



Faculty of Public Health

of the Royal Colleges of Physicians of the United Kingdom

Working to improve the public's health

FPH Complaints Procedure

Introduction

- 1.1 The Faculty of Public Health (FPH) is committed to providing a good quality service to its fellows, members, trainees, exam candidates and all others in receipt of a service from FPH. We recognise, however, that sometimes mistakes are made or things go wrong and, people may consider they have grounds for complaint. The following policy provides a clear and consistent procedure through which these complaints can be investigated and considered.
- 1.2 Examination candidates wishing to appeal against an examination should refer to the Examination Appeals procedure, which can be found on the FPH website at: <http://www.fph.org.uk/appeals>
- 1.3 Complaints received about FPH members:
FPH does not have the expertise or resources to process complaints received about its members. FPH will refer the complainant to the most appropriate body to deal with issue raised. Should such complaints be investigated by other bodies (e.g. GMC, UKPHR, Police or employer) and the complaint be upheld, the FPH Board will be asked to consider under S.O 15 that particular member's continued membership with the FPH.
- 1.4 The implementation of any of the procedures laid out below does not preclude the complainant, at any point, withdrawing their complaint.

How to complain

- 2.1 FPH takes the view that complaints may help us to improve our services and procedures. If you feel a mistake has been made or you have found something unsatisfactory or unacceptable please let us know.
- 2.2 FPH hopes that most problems and concerns can be sorted out easily and quickly and with the individual concerned. If possible, we will try to resolve the problem immediately. If this is not possible, for example if the relevant information is not readily available, then we aim to get back to you within 5 working days.
- 2.3 If your problem cannot be resolved through this informal process, you can make a formal complaint by writing to the Head of the relevant department responsible for that area of operation, by post or email, detailing your complaint and including what you think might put things right. The names of Heads of Departments are on the FPH website: <http://www.fph.org.uk/staff>

Faculty of Public Health
4 St Andrew's Place
London
NW1 4LB

Email: enquiries@fph.org.uk

- 2.4** Complaints should be raised as quickly as possible, especially when a complaint relates to a specific event, to enable us to establish accurately what happened.

Next steps

- 3.1** Once the Head of Department receives a written complaint, they will arrange for it to be fully scrutinised. A written acknowledgement will be sent within 5 working days informing the complainant of when they can expect a formal response. This will normally be within one calendar month. This may not always be possible, for example if it is necessary to seek further information, in which case the complainant will be informed.
- 3.2** The Head of the Department will normally be the person to scrutinise the complaint, though at times this may be undertaken by another member of the Senior Management Team or a Faculty Officer whose remit covers the particular area of operation. Complaints involving a Head of Department will be investigated by the Chief Executive.
- 3.3** In scrutinising a complaint, the Head of Department/Chief Executive will:
- a) investigate what happened and what went wrong
 - b) evaluate the complaint in the context of Faculty procedures, regulations and standing orders
 - c) establish whether the complaint is well-founded
 - d) where applicable, identify what can be done to ensure the problem does not recur
- 3.4** Once you have received a response, if you are not satisfied you can take the matter further by referring it to the FPH Registrar, by post to the FPH address or email to registrar@fph.org.uk to arrive at FPH within 10 working days of the decision letter.
- 3.5** Complaints involving the Chief Executive, Faculty Officers or Board Members will be investigated by the Registrar in accordance with Section 4 of this policy.
- 3.6** Complaints involving the FPH Registrar will be investigated by the President or his/her nominated officer in accordance with Section 4 of this policy.

