



Concerns and Complaints Policy Guidance for Care Professionals

About the Concerns and Complaints Policy

This document is intended to provide guidance to registrants on the VCPR should they have any concerns or complaints about the VCPR itself and/or any concerns or complaints that are raised about your suitability to be on the VCPR professional register that are to be investigated according to this policy. Registrants are advised to read VCPR's Concerns and Complaints Policy in tandem with this guidance.

1. Complaints or Concerns about the VCPR itself.

If a registrant has any complaints or concerns in regard to the register itself, these will following processes will be used:

Stage 1 - All formal complaints, Informal complaints or reporting a non complaint (a concern) – to be discussed informally with a member of the VCPR Team, kept as a record and agreed actions take place with 7 days.

Please email registration@vcpr.co.uk in the first instance, outlining details of your concern, to include a contact phone number, and a member of the VCPR team will get in touch to discuss further and seek an appropriate and agreeable solution/action to resolve the concern. All details will be kept as a record by the VCPR Team, and all agreed actions will be implemented within 7 days

Stage 2 - Formal Complaint– written complaint – written response within 28 days

If you wish to make a formal written complaint about the VCPR, please send this to the VCPR Team, 20 London Road, Neath SA11 1LR. Once received, we will confirm receipt of your complaint via email.

We will also contact you, to confirm the details of your complaint, to ensure that we are fully conversant with the issues, and if there is anything else you may need to add.

Your complaint will be discussed by the VCPR Committee, and a written response will be provided within 28 days.

Stage 3 - If the complaint raised in Stage 2, has not been satisfactorily resolved, it will be escalated to Stage 3 of the process, and passed to the Data Protection Officer (DPO) for the VCPR or CEO, and a final written response will be provided within 28 days.

In case of complaints regarding Data Protection you can after following our full complaints procedure complain to the Information Commissioners Office.

Data Protection Officer

The VCPR has a designated Data Protection Officer (DPO), whose details are recorded with the Information Commissioners Office (ICO). The name of our DPO is Paul Featherstone, and can be contacted by email at dpo@vcpr.co.uk

2. Complaints and Concerns Against a Registrant

What does the Concerns and Complaints policy look at?

For a concern or complaint to pass our threshold for investigation, it means more than a suggestion that a professional has done something wrong. It means a concern about your conduct, competence or character and that this concern is serious enough to suggest that the registrant is unfit or

unsafe to practise without restriction, or at all. Our focus is on current impairment; that is whether a registrant may continue to present a risk.

The areas that we would consider are:

- Lack of professional competence
- Findings of a statutory body or accredited register in the health and social care sector to the effect that the registrant's ability to practice is impaired.

These areas of concern are laid out in more depth in VCPR's Code of Ethics and Professional Conduct.

Who can make a complaint against me?

Anyone can make a complaint against you if you:

- are on the VCPR professional register now and at the time of the alleged incident(s);
- are on the VCPR professional register now, but were not at the time of the alleged incident(s), AND where it is determined that it would be in the public interest that the concern or complaint should be considered

Concerns or complaints should normally be made within the time that the VCPR has been active.

Our approach to investigating concerns and complaints

We take a proportionate, risk-based approach to investigating complaints or concerns that are raised with us. Our aim is to enable our decision makers to make decisions that are correct, consistent, evidence-based and fair at the earliest opportunity.

The principle we will take is one that will address a concern or complaint in as quick and effective a manner as possible, provided it meets the needs of all parties, including maintaining the integrity of professional registration.

If you are already the subject of an inquiry by the police, employer or other body, or there is ongoing criminal, civil or regulatory proceedings, we may

defer the investigation or referral of a concern or complaint against you until these inquiries or proceedings are concluded.

When will I be informed if there is a complaint against me?

The complainant must have given their consent for VCPR to disclose the complaint to you. You will be informed that a complaint has been made against you after we have triaged the concern or complaint. Triage is carried out by the chair of VCPR's Complaints Committee. If we find that the concern or complaint does not meet our threshold for investigation (it does not fall into any of the categories listed above), we will confirm with you that there is no case to answer. We will not provide you with the name of the complainant.

If the complaint is one that we are able to proceed with, we will investigate the complaint against you. This will be carried out by the Complaints Panel. We will formally notify you of the complaint by email. At this point you will be told the nature of the complaint and – aside from exceptional circumstances - be told the name of the complainant. It is our normal practice to notify you by email within 10 working days of a decision to proceed. If we do not get a response from the email address, we will send you the complaint by recorded delivery to the address held on our database.

What is VCPR's position in relation to anonymous complaints?

