

# Managing complaints about Council members

**GPhC0051 Version 1.0**

This policy sets out how we manage and investigate complaints about Council members.



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## **1. Introduction**

- 1.1 This procedure sets out how we manage and investigate complaints about Council members where it is alleged or appears that the conduct of the member has fallen below the standards set out in GPhC's Values, Conduct and Behaviour for GPhC Council Members, Associates and Partners, or other core requirements such as our Standards of Attendance and Standards of Education and Learning for Council members.
- 1.2 We refer to "complaints" throughout this document. However, this procedure applies equally to circumstances where a concern about a Council member has come to the GPhC's attention without a formal complaint being made.

## **2. Purpose**

- 2.1. This procedure is designed to ensure so far as possible a fair, consistent and proportionate approach to managing complaints about Council members, in line with relevant legislation.
- 2.2. Where possible, the preferred route will be informal resolution, with a focus on reaching a mutually acceptable outcome. However, there will be some circumstances where this is not possible or appropriate and more formal resolution is required. This document also sets out the procedure for referring matters to the Privy Council for consideration in line with its suspension and removal powers under the General Pharmaceutical Council (Constitution) Order 2010.

## **3. Scope**

- 3.1. This procedure applies to complaints about all Council members (lay and registrant), including the Chair of the Council. It also applies to complaints about Council members sitting in their capacity as members of our non-statutory committees, namely the: Audit & Risk, Finance & Planning, and Remuneration committees.
- 3.2. Concerns about the individual performance or attendance of a Council member are usually dealt with through our training and appraisal processes. However, consistently poor attendance or performance which are not remedied through training and appraisal, or exceptionally poor performance, may mean that it is necessary to consider removing the Council member from office. It then becomes appropriate for the matter to be dealt with under this procedure.

## **4. Composition**

- 4.1. This procedure does not apply to complaints about:
  - Council policies or decisions.
  - Other associates and partners, including statutory committee members (which are dealt with through separate procedures).

## **5. Responsibilities**

- 5.1. The Council is responsible for approving this procedure.

## 6. Complaints procedure

### Submitting a complaint

- 6.1. Anyone can make a complaint about a Council member. This includes stakeholders such as members of the public or registrants, as well as other Council members and employees of the GPhC.
- 6.2. Complaints about Council members are considered by the Chair of Council in line with this procedure.
- 6.3. Generally, complaints should be submitted to the governance team for the attention of the Chair in the first instance.
- 6.4. If the complaint relates to the Chair, or if the Chair is absent or otherwise unable to consider the complaint, an appropriate Chair of one of the non-statutory committees (Audit and Risk, Finance and Planning or Remuneration) will be asked to consider the complaint. References throughout this procedure to 'the Chair' also include a committee Chair, who is considering a complaint about the Chair of Council.
- 6.5. Complaints should be sent to: [feedback@pharmacyregulation.org.uk](mailto:feedback@pharmacyregulation.org.uk)

### Acknowledging a complaint

- 6.6. We aim to acknowledge complaints within 3 working days. We may ask for further information about any aspect of the complaint that we are unclear about.

### Initial handling

- 6.7. As a first step, the Chair will decide if the complaint falls within the scope of this procedure. For example, it might be possible to address the issue by providing some further information or explanation from the Chair. Or, the complaint might need to be re-directed to another body, or process.
- 6.8. If the Chair decides that the complaint falls within the scope of this procedure, the Council member concerned will be informed about the complaint. Generally, this will be done within 7 working days of receipt.
- 6.9. The member will be advised of the procedure for handling complaints and that they may wish to seek advice or support from a source external to the GPhC. The member will have 7 working days to respond to the complaint.
- 6.10. Where possible, the Chair will redact and/or anonymise the complaint, so as not to identify the complainant unnecessarily.
- 6.11. Where it is necessary to share the name of the complainant, or other identifying details, with the Council member, we will seek the complainant's consent to do so.
- 6.12. Information provided to the member about the complaint may also be redacted, e.g. if it includes personal information about another individual.
- 6.13. The Chair will not share the details of the complaint, or the identity of the person about whom the complaint has been made, more widely than is required for the purposes of the resolution or investigation of the complaint.

## Possible options for resolution

- 6.14. The following options are available to the Chair following consideration of the complaint:
- **Close with no further action** - where the complaint or concern raised is about a minor issue, or if the Chair has sound reason to believe the complaint is of a vexatious nature
  - **Stage 1 (informal resolution)** - where the complaint requires some action to be taken, but it is not sufficiently serious to warrant referral to Stage 2 (please note informal resolution will only conclude the matter if the Council member concerned consents to take part in the informal resolution)
  - **Stage 2 (referral to the Privy Council)** - where the complaint is so serious that the Chair decides that resolution by informal means is not appropriate and the matter requires referral to the Privy Council (this may also include provisional suspension by the Council)
- 6.15. The Chair may request further information from the complainant or member before making a decision on the most appropriate course of action.
- 6.16. The complainant and member will be informed of the decision and the next steps as soon as possible (see more information on timelines below).

