



Procedure for dealing with Complaints about CPE Committee members

1. Purpose and Scope

The Code of Conduct for Community Pharmacy England sets out the expected values and behaviours of all Committee members to best support their work and the long-term success of community pharmacy in England.

The Code describes how Committee members can individually and collectively support the Values and Behaviours including highlighting and calling out potential instance of non-compliance. However, there may be instances where a Committee member is unable or unwilling to do this, or where a non-Committee member, for example a member of staff, a pharmacy owner or member of the public, has a complaint about a specific Committee member.

The Committee takes any complaints against Committee members seriously. This procedure sets out how such complaints can be reported and how they will be handled.

The Code of Conduct and this procedure apply to Committee members and any observers with the Committee and subcommittee, as well as members of other sub-groups, for example working groups. The use of the term "Committee member" in this procedure includes all of the above roles.

This procedure relates to complaints about the conduct of an *individual* Committee member. It may also be used to investigate complaints relating to a breach of confidentiality where no Committee member is identified but one is suspected.

Separate procedures are in place for complaints about the services provided by Community Pharmacy England.



2. Making a Complaint

Complaints should be made to the Chair of the Governance and People Subcommittee (G&P Subcommittee) or the Independent Chair of the Committee. Complaints should be sent by email to Gordon Hockey, Director, Legal (Gordon.Hockey@cpe.org.uk).

3. Procedure for dealing with Complaints

3.1 Initial Assessment

The Chair of the G&P Subcommittee will make an initial assessment of the complaint and decide whether to deal with the matter themselves, or to refer it for formal review and investigation.

This initial assessment will take account of a range of factors including the nature of the complaint and evidence provided, the circumstances, proportionality, any previous complaints and any previous concerns regarding the Committee member's behaviour. It is recognised that a failure to exhibit exemplary or good conduct does not necessarily mean that a Committee member is in breach of the Code of Conduct. Even where there is evidence that the Code may have been breached, the Chair of the G&P Subcommittee may decide that dealing with the matter themselves, informally, is in the best interest of Community Pharmacy England, for example, by providing advice, guidance or support or informal rebuke to the Committee member.

Community Pharmacy England will not consider abusive, persistent, frivolous or vexatious complaints.

The Chair of the G&P Subcommittee, or their nominee, will usually contact the complainant within ten working days and inform them of initial steps and expected timeframes. They may decide:

1. To deal with the complaint themselves.
2. To refer for formal investigation under this complaints procedure.
3. To refer to a different CPE complaints process.

4. The complaint should be closed and will explain why – this may be because they do not consider it meets the threshold for a complaint to be dealt with under (1), (2) or (3) above, or that it is abusive, persistent, frivolous or vexatious.

Exceptionally, the Chair of the G&P Subcommittee may decide that the matter is so serious that it needs to be referred to another body.

The Committee member concerned will usually be informed at this stage about the complaint and if/how it will be investigated. However, there may be circumstances where it is not appropriate to inform the Committee member.

In instances where the complaint relates to a breach of confidentiality where no Committee member is identified but one is suspected, the Chair of the G&P Subcommittee or their nominee or appointed investigator may undertake an initial investigation to ascertain which Committee member (if any) has breached confidentiality. The Chair of the G&P Subcommittee will then decide whether to deal with the complaint themselves, refer it for formal investigation, or close the complaint. The decision of the Chair of the G&P Subcommittee in terms of communicating with relevant parties is final. The complainant may appeal to the G&P Subcommittee against the Chair's decision determining the course of action.

3.2 Formal investigation

Responsibility for formal investigation of complaints has been delegated to the G&P Subcommittee. The G&P Subcommittee determines the form of investigation required and how it should be undertaken and by whom, taking account of the resources available and any confidentiality issues, and ensuring that the investigation is proportionate to the complaint. The aim of any investigation is to understand the circumstances and identify any action needed to enable the effective operation of Community Pharmacy England in the long-term best interest of community pharmacy in England.

The G&P Subcommittee, which may appoint an investigator to assist its investigation of the complaint, will usually inform both the complainant and the Committee member concerned of the G&P Subcommittee's decision regarding the form of investigation and the anticipated timeframe for the investigation. They will usually do this as soon as practicable; however, there



may be instances when they decide it is not appropriate to update either the complainant or Committee member concerned.

The G&P Subcommittee has the right to determine that an investigation is not needed and that the complaint should be closed. This may be because it does not consider it meets the threshold for a complaint to be dealt with, or that it is abusive, persistent, frivolous or vexatious. The complainant will be informed if this is the case.

The investigation will be undertaken in accordance with the G&P Subcommittee's agreed approach and timeline.

The complainant and/or Committee member concerned may be asked for more information as part of this process and signed statements may be requested. All Committee members are expected to cooperate with the investigation and provide relevant factual information, including the Committee member who is the subject of the investigation, and signed statements may be requested.

3.3 Determinations

The G&P Subcommittee will consider the findings of an investigation. It may determine that there is no case to answer and that the complaint is not upheld.

If the G&P Subcommittee decides to uphold the complaint, it will agree any action needed in relation to the Committee member concerned. It may determine:

1. To give informal advice, guidance or support to the Committee member
2. To give a formal rebuke, which is reported in confidence to the Committee
3. To recommend one of the following actions to the Committee for its consideration and agreement:
 - i. To give a formal, public rebuke
 - ii. To exclude the Committee member from attendance at one or more meetings of the Community Pharmacy England Committee or its subcommittees or other groups (or other action appropriate to the breach) for a fixed period, while ensuring that the sanction avoids prejudicing the interests of pharmacy owners represented by the individual

- iii. To exclude the member from the Committee, subcommittee or other group; a new member would be appointed to their position, and they would be ineligible to rejoin the Committee (or subcommittee or other group) for a period of three years from the date of the determination.

The G&P Subcommittee, or its investigator or nominee, will inform both the complainant and Committee member concerned when the G&P Subcommittee (and Committee, if necessary) have concluded their deliberations. The complainant may be informed of the outcome and action being taken, but this will be dependent on the nature of the complaint and circumstances, including any need for confidentiality.

4. Appeals

4.1 Complainant

Decisions of the G&P Subcommittee and Committee are final and there is no right of appeal for the complainant.

4.2 Committee member

Committee members who are the subject of a complaint have the right to appeal any sanctions awarded by the G&P Subcommittee (i.e. advice, support or formal rebuke under s3.3, points 1 and 2, above). Any such appeal will be considered by the Committee whose decision is final.

There is no right to appeal any sanctions determined by the Committee (i.e. formal public rebuke or exclusion, under s3.3, point 3(i) to 3(iii) above) but if there is an error of fact or law identified by the Committee member, the Committee will review its decision.

5. Review of the Procedure

The G&P Subcommittee will review the procedure at least every three years and recommend any changes to the Committee for its approval.



All complaints considered by the Chair of the G&P subcommittee will be reported to the G&P subcommittee. The number of complaints considered by the Chair of G&P and the G&P subcommittee will be reported to the Committee.