Anonymous concerns or complaints will only be considered on rare occasions - it is not the practice of VCPR to investigate anonymous complaints. When such a concern or complaint is triaged, we will assess whether the information received is independently verifiable or admitted by you. If this is the case, then the complaint may proceed without a complainant.

Confidentiality

The duty of confidentiality exists even when work with a client has ended. However, if you are subject to a complaint, you may need to share

information with relevant parties such as your line manager. If you are calling on support outside your organisation, you will need to ensure that the appropriate confidentiality arrangements have been made.

You will not be in breach of confidentiality when responding to VCPR about the complaint. This is because the complainant waived their right to confidentiality when they lodged the complaint. We understand that you may be apprehensive about including information which may seem critical of the complainant or give a view of their health, especially since the complainant will be provided with a copy of your response. If you decide to comment on these aspects, please do so in a respectful manner. You should only disclose information that is necessary and relevant to the complaint.

You are at liberty to submit any documentation which you feel will help support you, such as a supporting statement from your line manager. If you decide not to submit these documents at this stage, you may decide to submit them later if the complaint progresses.

What happens when I receive a copy of the complaint?

Being subject to a complaint can be unsettling and nerve-racking. It is important that you get through this process and feel supported. We suggest that you contact your line manager, supervisor, union representative or peer mentor for any support and advice they can give.

VCPR will convene a Complaints Panel to examine the concern or complaint. This three-member panel will be made up of members of VCPR Board of Directors and Complaints committee. This committee comprises practising professionals, managers, and lay people with lived experience of the care working vocation. In keeping with our desire to come to a decision as quickly as possible, the Complaints Panel will look to resolve the concern or complaint as simply and effectively as possible.

- We will send you a copy of the complaint and any documentation supporting the complaint. As stated above, we will send this within 10 working days of the decision to proceed to an Initial Investigating Panel.
- We will advise you of VCPR's Concerns and Complaints process and invite you to submit written representation together with any supporting documentation. These should be received within a further 14 working days.
- where any representations are received, the Complaints Panel may send the complainant a copy of the written representations and invite the complainant to provide any written comment on those representations to the panel within 10 working days. You will be sent a copy of the complainant's response; any confidential client-specific information contained in any correspondence may be redacted;
- you and complainant will be notified in writing, of the decision, along with an explanation of that decision, and any proposed outcomes, within a further 20 working days;
- If the panel considers that you have not done anything wrong or that the concern does not warrant any action, we will confirm this in writing and no further action will be taken; the complainant does have the right to appeal such a finding, but only where they can provide evidence that the panel made their decision against the weight of the available evidence or where there is new evidence that was not available during its deliberations and that the reasons for not submitting the evidence are compelling;
- if the panel considers that you have done something wrong, this may result in outcomes for you such as, but not limited to, requesting a written apology to the complainant, issuing a written warning to the you. The outcomes are not designed to punish, but to recognise and provide opportunities for improvement.

How does the Complaints Panel reach its decision?

The standard of proof shall be the civil standard i.e., on the balance of probabilities

The decision of the Panel will be made on the following basis:

- if the allegation has been proven or admitted. The standard of proof shall be the civil standard on the balance of probabilities; the decision will be reached by a verdict of most of the panel.
- whether the proven or admitted allegations amount to a breach of VCPR's Code of Ethics and Professional Conduct;
- whether such breaches are such that it is not suitable for the registrant to remain on the register without any sanctions;
- if appropriate, what sanctions are to be applied

The Panel will make its decision and notify you of it within 10 working days of the Panel hearing. The decision made by the Panel and the reasons for it will be stated in a short final decision statement and this decision statement will be sent to you (as well as the complainant, and, where appropriate, your employer).

If we find that the concern or complaint is not upheld no further action will be taken against you and this will be notified in writing to you (as well as the complainant and, where appropriate, the employer).

If the Panel finds that the complaint or concern against you is upheld, we will also notify you of the sanction that has been agreed. We will explain what the sanction means in practice and, where appropriate, how long it will last. We will also notify you of the right of appeal and the basis on which the appeal should be lodged.

Where a sanction is put in place (pending any appeal), this sanction will be available to public view on the register for as long as the sanction applies.

How does an appeal work?

Both you and the complainant may appeal the decision to a specially convened Appeal Panel. An appeal will be considered on any of the following grounds:

- the decision of the Complaints Panel was not supported by the weight of available evidence;

- where a complaint has been upheld, the level of sanction applied does not adequately reflect the level of misconduct - it is disproportionately severe in your opinion, or it is unduly lenient in the opinion of the complainant;
- there appears to have been a procedural error that has had a material impact on the findings and decision of the Panel;
- there is new evidence which was not available to the panel during its deliberations. If new evidence is presented the appeal panel will need to decide whether the reasons for not presenting the evidence in the first instance are compelling and therefore admissible. The panel will then need to decide whether the original Panel would have made a different decision if it had been aware of the new evidence when it sat.

