

Policy for dealing with complaints about Council (and committee) members

Purpose

1. This Policy sets out the procedures to be followed in dealing with a complaint about a Council member, where it is alleged or appears that the conduct of the Council member has fallen below the standards expected.

Scope

2. The standards expected of Council members are as set out in the Code of Conduct for Council Members. Any alleged breach of the Code or other conduct unbecoming of a Council member should be considered in accordance with this Policy.
3. Poor performance on the part of a Council member would normally fall outwith the scope of this policy and be dealt with by means of advice issued to the Council member by the President / Registrar. However, consistent poor performance that goes unremedied, or exceptionally poor performance, may be matters when a Council member could be declared unfit to be a member of Council and, therefore, becomes an appropriate matter to be dealt with under this policy.
4. Complaints about a Council member should be raised in writing with the President and Registrar. In the event that the complaint relates to the President then it should be raised with the Senior Vice President and the Registrar.
5. In the event that the complaint relates to actions of Council as a whole, these should be raised with the Privy Council: <https://privycouncil.independent.gov.uk/work-of-the-privy-council-office/complaints>.

Who can bring a complaint?

6. Complaints may be brought by anyone including Council members, MRCVS', RVNs and employees of the RCVS and should be raised as soon as practicable, and in any event no later than [6] calendar months after the date of the alleged misconduct (or the date on which the complainant became aware of it). The President (or as the case may be Senior Vice President) may dispense with the time limit, if they consider that there were exceptional circumstances and that it is reasonable to do so.
7. Should the complaint be brought by a third party, then the complainant must ensure the individual concerned is aware of the complaint and happy for it to proceed.

Procedure re: Complaint

8. Upon receipt of a complaint the President / Registrar (or as the case may be Senior Vice-President may:
 - a. Conclude that the complaint does not fall within the scope of this policy, and will notify both the Complainant and Council member accordingly; or

- b. Direct that the matter should be referred to Stage 1

Stage 1 – Informal Resolution

9. The complaint will be investigated by the President (or Senior Vice-President). The President (or Senior Vice-President) will notify the Council member complained about and invite them to comment on the complaint and make representations. The President (or Senior Vice-President) may also seek such other information as they consider necessary to carry out an investigation. If the President (or Senior Vice-President) considers that the complaint is capable of Informal Resolution, they will notify the parties of the results of the investigation and the proposed resolution. Resolution could involve mediation between the parties or a written warning or such other resolution as is considered appropriate including to dismiss the complaint or to uphold the complaint but with no further action taken.
10. If the President (or Senior Vice-President) considers that the complaint is not capable of informal resolution and / or if it is considered that, if upheld, it is such that it could lead to the suspension or removal of the Council member, they will write to all parties to advise that the matter will be referred to Stage 2 for Formal Resolution by a Panel (see below).
11. A referral to Stage 2 may also be made if the Complainant is unhappy with the outcome proposed resolution at Stage 1. The President (or Senior Vice-President) will write to the parties giving reasons for their decision to refer or not to Stage 2.
12. The President (or Senior Vice-President) may delegate responsibility for contacting parties and other administrative functions to an appropriate member of RCVS staff.

Stage 2 – Formal Resolution

13. Where Formal Resolution is directed, the President (or Senior Vice-President) will direct this to be carried out by one of the Legal Assessors appointed to the RCVS under paragraph 6 of Schedule 2 to the Veterinary Surgeons Act (VSA) 1966, who shall according to the nature and extent of the complaint decide the appropriate procedures to be followed to determine the complaint; to include, for example, written submissions / formal hearings. The procedures to be followed shall be at the discretion of the Legal Assessor but would ordinarily include the establishment of a Panel of three persons (the Conduct Committee), to include: the Chair of the Audit and Risk Committee, a lay person, and a professional person; to consider the complaint (the lay person and professional person ought not to be members of Council). The Legal Assessor may also delegate responsibility for contacting participants and other administrative functions to an appropriate member of RCVS staff.
14. Upon conclusion of the investigation the Legal Assessor will submit a written report and recommendations to the President / Registrar to include one of the following:
 - a. To dismiss the complaint;
 - b. To uphold the complaint, but with no further action;
 - c. That the Council member should be issued with a written warning;
 - d. That the Council member should be suspended for a period of up to 12 months, or removed from Council.

- e. That the police or a regulatory, law enforcement or prosecuting body be informed of the matter.
15. The President / Registrar will arrange for the Report and recommendation of the Legal Assessor / Conduct Committee to be considered by RCVS Council, in private session which will decide on the appropriate action to be taken.
 16. Any decision by Council as set out in paragraph 14 above should be reported in open session of Council. Where the complaint involves or refers to the health of any person the President may however at their discretion direct that the matter should be kept private and not reported publicly. Similarly, the President may at their discretion determine that no information should be disclosed publicly until the conclusion of any action by the police / other enforcement or regulatory body.
 17. Where Council upholds a complaint about a member (irrespective of the sanction imposed), then if such a member has concerns about the process by which the investigation was handled and within 21 days makes a request in writing for an independent review, setting out in full the reasons for their concerns, the Registrar will appoint an independent barrister or solicitor of at least 10 years' standing to review the way in which the investigation was dealt with and provide a written report. If the report supports the concerns raised by the member, Council will be asked to reconsider its decision.
 18. Where a complaint has been received and before a decision is reached on that complaint (whether at Stage 1 or Stage 2) the member resigns from Council, in the event that the member complained about is re-elected / re-appointed to Council within 2 years of the date of resignation the complaint will be re-activated and considered as set out above.
 19. This Policy may be implemented, if considered appropriate to do so by the President / Registrar, in relation to a complaint against a member of one of the College's Committees (other than Preliminary Investigation Committee (PIC), Disciplinary Committee (DC), Registered Veterinary Nurse Preliminary Investigation Committee (RVN PIC), or Registered Veterinary Nurse Disciplinary Committee (RVN DC)) who is not also a Council Member.

Agreed by Council 8 September 2022