

Making a complaint about a Member of the Board of the Authority

1. Introduction

- 1.1 The Professional Standards Authority (the Authority) is committed to providing a high-quality, accessible, responsive and transparent service. Any complaints or concerns regarding members of the Authority's Board or its committees will be fully investigated and appropriate action will be taken.

2. Scope

- 2.1 This procedure is for dealing with complaints against those individuals appointed to the Authority in relation to their role with the Authority.
- 2.2 This process is not designed to deal with complaints about the work of the Authority, its policies or its staff which are dealt with under our 'How to complain about us' procedure.
- 2.3 The procedure described in this document provides a formal route for complaints about the members of the Authority's Board.
- 2.4 In order to seek an early resolution of the issue, those making a complaint are encouraged to raise concerns directly with the individual about whom they are concerned in the first instance. Where this does not resolve the issue, or in situations where this is not appropriate or feasible, the two-stage complaints procedure set out in this document should be used.
- 2.5 Where the person making the complaint is an employee of the Authority they should, in the first instance, speak to their Director.

3. How to make a complaint

- 3.1 Complaints should be drawn to our attention at the earliest opportunity and ideally within six months of the issue giving rise to the complaint.
- 3.2 You can make your complaint in writing or by telephone. If you make your complaint in writing please provide your telephone number, if a response by telephone would be convenient. If you email your complaint, please say whether a reply by email would be acceptable and, if not, please provide a full postal address.
- 3.3 In all cases, you will be asked to sign a declaration confirming that you have no objection to the individual involved seeing your complaint, and that the information you have given is true and accurate.

- 3.4 Complaints should be addressed to the Director of Governance and Operations who will manage the process and may be contacted as follows:

Director of Governance and Operations Professional Standards Authority for Health and Social Care 157-197 Buckingham Palace Road London SW1W 9SP Telephone: 020 7389 8050 Email address: info@professionalstandards.org.uk
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- 3.5 Where a complaint is made in writing, it will help us to process it more quickly if you use the complaint form, which can be found on our website.
- 3.6 All complaints in writing, whether made on the form or not, should include the following:
- A clear description of the circumstances giving rise to the complaint
 - Confirmation of whether or not you have already raised your concerns with the individual(s) subject of the complaint and if you have, what the outcome was
 - A description of what from your point of view would be a satisfactory resolution of the issue
 - Your full postal address or email address and telephone number.
- 3.7 If you make your complaint by telephone, we will ask for the above information either when you initially call or arrange to call you to obtain the information. We will then send you the completed form and ask you to sign the required Declaration stating whether you have an objection or not to the individual involved seeing your complaint, and that the information you give is true and accurate.

4. Stage 1 - Informal Resolution

- 4.1 We anticipate that many complaints can be resolved at this stage without the need for progression to Stage 2.
- 4.2 The procedure at Stage 1 is as follows:
- 4.3 The Authority will acknowledge receipt of your written complaint (letter or complaint form) within five working days.
- 4.4 The complaint will be investigated by the Chair of the Authority or, if the complaint is about the Chair of the Authority, by the Chair of the Audit and Risk Committee..
- 4.5 The Authority Chair (or Chair of the Audit and Risk Committee) will notify the individual complained about and invite him or her to make representations and may seek such other information as he/she considers necessary to conduct an investigation.

- 4.6 If the Chair (or Chair of the Audit and Risk Committee) considers that your complaint is capable of resolution at this stage, she/he will write to you within 21 days of receiving details of the complaint from the Director of Governance and Operations, setting out the results of the investigation and the suggested resolution. If it is not possible to give a full reply within 21 days, we will contact you to explain why and give you a date by which you can expect a full reply.
- 4.7 If the Chair (or Chair of the Audit and Risk Committee) considers that your complaint is not capable of resolution at Stage 1 of this procedure, she/he will write to you within 21 days, giving notice that your complaint will be referred to a Panel for a formal investigation and hearing under Stage 2 as set out below. If it is not possible to send a full reply within 21 days, we will explain why and give you a date by which you can expect a full reply.
- 4.8 A referral to a Panel under Stage 2 of the procedure may also be made where you advised that you are unhappy with the outcome of the investigation and/or suggested resolution by the Chair (or Chair of the Audit and Risk Committee) at Stage 1. The decision maker will give you reasons in writing for their decision to refer or not to refer to a panel.

