incident(s).
 - 4.3.4 The name(s) of any witnesses to the alleged incident(s).

- 4.3.5 Informal action you have already taken to try to resolve the complaint and the dates on which this occurred.
- 4.3.6 How you would like the complaint to be resolved.
- 4.4 Copies of all documents relevant to the complaint must accompany the complaint letter.
- 4.5 You must agree to let the Subject of the Complaint see the complaint letter and all documentation.
- 4.6 A copy of the Complaint Procedure will be sent to the Subject of the Complaint.
- 4.7 All parties must agree to abide by the College's timetable.

5. WHAT WILL HAPPEN WITH MY COMPLAINT?

- 5.1 A Complaint Investigator will be appointed by the Chief Executive who will normally be the Director of Human Resources to undertake an investigation once the complaint has been received by the College.
- 5.2 The Complaint Investigator will complete the investigation as quickly as reasonably possible and preferably within a maximum of 28 days from appointment.
- 5.3 The complaint investigation process may include the following but this is not an exhaustive list:
 - 5.3.1 Review of complaint and supporting documents.
 - 5.3.2 Meeting with Complainant to obtain further information on complaint and whether any witnesses need to be met.
 - 5.3.3 Meeting with the Subject of the Complaint to obtain their version of event, supporting documentation and whether any witnesses need to be met.
 - 5.3.4 Meeting with Witnesses.
 - 5.3.5 Review of all notes of meeting and supporting evidence. This may include supporting evidence including telephone call records, emails, policies and procedures, correspondences etc.
 - 5.3.6 It may be necessary to meet again with the Complainant, Subject of the Complaint and witnesses to clarify information, as a result of subsequent information that has arisen after their meeting.
 - 5.3.7 A note-taker will be present at each investigation meeting.

- 5.4 Once the investigation is complete, the Chief Executive will decide on one of the following courses of action:
 - 5.4.1 Seeking further information from you, the subject(s) of your complaint or other involved parties.
 - 5.4.2 Advising both parties that someone not involved in the complaint and agreed upon by both parties should be appointed to seek to resolve the situation informally.
 - 5.4.3 Advise you if your complaint should be referred elsewhere.
 - 5.4.4 Advise you that the complaint has been dismissed as unfounded.
 - 5.4.5 The complaint is to be referred to a Complaint Hearing.
- 5.4 Both parties will receive the same letter outlining the decision of the Chief Executive (or Registrar, if applicable) and outlining the reasons for that decision.

6. TWO STAGES OF THE PROCEDURE

- 6.1 There are potentially two stages to this procedure after the investigatory stage – the Complaints Hearing and the Appeal Hearing. However, the Complaints Panel has the discretion to make a decision for the complaint to go directly to the Staff Disciplinary Procedure and not through the below stages due to the nature of the complaint.
- 6.2 Complaint Hearing
 - 6.2.1 Both parties will be given 7 days notice of the Complaints Panel intention to hold a Complaint Hearing.
 - 6.2.2 The individual chairing the meeting may invite another senior member of staff, who is not involved in the matter to be present.
 - 6.2.3 The Complainant may be accompanied by a friend or relative.
 - 6.2.4 The Subject to the Complaint may be accompanied by a work colleague or a trade union representative, if a member of a trade union.
 - 6.2.5 A representative may confer with the individual represented but may not answer questions on his/her behalf.

- 6.2.6 Copies of statements made by witnesses will be made available to the Subject of the Complaint and the Complainant as soon as possible, prior to any Hearing.
- 6.2.7 Witnesses will be encouraged to appear at the Complaint Hearing, if requested by either party. It is acknowledged that some witnesses may be reluctant to do so. In these circumstances, whoever is chairing the meeting will, if necessary; adjourn the Hearing to ask supplementary questions of witnesses in private.
- 6.2.8 Once the Hearing has taken place in accordance with the above principles, the Head of Department, Chief Executive or Registrar, as appropriate will respond to the Complainant and the Subject of the Complaint with a decision on the complaint in writing within 10 working days of the Hearing or as reasonably practicable.
- 6.2.9 Both parties will receive the same letter outlining the decision of the Chief Executive and outlining the reasons for that decision within 10 working days of the Hearing or as reasonably practicable.

6.3 The Complaint Panel has the following options. To:

- 6.3.1 Dismiss the complaint as unfounded.
- 6.3.2 Prescribe a course of action, which could include training or mentoring.
- 6.3.3 Recommend that the Staff Disciplinary Procedure be invoked.

6.4 Subject to any right of appeal, the decision of the Complaint Panel is final and binding.

7. APPEAL

- 7.1 Both the Complainant(s) and the Subject of the Complaint have the right of appeal.
- 7.2 The Subject of the Complaint must present any new evidence or procedural issues to the Chief Executive in writing within 10 working days of the date that they receive the letter of the Complaint Panel's decision. This letter will normally be sent by next day delivery.

- 7.3 The Complainant must present any new evidence or procedural issues, in response to the Complaint Panel's decision within 10 working days of the date that they received this decision or 10 working days from the date that they receive notice that the Subject of the Complaint intends to appeal against the decision of the Complaint Panel. This letter will normally be sent by next day delivery.
- 7.4 The Appeal Panel will review any new evidence or procedural issues together with the previous evidence.
- 7.5 The Appeal Panel will hold a hearing where both parties will be given the opportunity to present oral evidence. The Subject to the Complaint will be entitled to be accompanied by a work colleague or trade union representative, if a member of a trade union. The Complainant will be entitled to be accompanied by a friend or a relative.
- 7.6 Once the Hearing has taken place in accordance with the above principles, the Chief Executive or Registrar, as appropriate will respond to the Complainant and the Subject of the Complaint with a decision on the appeal in writing within 10 working days of the Hearing or as reasonably practicable.
- 7.7 The Appeal Panel has the following options. To:
 - 7.7.1 Uphold the decision of the Complaint Panel.
 - 7.7.2 Prescribe a course of action including, which could include training or mentoring.
 - 7.7.3 Recommend that the Staff Disciplinary Procedure be invoked.
- 7.8 The decision of the Appeal Panel is final and binding.
- 7.9 Both parties will receive the same letter outlining the decision of the Panel and the reasons for that decision.

This procedure does not affect any statutory rights.

Marcia Cummings
Director of Human Resources

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