Appeals must be submitted in writing within 20 working days of receipt of the decision letter from the Panel. Where new evidence is being submitted, the nature of this evidence must be disclosed at the time of the appeal.

The application for appeal will be considered by a member of VCPR's Complaints committee who was not part of the original CP.

The decision to reject or allow an appeal, along with the basis for that decision, will be provided to you or the complainant within 15 working days. Where the appeal is not granted, this will be put in writing to all relevant parties and the matter will be considered concluded.

Where an appeal is granted, this must take place no sooner than 25 working days from the date it was agreed the appeal should proceed. The location and format of the appeal will be by mutual agreement. The grounds for allowing the appeal will be put in writing.

Where new evidence forms the basis of the appeal this must be received within 10 working days of the appeal. Where representation is requested, the name of any such representative must be received within 10 working days of the date of appeal hearing.

Where new evidence forms the basis of the appeal this must be shared with the other party within 7 working days of the date of the appeal hearing.

The appeal will be considered by three people who did not sit on the Complaints Panel and (the Appeal Panel may include the person who

reviewed the application for the appeal) and an independent legal assessor. The format of appeal hearing will be by way of a review of how the Panel made its original decision and whether the grounds for appeal, including any new evidence, allow the original decision to stand.

A representative can attend an appeal to support you. However, the attendance of a witness will only be permitted by the Appeal Panel where it considers any written evidence requires further clarification. The Appeal Panel has the discretion to refuse attendance by a witness if they believe that their attendance is not relevant or will not add any clarification or weight to the issues being considered. Witnesses may be questioned by the Appeal Panel and either party.

Where the person calling the appeal (or their representative) fails to attend the Appeal Panel without due reason, the Appeal Panel has the power to decide to proceed in their absence.

Except where the Appeal Panel decides otherwise the appeal will proceed thus:

- the party making the appeal shall address the Appeal Panel on their grounds of appeal and present any new evidence;
- the party defending the appeal shall respond to the appeal;
- the Appeal Panel may allow either party an opportunity to make a closing submission. A party making the appeal shall have the final word;
- the Appeal Panel will make its decision in private and present their reasons at the time of the appeal and put its decision in writing to both parties. The decision will be reached by a verdict of most of the panel.

The burden shall be upon the party making the appeal to satisfy the Appeal Panel that one or more of the grounds for appeal should be upheld.

The Appeal Panel can make the following decisions:

- dismiss the appeal;
- increase or decrease the level of sanction where the reason for appeal rests on those grounds;
- impose sanctions on you where there had previously been found no case to answer;

- remove sanctions where previously these had been imposed upon you.

The purpose of sanctions

Sanctions are available to a Complaints Panel when they have identified that a registrant is not currently fit to be on the VCPR professional register or is not currently fit to be on the register without any restrictions or limitations.

The purpose of sanctions is to protect the public and to uphold the reputation and standards of the profession. The purpose of a sanction is not to punish the registrant but to enable them to return to safe practice where possible. If the Panel determines that a registrant poses a risk to those who may need their services in the future, the Panel must determine what level of public protection is required and is proportionate.

What range of sanctions are considered throughout the process?

As the VCPR is primarily a values-based register, the Complaints Committee will reserve the right to impose a sanction if it considers the complaint to have breached these values and the standards outlined in the VCPR Code of Ethics and Professional Conduct. You are recommended to read the Values Statement and the Codes of Conduct.

However, in outline, the range of options that can apply as the outcome of a Professional Conduct Panel are as follows: a) you would receive a caution;

- you would be required to be suspended from the register for a period not exceeding twelve months;
- you would be required to be removed from the register permanently.

All sanctions come into force on the day after any appeal should have been lodged (i.e., within 20 working days of the decision), or - if an appeal is lodged - from the date the appeal is concluded, and the original concern or complaint is upheld.

Lifting of sanctions

You may apply to the Complaints Committee for a sanction to be lifted. The committee will decide if any sanctions imposed have been fulfilled and whether the sanction should be lifted. You will be notified in writing of this decision and VCPR's will publish this lifting of sanctions on its website.

Failure to comply with sanctions

Failure to comply with sanctions without reasonable excuse within the time specified may result in you being withdrawn from the register.

Restoration of registration status

If you have been removed from VCPR's register, you can apply for restoration to the register after one year.

You must submit a report to show what they have learned from the experience.

The reports must be submitted to VCPR and will be considered by a meeting of the Complaints Panel.

You will be informed in writing of the decision, and the reasons for that decision, within 25 working days.