

AMALGAMATED CONDUCT SCHEME FOR MEMBERS

1 Overview

When a complaint is made against any current member, the Society will act promptly and fairly to safeguard the rights of all parties, to protect any individuals that may be at risk and to protect the reputation of the Society or governance body as may be appropriate in the circumstances.

Where possible and appropriate, the Society will attempt to resolve the matter informally by conciliation or mediation if all of the parties to the dispute are willing to participate, however it may be necessary to refer the complaint to a Conduct Hearing Panel.

A complaint upheld by a Conduct Hearing Panel may ultimately result in expulsion from membership of the Society and/or from membership of any relevant governance body/bodies as appropriate.

In circumstances involving serious gross misconduct, serious breaches of Society policies or where there is reason to consider that a member has seriously breached the terms and conditions which govern their membership, the Chief Executive, advised by the Legal team, shall have the authority to suspend and/or remove a member from membership, office or from membership of a governance body, for breach of contract and or terms and conditions of membership.

Where a member has been convicted of an offence, other than a minor offence under the Road Traffic Act or similar circumstance, the matter will be dealt with in accordance with the relevant Regulations.

Complaints about the opinions expressed by a member or content shared by a member publicly on a social media platform should be reported to the social media platform directly or, where relevant, to the police. RPS will not routinely take action to undermine any Members right to challenge and/or criticise any action of RPS. RPS will only consider complaints about such content under the Conduct Scheme where (a) the member is holding themselves out as a representative of RPS on such a platform or (b) where at the reasonable discretion of the CEO the content may infringe common standards of decency or place an individual at risk of harm. Fellows are held to the same standard as ordinary members in this respect.

2 Receipt of Complaint and Initial Action

A complaint may be brought by notifying the Chief Executive of the Society in writing (which shall include by email), of the full nature of the complaint.

Complainants are encouraged to bring their complaints within three months of the event giving rise to the complaint, or within three months of the complainant becoming aware of the circumstances giving rise to the event. It may not be possible to investigate complaints received outside of this timeframe.

Receipt of a complaint will usually be acknowledged by the Chief Executive's Office within five working days.

If a complaint cannot be considered under the Conduct Scheme (e.g. because the individual is not a member or because it relates to personal opinions expressed on social media platforms) the Chief Executive's Office will usually confirm this within five working days.

If, at any stage during the consideration of a complaint, it becomes known that the complaint has already been referred to the GPhC, the Society will take this into consideration when assessing whether to convene a Conduct Panel but is not obliged to delay its proceedings, wait for the GPhC to conclude their investigations or accept the outcome of/agree with the conclusions of the GPhC investigation.

If, in the view of the Chief Executive, advised by the Legal team, there is a risk of serious harm to the wellbeing of any individual, including the complainant or the respondent, or of serious reputational risk to the Society, the respondent may be suspended immediately from membership of the Society and/or any governance body of which he/she is a member. Suspension is not a disciplinary sanction and does not give rise to any finding of guilt on the part of the respondent; accordingly suspension will not prejudice full and proper consideration of the complaint, or its outcome.

3 Preliminary Investigation

Upon initial receipt of the complaint, the CEO will work as appropriately with the Company Secretary/Legal team and Governance Manager/Chair of the Membership Committee in order to consider, within 10 working days of receipt of the complaint, whether the complaint is a vexatious or trivial nature, is purely a matter of personal disagreement or has been brought with the sole aim of deliberately preventing an individual from standing for office or a governance body role. Any complaints of this nature will be dismissed at this stage and the complainant informed of the reasons for the decision.

Any member who is the subject of a complaint that is judged to be vexatious in nature, purely a matter of personal disagreement or brought with the sole aim of deliberately preventing an individual from standing for office or a governance body role will be notified of the complaint and the fact that it has been dismissed as a matter of courtesy at this point. RPS will not notify the subject of a complaint if the complaint is judged to be trivial or if it relates to public social media content.

Should the CEO find there is substance to the complaint it may be necessary to refer the complaint to a Conduct Panel hearing. However, where possible and appropriate, the Society may attempt to resolve the matter by conciliation or mediation if all of the parties to the dispute are willing to participate.

Any member who is the subject of a complaint will be advised of the complaint at this stage and given a copy of the Code of Conduct.

The complaint may also, at any stage in the process, be referred to the GPhC if it relates to a question over the member's fitness to practice, or to the police or other appropriate regulatory body if the matter may constitute a breach of the law.

4 Appointment, Convening and Procedure of Conduct Panel

In the event that a Conduct Panel needs to be convened the Governance Manager, in liaison with the Chair of the Membership Committee, or the Vice-Chair if the Chair is unavailable or it is inappropriate for them to act, shall appoint a Conduct Panel consisting of five members of the Membership Committee, including either the Chairman or the Vice-Chairman as Chairman of the Panel. The Panel will usually be appointed within 10 days. Panel members must disclose any potential conflict of interest immediately upon appointment to allow for a replacement member to be appointed if necessary.

