

Complaints processed under the DCC Regulations

Guiding Principles

- This procedure applies to complaints about Members, Associates, and Resident Doctors when they are involved in College activities or representing the College.
- The College supports open, fair, and respectful debate in psychiatry. This procedure should not be used to suppress legitimate discussion or opinions that align with the College's values and Code of Conduct.
- Complaints should be resolved quickly and fairly. If possible, complainants should try to resolve issues informally before making a formal complaint. The College may ask for proof that reasonable steps were taken to do so.
- All complaints will be taken seriously and assessed fairly.
- Complaints will be handled objectively and without bias. Any conflicts of interest must be reported immediately. The Board of Trustees will decide how to manage such conflicts.
- Complaints will be reviewed in line with the College's Code of Conduct, mission, and values, which are available online.
- The College will consider what outcome the complainant wants and will inform them if it's outside the College's authority.
- Harassment, threats, or abusive behaviour will not be tolerated. Anyone behaving inappropriately may face disciplinary action. If a complainant is abusive, the College may continue the investigation without further contact with them.
- Complaints must be handled confidentially. Breaching confidentiality may result in the College stopping communication with the complainant, though the investigation may still continue.

The Complaints Manager will keep the complainant and all relevant parties informed of the progress of the complaint at every stage of the process.

Every effort will be made to ensure that complaints considered in line with the DCC are dealt with in a timely manner and timelines are set on a case-by-case basis depending on the complexity of the complaint. In the last five years 77% of the complaints were brought to a closure within 6 months, of which 54% were concluded within 3 months.

Making a Complaint & Time Limits

- Complaints must be sent in writing to the Complaints Manager at the Royal College of Psychiatrists UK. You can send it by post or email: **governance@rcpsych.ac.uk**.
- Your complaint should include:
 - Your name
 - Your postal and email address
 - What the complaint is about
 - What happened (or didn't happen) and why it concerns you
 - Who you're complaining about
 - Dates and times of the incident(s)
 - Names of any witnesses
 - Copies of relevant documents
 - What you've done to resolve it informally
 - What outcome you're hoping for

Note: The person you're complaining about may see this information.

- Anonymous complaints are generally not accepted. The College needs your consent to share your identity and documents with the person involved. Only in rare cases will anonymous complaints be considered, and only if they can be investigated without your direct input.
- Complaints must be made within 3 months of the incident or when you first became aware of it. Late complaints will only be accepted in exceptional circumstances (e.g. illness).

Complaint Handling Process – Step-by-Step

1. Complaint Received

- Complaint sent to Complaints Manager (CM) on behalf of the College Registrar.
- Acknowledged within **5 working days**, if accepted under the procedure.
- If not accepted, the complainant is informed and redirected to a more appropriate policy.

2. Initial Review by Complaints Manager

- CM may conduct limited fact-finding and inform the subject of the complaint if relevant.
- CM reviews prior informal resolution attempts.

If further to initial fact finding informal resolution is deemed appropriate, then refer to the **Informal Resolution Process** which outlines the following:

- Try private conversations with the parties.
- Facilitate a group meeting.
- Offer mediation.

If informal resolution is not suitable or already attempted, the complaint is passed to the College Registrar.

3. Initial Assessment by College Registrar

- May consult: a Council member, CEO, or Board Trustee.

Registrar determines:

- Whether the issue warrants further investigation.
- Whether proceeding is proportionate.

Complaint may be rejected if:

- No actionable evidence.
- Not covered by College policies/values.
- Outside the College's remit.
- Better handled via other disciplinary route, such as grievance .
- Misuse of policy, out of time, trivial, or vexatious.

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- Progressing would be disproportionate or against public interest.

4. Registrar's Decision

Registrar may:

- Reject complaint → Complainant notified with brief reasons.
- Refer for informal resolution/mediation.
- Refer as disciplinary matter.
- Refer for **full investigation** (moves to Stage 5).

Complainants can reapply within 14 days with new substantial evidence if the complaint is rejected.

No appeals are accepted for referrals to other disciplinary process.

5. Investigation Stage

- College Registrar appoints a **Complaint Investigator** (qualified member or associate) with relevant experience.
- Terms of reference set by the Registrar.
- Investigator supported by Complaints Manager.
- Investigator's job: assess if there's a **case to answer** (not make legal/factual judgments).