Referral to Registrar

- 4.1** On receipt of a complaint the FPH Registrar (or President/President's nominated officer should the complaint involve the Registrar) will issue an acknowledgement within 5 working days informing the complainant of when they can expect a formal response. This will normally be within one calendar month. This may not always be possible, for example if it is necessary to seek further information, in which case the complainant will be informed.
- 4.2** After a provisional review of the complaint, the FPH Registrar/President/President's nominated Officer will either:
- a) Elect to hear the complaint themselves;
 - b) Delegate for an independent review by a member of the FPH Board appointed as Investigating Officer, in accordance with Section 5 of this Policy
 - c) Refer the complaint to a Complaints Hearing Panel, in accordance with Section 6 of this policy.
- 4.3** In any case, if it is considered that there is no case to be heard, i.e. that the complaint is frivolous or unsubstantiated, the complainant will be notified of this and informed that

the complaints procedure is at an end. If it is considered vexatious or malicious, or that the appellant has used false information, the appeal procedure will also be at an end but in this instance the complainant, if she/he is a FPH Member, may be liable for action under Standing Order 15.

- 4.4** The decision of the FPH Registrar/President/President's nominated officer in all cases is final.

Review by Investigating Officer

- 5.1** Investigating Officer (IO) appointed to scrutinise evidence. The IO will be appointed by the FPH Chief Executive from the FPH Board and will have had no prior involvement in the case or with the area/s of FPH business that is the focus for the complaint. Scrutiny will involve reviewing all the available documentation surrounding the case and undertaking relevant interviews should the IO consider it appropriate.
- 5.2** The complainant to be informed of the below process that will be followed, normally within one calendar month of the original complaint being received.
- 5.3** The complainant will be invited to submit any further relevant evidence for consideration directly to the IO within 14 days of communication of notification of the process.
- 5.4** The FPH Chief Executive will be responsible for ensuring that all evidence from FPH is submitted to the IO within 14 days of communication of notification of the process to the complainant.
- 5.5** IO will normally report within 2 calendar months of receiving the evidence from all parties, unless extra time is needed to undertake further investigations, in which case the complainant will be informed within 14 days of the due date for the report to the Registrar/President, which will be specified at the beginning of the process.
- 5.6** During the review period the IO may at any time request further evidence from either FPH or the complainant.
- 5.7** The IO will recommend to the FPH Registrar/President/President's nominated officer either:
- a) That there is no case to be heard;
 - b) An immediate remedy to be offered to the complainant; or
 - c) That a Complaints Hearing Panel should be established.
- 5.8** The FPH Registrar/President/President's nominated officer will consider the recommendation of the IO and communicate his/her decision to the complainant within 14 days of receiving the IO's report.
- 5.9** The decision of the FPH Registrar/President/President's nominated officer will be final.

The Complaints Hearing Panel

- 6.1** A Complaints Hearing Panel shall be convened at the discretion of the FPH Registrar/President/President's nominated officer, and established by the FPH Chief Executive.
- 6.2** The purpose of the Panel is to examine and discuss the facts of the case, and to recommend to the FPH Registrar/President/President's nominated officer determination on the balance of probabilities whether the complaint should be upheld, to the satisfaction of the majority of the Panel.
- 6.3** Where a complaint is upheld, it is to determine whether a remedy is appropriate.