The remaining members of the Membership Committee shall form the pool of available members for the Appeals Panel, should one be required, with either the Chairman or Vice-Chairman as Chairman of the Appeals Panel (which ever has not heard the initial complaint).

At this point both the complainant and the respondent will be notified that a Conduct Panel hearing will be necessary and will be notified in writing of the proposed timetable and any extension or subsequent extension to the timetable. The names of the Panel members will usually be disclosed to the respondent and complainant unless the Legal team have advised this to be inappropriate. The respondent will be provided with the full details of the complaint brought against them, including the name of the complainant unless there is a legal reason which directly prohibits this.

The respondent must be given at least 14 days written notice of the dates of any hearing and shall be notified of their right to make written representations about any of the changes however consideration of the case will proceed whether or not the member has responded. The respondent may also, depending upon the nature of the complaint, be invited to attend the Panel hearing in person but this is entirely at the Panel's discretion and is not an automatic right.

The Conduct Panel will usually be convened within 21 days of being appointed and will usually endeavour to deal with the complaint within 30 days of the Panel being convened. This timetable may be extended where the Chair, in discussion with the Chief Executive and the Legal team, is of the reasonable opinion that due to extenuating circumstances or further investigations meeting this deadline might be impracticable.

Any delays to the timescales outlined will be communicated to all relevant parties.

Once consideration of a case has commenced, any person appointed to a panel will continue to act, irrespective of whether they have retired from the Membership Committee during the course of the consideration.

The quorum for a meeting of the Conduct Panel shall be three and must include the Chair or Vice-Chair. In cases where, due to unforeseen circumstances, a member of the Conduct Panel or Appeal Panel is no longer available, consideration of the case may proceed in their absence, provided that the Panel is always quorate. If it is not quorate, the Chairman or Vice-Chairman of the Membership Committee shall appoint a substitute member from amongst the members of the Membership Committee.

The Conduct Panel will normally conduct their business via a dedicated confidential network, or similar means provided by the Society, but may meet virtually or in person if it is considered necessary.

All Conduct Panel hearings shall be held in private and RPS owes a duty of confidentiality to the complainant, respondent and all other individuals involved in the complaint. A confidential summary record of discussions will be kept for the Society's Governance and Legal records and will not be disclosable in any circumstances unless consent has been granted by all individuals referenced in those records.

5 Findings & Sanctions

Having duly considered all the evidence, the Conduct Panel shall decide whether or not the respondent has breached the Code of Conduct for Members and/or the Terms and Conditions of Membership and/or has brought the Society or the profession into disrepute. A decision does not need to be unanimous but can be by a simple majority. The Panel shall then conclude one of the following outcomes:

- a) dismissal of the complaint, or
- b) uphold whole or part of the complaint

If a complaint is upheld, or upheld in part, the Panel shall then decide on which of the following is appropriate, having regard to the nature and seriousness of the complaint or any action of the respondent taken to mitigate the effect of their behaviour of conduct:

- take no further action
- censure the respondent with or without requiring the respondent to provide an undertaking and/or undertake a specified course of action (eg may be directed to appropriate sources of support; and/or training, and/or mediation)
- the respondent (where they are a Member or Fellow) shall be changed to Associate for a specified period or indefinitely, and may be directed to appropriate sources of support
- the respondent (where they are a Fellow) shall be changed to Member for a specified period or indefinitely, and may be directed to appropriate sources of support
- suspend or remove the respondent from office (including from any other appointment held by virtue of the office)
- call for and accept the respondent's resignation from office and/or membership of the Society
- the member shall have their membership suspended, pending a decision of a court or regulatory authority
- suspend or remove the respondent from membership of the society permanently, indefinitely or for a specified period of time
- the member shall have their membership terminated
- in cases where membership is terminated, the Panel may also decide that the member declared ineligible to apply for membership of the Society for a specified period or indefinitely.

The Panel shall set out its decision(s) in a full written report and shall inform the CEO of the findings and sanctions handed down by the Panel, who will inform the President and Assembly as appropriate. In doing so, all parties shall bear in mind the obligation not to prejudice any appeal or further proceedings through disclosure of the findings and sanctions.

The Panel shall also, in consultation with the Legal team, inform both the respondent and the complainant of the outcome unless there is a legal reason which directly prohibits this.

Unless an appeal from the respondent against the finding(s) of the Panel is received, failure by the respondent to comply with any sanction(s) imposed upon them will result in immediate suspension from membership, pending a further determination by the Panel on the failure to comply, which may include the possibility of potential removal from membership.

6 Appeals

A respondent has the right to appeal the whole or part of the decision of the Conduct Panel in writing, within 14 days of receipt of formal notification of the Conduct Panel's findings. Any such appeal should be

sent to the Chair of the Membership Committee and the Chief Executive and must set out the grounds upon which they are

- a) appealing against the decision of the Conduct Panel, or
- b) appealing against any sanction imposed against them, or
- c) setting out new evidence which they wish to use in their appeal

The Appeal Panel shall not hear evidence, unless new evidence has come to light since the decision of the Conduct Panel, but shall consider whether the complaint has been properly heard under the Regulations and the Members Conduct Scheme, whether the rules of natural justice and any relevant principles of equality or human rights have been satisfactorily observed, and whether the Conduct Panel has reached a reasonable decision having regard to the evidence before it and the circumstances giving rise to the complaint.

