



VCPR Concerns and Complaints Policy

Professional Standards

To remain on the Voluntary Care Professional Register, Care Professionals must maintain professional standards and abide by its **Values Statement**. By maintaining professional standards, we mean where a registrant has both the technical professional skills and the requisite professional behaviour, knowledge, and health to practise safely and effectively as stated in both the **Values Statement** and the **VCPR's Codes of Ethics and Professional Conduct**.

Being professional is about more than being technically competent. Whilst ensuring professional standards is about registrants keeping their skills and knowledge up to date to work within this field of competence, it is also about ensuring registrants treat service users with dignity and respect and act with honesty and integrity. As such ensuring professional standards may also involve issues outside of professional or clinical performance.

The conduct of a professional outside of their working environment may involve ensuring professional standards where it could affect the protection of the public or undermine public confidence in the profession. One of the ways we make sure that professionals maintain professional standards is by investigating concerns we may receive about them.

1. The types of concerns we may consider:

The VCPR cannot consider every concern about a registrant, only those where there appears to be a clear breach of the VCPR values statement and poses a risk to the safety of service users, colleagues or the public or where the registrant may undermine public confidence in the profession. In some of the areas of concerns that are reported to us there may already be the involvement of an employer whose own policies may have been breached. In such cases we may work with the employer to resolve the concerns.

1.1 Below are some of the types of issues we **may be** able to consider:

- Lack of professional competence:
- an apparent breach of the VCPR Values Statement.
- 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.

1.2 Where we receive a concern or complaint about a registrant and that registrant is 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 until the inquiry or proceedings are concluded. Where this is the case, we will inform the complainant at the earliest opportunity.

1.3 Ensuring professional standards means more than a suggestion that a professional has done something wrong. It means a concern about their conduct, competence, health and wellbeing or character. This is serious enough to suggest that the registrant is unfit or unsafe to practise without restriction, or at all. Our focus will be on the current impairment; that is whether a registrant may continue to present a risk.

2. Our approach to fitness to ensuring professional standards VCPR is committed to ensuring that where relevant, it will carry out an efficient, effective, process to hear the complaint. This ensures that the right action is taken to manage any potential risk to public protection. We recognise that parties to a complaint hearing, may have differing views about the services provided by a registrant and the incident(s) that gave rise to a concern. We are mindful of balancing the full range of views in undertaking our enquiries. **Our Code of Ethics and Professional Conduct, and Values Statement** that we expect our registrants to adhere to. When we consider a concern or complaint the **and Complaints Committee** (hereafter referred to as The Committee) will assess whether the matters complained of could amount to a breach of those standards. The 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.

3. Who can raise a concern or complaint?

3.1 A concern or complaint can be raised by anybody: a member of the public; a service user or their family, an employer or another professional. Any concern or complaint should be put in writing using our downloadable complaints form and then emailed to VCPR. A concern or complaint can be raised against a Registered Care Professional, provided they are:

- on VCPR's professional register;
- were on the register at the time of the alleged incident(s);
- on VCPR's professional register now and at the time of the alleged incident(s)

3.2 Concerns or complaints will only be considered where the alleged incident(s) was during the time the VCPR itself was active.

3.3 The complainant will be required to provide a detailed written account of the practice giving rise to the concern or complaint, together with details of the dates when the alleged event(s) occurred. In submitting a concern or complaint in writing, and where The Committee deems that it falls within their remit to investigate, this will be taken as permission to inform the registrant of the concern or complaint.

3.4 Where a concern or complaint has been considered and not upheld (i.e., where no wrongdoing has been found) by another organisation, the decision makers may decide not to consider a concern or complaint based on the same conduct. A written explanation for this must be given in writing to the complainant.

3.5 Anonymous concerns or complaints will not be considered

3.6 The Concerns or Complaints procedure is designed to offer protection to those who raise concerns or complaints in good faith and in the reasonable belief of the complainant that it indicates potential malpractice or misconduct. All disclosures will be treated in a confidential manner. In pursuing the investigation, the identity of the individual making the allegation will be kept confidential.

All information received will be treated in line with VCPR's Privacy Policy. Anyone who wishes to raise a concern or complaint should

download the form here and email it to enquiries@vcpr.co.uk and title your email “request to lodge a concern or complaint.”

4. What happens when a concern is raised?

4.1 When a concern or complaint is received it will be referred to, and triaged by, the VCPR’s Registration and Professional Standards Committee to assess whether it is something VCPR is able to address. We aim to notify the complainant in writing within 15 working days either of our intention to move forward with the concern or complaint, or that we are not able to address it. If VCPR is not able to address this concern or complaint, we will put our reasons in writing.