## 7. Stage 1: Informal resolution

- 7.1. The Chair may investigate the complaint or appoint another person to do this on their behalf. This might be, for example, a member of the GPhC governance team.
- 7.2. The preliminary investigation is not to make findings of fact. It is to establish if the complaint can be resolved through informal means, or whether there is an issue for the Privy Council to consider in line with its suspension and removal powers. If the preliminary investigation finds that the matter should be referred to the Privy Council for decision, it should also consider whether provisional suspension might be appropriate.
- 7.3. Where appropriate, the Chair will attempt informal resolution as the preferred option. This will only take place where the member consents to take part in the informal resolution. For example, if a concern relates to the way in which two people are working together rather than a more serious allegation of improper conduct, the Chair will seek to resolve the complaint through contact with the interested parties, taking into account any information they may wish to supply.
- 7.4. The outcome of informal resolution may include one, or a combination of, the following:
- a request to the member to make an apology;
  - a requirement that the member should undertake additional learning, training or development;
  - written advice from the Chair<sup>1</sup>.
- 7.5. This is not an exhaustive list and the method of informal resolution and the outcome is at the discretion of the Chair, in line with relevant legislation.

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<sup>1</sup> Please note that this is informal advice to the member. For registrant members, it does not appear on the individual's register entry or fitness to practise history.

- 7.6. Informal resolution will be concluded as soon as possible and generally within 3 - 4 weeks of the complaint being made unless, in the view of the Chair, further time is necessary.
- 7.7. Both parties will be informed of the outcome, in writing, as soon as possible once a decision has been made.

## **8. Stage 2: Referral to the Privy Council**

- 8.1. Articles 6 and 7 of the General Pharmaceutical Council (Constitution) Order 2010 set out the circumstances in which the Privy Council may remove or suspend a Council member from office.
- 8.2. For example, a member must be removed from office by the Privy Council if:
  - the Privy Council is satisfied that the member's continued membership of the Council would be liable to undermine public confidence in the regulation of registered pharmacists or pharmacy technicians<sup>2</sup>;
  - the Privy Council is satisfied that the member's level of attendance at meetings of the Council falls below a minimum level of attendance acceptable to the Privy Council, having regard to any recommended minimum levels of attendance that the Council has set in its standing orders, and whether or not there has been reasonable cause for the member's non-attendance<sup>3</sup>;
  - the Privy Council is satisfied that the member has failed, without reasonable cause, to undertake satisfactorily the requirements with regard to education and training for members that apply to that member and which the Council has included in its standing orders<sup>4</sup>.
- 8.3. Where it has not been possible to resolve the complaint informally, or where the complaint is so serious that the Chair decides that resolution by informal means is not appropriate, the Chair may refer the matter to the Privy Council for consideration in line with its suspension and removal powers<sup>5</sup>.
- 8.4. If this happens, the complaint will be subject to the processes and timetables laid down by the Privy Council.
- 8.5. The Chair will also consider whether it is appropriate, necessary or justifiable to share the details of the complaint, or the outcome of the complaint, with any other regulatory body or agency. In each case, the Chair will consider whether it is in the public interest to do so. This includes consideration of the relevant law, our main objectives, and the interests of the individual concerned. In the case of a registrant member, this might include referring the complaint to the GPhC Concerns Team for consideration as a potential fitness to practise matter.
- 8.6. In such cases, the Chair may seek advice from the governance and legal team before proceeding.

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<sup>2</sup> Article 6(1)j

<sup>3</sup> Article 6 (1)g

<sup>4</sup> Article 6(1)h

<sup>5</sup> Article 6(3) provides that any member or employee of the Council may notify the Privy Council if they are of the view that the Privy Council may need to exercise its functions under paragraph (1) relating to removal from Office. In practice, this will be carried out by the Chair of Council, or the Chief Executive, in line with the Scheme of Delegation.

## 9. Provisional suspension

- 9.1. In line with its Standing Orders, the Council may provisionally suspend a member of the Council from office until the Privy Council has reached a decision on whether or not to suspend or remove the member.
- 9.2. Provisional suspension will be considered if circumstances arise which may result in a member being suspended or removed from office by the Privy Council under the Order.
- 9.3. Alternatively, the Council member may decide of their own accord not to take part in any Council activities until the Privy Council has reached a decision.
- 9.4. If the Chair is of the view that it may be appropriate for the Council member to be provisionally suspended under the standing orders, the Chair shall refer the matter to the Council for a decision.
- 9.5. The member will be notified of the proposal to suspend and the grounds for it and given an opportunity to state his or her case on why suspension is not appropriate. This information or statement will be shared with the Council, to inform its decision.
- 9.6. Any decision of the Council in favour of provisional suspension will have effect immediately. Any member who is provisionally suspended is not entitled to attend meetings of the Council or its committees, exercise any of the functions of a member, or otherwise participate in Council business. There is no route of appeal against provisional suspension.
- 9.7. If a member has been provisionally suspended, the Council is required by the Constitution Order to notify the Privy Council in writing of the provisional suspension as soon as is reasonably practicable.
- 9.8. If the Privy Council decides not to suspend or remove the member from office, the Constitution Order requires the Council to terminate the provisional suspension. In practice, termination of suspension will be confirmed by the Chair, or Chief Executive, in line with our Scheme of Delegation and this procedure.

## 10. Monitoring and compliance

- 10.1. The Council is responsible for reviewing and approving this procedure.
- 10.2. The numbers of complaints considered in line with this procedure will be reported to the Council on an annual basis, together with any key themes or learnings, where appropriate to do so.

## 11. Associated documentation

- 11.1. This procedure should be read in conjunction with the following legislation, policies and procedures, which are available on the GPhC website:
  - Pharmacy Order 2010
  - General Pharmaceutical Council (Constitution) Order 2010
  - Values, conduct and behaviours for Council members, associates and partners
  - Standing Orders of Council
- 11.2. Please contact the Governance team if you have any questions about this procedure at [\*\*feedback@pharmacyregulation.org\*\*](mailto:feedback@pharmacyregulation.org)