- 6.4** The Hearing Panel will meet as soon as practicable, within a reasonable time after the date on which the complaint was received, and normally constituted with one member from each of the following categories, or their nominee:
- (a)** The FPH Registrar (who will act as Chair). In the case of complaints involving the Registrar this will be the President or the President's nominated officer.
 - (b)** The Independent Lay Board member who conducted the investigation
 - (c)** Any other Board member, who has had no prior involvement in the case or with the area/s of FPH business that is the focus for the complaint.
- 6.5** If the Complaints Hearing Panel has been convened by the FPH Registrar/President/President's nominated officer following a recommendation under paragraph 5.7, then the IO should act as a witness for FPH at the Hearing Panel, and their place on the Hearing Panel should be taken by an additional other Board member, who has had no prior involvement in the case or with the area/s of FPH business that is the focus for the complaint.
- 6.6** A Secretary to the Hearing Panel shall be appointed by the FPH Chief Executive. The Secretary's role shall be to record the proceedings and deliberations of the Panel, and he/she may not attempt to guide or influence the discussions or decisions of the Panel in any way but may advise on procedural matters.
- 6.7** The complainant shall have the right to be present at all proceedings of the Hearing Panel subject to the procedures detailed below in Section 7 of this policy, and to present written or oral evidence to the Panel.
- 6.8** Proceedings of the Panel shall not be invalidated or delayed by reason of the absence of the complainant, provided that the procedure detailed below has been observed. The complainant has the right to be accompanied at the Hearing by a Representative, who may be a union representative or FPH member. The Representative may advise and counsel the complainant, but may not make any statements to, or cross-examine, any other person at the meeting.
- 6.9** The FPH Chief Executive will arrange for a copy of each document, including the report of the IO, which shall be presented to the Hearing Panel to be sent to the complainant not less than 10 working days before the date set for the Hearing Panel. The complainant and FPH must ensure a list of witnesses they intend to call are received by the FPH Chief Executive at least 10 working days before the date set for the Hearing Panel. All documents will also be circulated in advance to members of the Hearing Panel so that they may familiarise themselves with the evidence before the date of the Hearing.
- 6.10** It is the responsibility of either party to ensure their witnesses are present on the day of the Hearing Panel. In exceptional circumstances the Hearing Panel may decide to accept a written witness statement but this will be secondary evidence due to the lack of opportunity to question.

Complaints Hearing Panel Procedure

- 7.1** The Hearing Panel may, at its discretion, meet in private before the scheduled start of the Hearing for preliminary discussions. The Secretary shall be present and keep a record of proceedings.
- 7.2** At the start of the Hearing Panel all present shall introduce themselves. The Chair will outline the complaint as set out in the IO report.

- 7.3** The Chair shall then invite the complainant to present his/her case and call witnesses. Members of the Hearing Panel may then ask questions of the complainant and witnesses. The complainant may also ask questions of members of the Hearing Panel.
- 7.4** The Chair shall then invite the FPH Chief Executive to present FPH's case and call witnesses. Members of the Hearing Panel may then ask questions of the FPH Chief Executive and witnesses. The FPH Chief Executive may also ask questions of members of the Hearing Panel.
- 7.5** The Hearing Panel may, at its discretion and at any time, interrupt proceedings to ask questions, or to order the room to be vacated for private discussions. In such cases, the Secretary shall be present and keep a record of proceedings.
- 7.6** Before the conclusion of the Hearing Panel, the Chair shall give complainant the opportunity to make a closing statement. Before leaving, the complainant shall be reminded that he/she will be notified of the decision of the FPH Registrar/President/President's nominated officer within 10 working days.
- 7.7** In certain cases it may be possible for the Hearing Panel to briefly confer in private and communicate immediately the outcome of the discussion to the complainant.
- 7.8** The Panel shall then consider the matter in private. The Secretary shall be recalled to record the decision of the Hearing Panel.
- 7.9** The views and decisions of individual Hearing Panel members shall always be treated as confidential.
- 7.10** Following the meeting the Secretary shall prepare a written report summarising the proceedings and the recommendations of the Hearing Panel. This shall be sent to the FPH Registrar/President/President's nominated officer within 5 working days of the Hearing Panel.
- 7.11** A copy of the written report will be presented to the next meeting of the FPH Board.
- 7.12** The FPH Registrar/President/President's nominated officer will consider the recommendations of the Hearing Panel and communicate his/her decision to the complainant within 10 working days of the Hearing Panel. A copy presented to the next meeting of the FPH Board.
- 7.13** The decision of the FPH Registrar/President/President's nominated officer is final.

Complaints Register

To help the Faculty learn lessons from the complaints received, a complaints register will be maintained by each Department. This will be reviewed periodically by the Senior Management Team and relevant Faculty Officers, with the aim to identify trends that indicate a need to review the procedures and regulations. The Complaints Register will also inform the FPH Risk Register.

January 2014