4.2 Complaints Panel (CP). If we feel the concern or complaint is something we can address, it will be considered by the VCPR Complaints Panel the CP will:

4.2.1 send the registrant a copy of the complaint and any documentation supporting the complaint within 10 working days of a decision to proceed;

4.2.2 advise the registrant of VCPR’s Concerns and Complaints process and invite them to submit written representation together with any supporting documentation. These should be received within 14 working days;

4.2.3 where any representations are received, the CP may send the complainant a copy of the written representations and invite the complainant to provide any written comment on those representations to the CP within 10 working days. The registrant will be sent a copy of the complainant’s response; Any confidential client-specific information contained in any correspondence will be redacted;

4.2.4 the registrant and complainant will be notified in writing, of the decision, an explanation of that decision, and any agreed outcomes, within a further 20 working days;

4.2.5 if the CP has been advised of a complaint being investigated by an employer as part of their internal disciplinary procedure the CP will wait until it hears of the outcome, before reaching a decision.

4.2.6 if the CP considers that the concern or complaint is upheld, but that the matter this may result in outcomes for the registrant such as, but not limited to, requesting a written apology to the complainant, issuing a

written warning to the registrant. In rare instances the CP may reserve the right to recommend the removal of a registrant from the VCPR.

4.2.7 if the CP are advised by an employer that a registrant has been dismissed from their employment because of gross misconduct, the registrant will automatically be removed from the VCPR.

4.2.8 the details of why any registrant have been removed from the VCPR will not be made public.

4.2.9 a complainant can appeal against the decision of the CP where the panel has decided not to proceed with the concern or complaint. The appeal must be in writing and accompanied by evidence to support the appeal. An appeal can only be made on the grounds that:

- the decision of the panel was not supported by the weight of available evidence;
- there is new evidence which was not available to the panel during its deliberations.

If new evidence is presented, the Complaints Panel will need to decide whether the reasons for not presenting the evidence in the first instance are compelling and therefore admissible.

5. Communicating the Decision

VCPR will send a notice of decision to:

- a) the registrant
- b) the complainant
- c) any relevant third party.

The notice of decision will set out the panel's findings, the reasons for its decisions, notice of any sanction and the duration and commencement of that sanction. It will also set out the right of appeal. This notification will be sent within 10 working days of the meeting.

6. Appeals decisions of the Complaints Panel

Either party may appeal the decision. If either party is not satisfied with the CP's decision, they can appeal to a specially convened Appeal Panel.

6.1 An appeal will be considered on any of the following grounds:

- the decision of the 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 unduly lenient in the opinion of the complainant, or it is disproportionately severe in the opinion of the registrant
- there appears to have been a procedural error that has had a material impact on the findings and decision of the CP;
- 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 CP would have made a different decision if it had been aware of the new evidence when it sat;

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

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

6.4 The decision to reject or allow an appeal, along with the basis for that decision, will be provided to the person appealing 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.

6.5 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;

6.6 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;

6.7 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;

6.8 The appeal should be considered by three people who did not sit on the CP (and this **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 CP made its original decision and whether the grounds for appeal, including any new evidence, allow the original decision to stand;

6.9 A representative or witness can attend an appeal to support either side. 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;

6.10 Where an appellant (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;

6.11 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

6.12 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 the registrant where there had previously been found no case to answer
- remove sanctions or any Interim Suspension Order where previously these had been imposed

7. Sanctions

The purpose of any sanction 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 CP determines that a registrant poses a risk to those who may need their services in the future, they must determine what level of public protection is required and is proportionate. Where a concern or complaint has been upheld the CP may reserve the right to:

- a) caution the registrant and require that a record of the caution be placed on the registrant's entry in the register for a period of up to five years;
- b) require the registrant to be suspended from the register for a period not exceeding twelve months;
- d) require the registrant 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.

Where an appeal is lodged, and the decision of the CP has been either suspension from the register or removal from the register, then the CP may issue an Interim Suspension Order. The Interim Suspension Order will last until the outcome of any appeal.

8. Lifting of sanctions

The registrant 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. The registrant will be notified in writing of this decision.

9. Failure to comply with sanctions

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

10. Restoration of registration status

10.1 Registrants removed from VCPR's register can apply for restoration to the register after one year.

10.2 The former registrant must submit a report to show what they have learned from the experience.

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

10.4 The former registrant will be informed in writing of the decision, and the reasons for that decision, within 25 working days.

11. The decision makers

VCPR's decision makers will be drawn from members of the Board of Directors and the Complaints Committee. Members of this committee include practising Care Professionals, managers in a health or social care setting and lay members. The decision-making process will take the form of a Complaints Panel. The Complaints Panel will consist of three people, one of whom should be a lay member. One of the Panel will be designated the chair. The chair will gather information and subsequently communicate the outcome of the remainder of the Complaints Panel.

An appeal panel will also consist of people who have not been on the Complaints Panel

13.1 Declaration of interest.

Members of either Panel have a duty to declare any interest in relation to the particular concern or complaint which may be considered as affecting their impartiality, or likely to be thought to do so. Wherever reasonably possible, in any such situation, that person should withdraw from involvement in that case.