5. Stage 2 – Formal Resolution

Complaint Process

- 5.1 Where the Chair (or Chair of the Audit and Risk Committee) has referred your complaint to a Panel for a formal investigation and hearing, your original Complaint and Declaration Form will be used. Where your complaint has been referred, by the Decision maker in Stage 1, because you are not satisfied with the investigation and suggested resolution at Stage 1, your original Complaint and Declaration Form will need to be supported by a signed letter from you saying why you are not satisfied with the Stage 1 investigation and your suggested resolution.
- 5.2 Complaints will be considered within three months of receipt by the Chair of the Panel. The Chair of the Panel may extend this period in exceptional circumstances where extra time may be needed to ensure a fair and comprehensive consideration of the complaint.

Composition of Panel

- 5.3 The Chair will arrange for the complaint to be fully investigated by convening a Panel of three people appointed by the Authority.
- 5.4 In order to ensure that the panel is independent from any initial process and that there is no conflict of interest we will appoint persons external to the organisation to undertake this role.
- 5.5 When appointing Panel Members we will look to the Privy Council and/or the Committee for Public Appointments for guidance and assistance.
- 5.6 The Panel will appoint a Chair from amongst its members.

Procedure

- 5.7 Copies of your Complaint and Declaration Form and any other relevant supporting documentation will be sent to the Panel and the individual who is the subject of the complaint. A written response will be requested from the latter, within a reasonable time to be determined by the Panel.
- 5.8 The Panel will consider the response and make any necessary enquiries, of both you the complainant, and the individual who is the subject of the complaint, to enable it to consider the issues thoroughly. The Panel may also hear evidence and both parties will have a right to an oral hearing, with a 'supporter' present, within a reasonable time to be determined by the Panel.
- 5.9 If neither party requests an oral hearing and the Panel considers it appropriate in all the circumstances, the matter may be considered on the written evidence alone.

Administrative provisions

- 5.10 All decisions of the Panel will be made by a simple majority of votes.
- 5.11 Meetings of the Panel will be held in private.
- 5.12 The Panel may seek any advice, including independent legal advice or secretariat support as it reasonably sees fit. On conclusion of its enquiries and of any hearing, the Panel will decide whether the complaint is upheld and if so, what action or sanction is appropriate.

Actions

- 5.13 If the Panel concludes that the complaint is not substantiated it will recommend to the Authority that no action be taken. If, on the other hand, the Panel concludes that it is substantiated, it will recommend to the Authority one or more of the following:
 - That the individual be admonished by the Board and that this be recorded in the relevant minutes.
 - That the Authority recommends to the Privy Council removal of the individual from office under the appropriate provisions.
 - That a report be made to the police, or other authority, if appropriate.
- 5.14 The Chair of the Panel will then prepare a report of the complaint, the Panel's findings, its recommendation(s) and the reasons. This will be made available to the parties involved as soon as possible. A copy of the report will also be sent to the Authority.

Authority Procedure

- 5.15 The Panel's report and recommendation(s) will be considered in private session at the next meeting of the Board. Where the Panel has recommended that the police be informed of the matter, no report shall be made public until the conclusion of any action by the police or prosecuting authorities.

- 5.16 The Authority may:
- Agree to the recommended action by a majority vote of those present and voting excluding the member in question or
 - In exceptional circumstances, remit the matter to the Panel for further consideration.
- 5.17 Where the Authority has accepted the Panel's recommendation, a report on the outcome of the matter will then be made in the public session of the Authority, save in those cases where an investigation by the police or other authority has been recommended and has not been concluded.
- 5.18 Where an action has been recommended it will be put into effect as soon as practicable.
- 5.19 Where the Authority has remitted the matter to the Panel for further consideration, it will set out in writing the reasons which have caused it to remit the matter to the Panel, and it may advise the Panel of the factors which it believes the Panel should take into account when giving further consideration to the complaint.
- 5.20 For the purposes of the reconsideration, the Panel may, in exceptional circumstances, be composed of different individuals from before.

Further consideration by the Panel

- 5.21 The Panel will review its decision, in the light of the reasons and advice provided by the Authority, within 21 days of remittal by the Authority
- 5.22 The administrative provisions set out at paragraphs 5.12 – 5.14 will apply on a further consideration by the Panel of the complaint.
- 5.23 When the Panel has finished its further consideration of the complaint, it will resubmit its original report to the Authority together with its findings, recommendations and reasons from its further consideration. These will also be made available to the parties involved.
- 5.24 The Panel's new report will be considered in private session at the next meeting of the Authority, which will accept the Panel's decision and recommended action, in which case the provisions at paragraphs 5.20 - 5.22 above will apply.

6. If you are not satisfied with the final response from the Authority

- 6.1 The acceptance by the Authority of the Panel's decision and recommended action concludes the Authority's complaints procedure. If you are dissatisfied with the Authority's final decision and wish to pursue the matter further you may complain to the Privy Council.
- 6.2 You may also wish to seek separate independent legal advice.