Complaint Investigation process

Phase 1: Notification to Subject of Complaint

Upon appointment, the Complaint Investigator must:

1. **Notify** the subject of the complaint:
 - Inform them that an investigation has started
 - Provide the investigator's name
 - Outline the conduct/matters being investigated
 - Share a summary of the investigation's terms of reference
 - Attach relevant documentation/evidence (as appropriate)
 - Invite a written response (usually within 14 days)

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Phase 2: Evidence Gathering & Case Building

The investigator must take steps to:

2. Understand the full scope of the complaint
3. Collect all relevant documentation, evidence, and information
4. Identify and list potential witnesses
5. Determine whether there is a case to answer

Phase 3: Investigation Activities

This phase may include (but is not limited to):

6. Review complaint materials (written complaint, paperwork)
7. Meet with:
 - The complainant
 - The subject of the complaint
 - Relevant witnesses
 - Any other necessary persons (if new information arises)
8. Review supporting evidence (e.g. emails, phone records)
9. Document all meetings through minutes or recordings for accuracy

Phase 4: Subject's Rights & Responsibilities

10. Subject may be shown witness statements (with redactions if needed)
11. Subject must cooperate, including:
 - Naming relevant witnesses
 - Disclosing evidence
 - Attending meetings
12. Subject has the right to be represented/accompanied during meetings
13. Failure to cooperate may result in disciplinary action (for Members, Associates, and Trainees)

Phase 5: Completion of Investigation

14. Investigator aims to:
 - Conclude the investigation within 3 months of appointment if possible

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- Report findings and recommendations to the College Registrar

Post-Investigation Decision Process

Step 1: Registrar Receives the Report

- College Registrar receives the Complaint Investigator's report.

Step 2: Registrar Reviews and Determines Action

The Registrar considers the report and may take one or more of the following actions:

1. Request more information
 - From any party involved in the process.
2. Suggest informal mediation
 - Recommend third-party mediation between the complainant and the subject.
3. Refer to an external agency
 - For example, the General Medical Council (GMC), if deemed appropriate.
4. Dismiss the complaint
 - If found to be:
 - Unfounded; and/or
 - Disproportionate or not in the public interest.
5. Escalate as a disciplinary matter
 - Under a different section of the Disciplinary Regulations, possibly involving removal from Membership/Association.
6. Refer to the DCC
 - Hand over to the Disciplinary and Complaints Committee for determination by a Complaints Panel.

Step 3: Notifications

7. The Registrar promptly notifies both the complainant and the subject of the complaint of the decision, with brief reasons.
8. If the matter is being referred as a disciplinary issue, the subject is informed in writing.
The Complaints Manager may also notify the complainant if appropriate.

Step 4: Legal Consultation (Optional)

9. The College may seek legal advice at any point during this process.

Referral to the Disciplinary and Complaints Committee (DCC) – Step-by-Step Guide

Step 1: Referral to DCC

- College Registrar refers the complaint to the DCC to proceed with a Complaints Panel.

Step 2: Panel Appointment

- Vice-Chair of the DCC:
 - Appoints a Complaints Panel of three DCC members:
 - Must include at least one Lay Trustee or non-psychiatrist.
 - May delegate chairing to another Honorary Officer.

Step 3: Notice to Subject of Complaint

- The Chair instructs the Complaints Manager to send a formal written notice including:
 1. The Panel's intention to hold a hearing or review on the papers and request for subject's preference.
 2. Particulars of the complaint (alleged conduct).
 3. Copy or summary of the investigation report.
 4. Copies of documents/witness statements for the hearing or paper review.
 5. Invitation to respond within 28 days, including:
 - Summary of intended defence.
 - Factual summary to support the defence.
 - Copies of evidence/statements they intend to rely on.

Step 4: Panel Consideration

- Panel reviews all documentation and responses.
- Panel may decide to:
 - Proceed without a hearing, or
 - Convene a hearing, based on what's appropriate.

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Step 5: Hearing Preparation (if held)

- If a hearing is to be held:
 - Both parties receive at least 21 days' written notice with date, time, location.
 - Both may:
 - Make oral submissions.
 - Be accompanied by a friend, union rep, or legal advisor (at own cost).
 - Parties wishing to have legal representation:
 - Must give 14 days' notice.
 - Must get the College's prior written approval (not unreasonably withheld).
 - The College may also have legal representation and will notify parties in advance.

Step 6: Decision-Making

- The Panel's decisions are made by simple majority.
- They apply the civil standard of proof: balance of probabilities.

Step 7: Outcome Notification

- Decision is shared with both parties within 10 working days, including reasons.
- Panel may:
 1. Uphold the complaint (partially or fully)
 2. Dismiss it as unfounded
 3. Recommend action (e.g. mentoring or training)
 4. Refer to another body (e.g. GMC)
 5. Refer to other internal College processes (e.g. Membership removal)

Step 8: Appeal

- The decision is final, subject to the right to appeal in the next stage.