Receipt of the appeal shall usually be acknowledged within five working days and the Chair of the Membership Committee/Governance Manager shall be responsible for convening a Panel to hear the Appeal. The complainant shall also be notified that an appeal has been received at this point.

The Appeal Panel will be chaired by the Chair or Vice-Chair of the Membership Committee, which ever has not heard the initial complaint and will consist of an additional four of the remaining members of the Committee who did not hear the initial complaint.

Should it be inappropriate for the Chair or Vice Chair to serve, a 'temporary' chair shall be appointed from the eligible members of the Membership Committee.

No person may act as a member of an Appeal Panel if they have previously been a member of a Conduct Panel relating to the case, or any other case pertaining to the case in question, against the member for whom an Appeal Panel is being convened.

The Appeal Panel will usually be convened within 21 days and will usually endeavour to deal with the complaint within 30 days of being convened. NB – this timetable may be extended where the Chair, in discussion with the Chief Executive and the Legal team, is of the reasonable opinion that due to extenuating circumstances or further investigations meeting this deadline might be impracticable.

Any delays to the timescales outlined will be communicated to all relevant parties.

The quorum for a meeting of the Appeals Panel shall be three and must include the Vice-Chair or Chair. In cases where, due to unforeseen circumstances, a member of the Appeals Panel is no longer available, consideration of the case may proceed in their absence, provided that the Panel is always quorate. If it is not quorate, the Chairman or Vice-Chairman of the Membership Committee shall appoint a substitute member from amongst the members of the Membership Committee.

The Appeals Panel will normally conduct their business via a dedicated confidential network, or similar means provided by the Society, but may meet virtually or in person if it is considered necessary.

Once consideration of an appeal has commenced, any person appointed to the panel will continue to act, irrespective of whether they have retired from the Membership Committee during the course of the consideration.

Members of the Appeal Panel will **only** consider:

- whether the complaint has been properly heard under the Regulations and the Conduct Scheme
- whether the rules of natural justice and any relevant principles of equality or human rights have been satisfactorily observed
- whether the Conduct Panel has reached a reasonable decision having regard to the evidence before it and the circumstances giving rise to the complaint.

The Panel shall not hear evidence, unless new evidence has come to light since the decision of the Conduct Panel. Should new evidence be put before the Appeals Panel, and the Panel is satisfied that the evidence could not reasonably have been made available to the Conduct Panel at the time of the Conduct Panel hearing, then the Appeals Panel may direct the original Conduct Panel to reconvene in order to hear the new evidence. The rights of appeal of the respondent under this paragraph shall apply equally to the outcome of the reconvened hearing of the Conduct Panel.

If the Appeals Panel concludes that the handling of the complaint has been unsatisfactory, it may rule to overturn the finding of the Conduct Panel or remove the sanction imposed on the respondent or substitute a different sanction from amongst those available to the Conduct Panel.

All Appeal Panel hearings shall be held in private and RPS owes a duty of confidentiality to the complainant, respondent and all other individuals involved in the complaint. A confidential summary record of discussions will be kept for the Society's Governance and Legal records and will not be disclosable in any circumstances unless consent has been granted by all individuals referenced in those records.

The Panel shall set out its decisions(s) in a full written report and shall inform the CEO of outcome, who will inform the President and Assembly as appropriate. In doing so, all parties shall bear in mind the obligation not to prejudice any appeal or further proceedings through disclosure of the findings and sanctions.

The Panel shall also, in consultation with the Legal team, inform both the respondent and the complainant of the outcome, unless there is a legal reason which directly prohibits this.

Unless successful at the appeal stage or a final appeal from the respondent is received, failure by the respondent to comply with any of the original sanction(s) imposed upon them will result in immediate suspension from membership, pending a further determination by the Conduct Panel on the failure to comply, which may include the possibility of potential removal from membership.

7 Final Appeal

The respondent has a second opportunity to appeal a decision by seeking a further and final review of the outcome of the appeal decision by a Final Appeals Panel comprised of the President of the Society, the Treasurer and the Chairs of the three National Boards, unless a conflict of interest exists in which case an the Lay member of Assembly shall take their place, who will have final say.

A final appeal can only be made on the following grounds:

- whether the complaint has been properly heard under the Regulations and the Conduct Scheme
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- whether the rules of natural justice and any relevant principles of equality or human rights have been satisfactorily observed
- whether the Conduct Panel has reached a reasonable decision having regard to the evidence before it and the circumstances giving rise to the complaint.

and must be brought within 14 days of receiving the outcome of the initial appeal.

Receipt of the final appeal shall usually be acknowledged within five working days. The complainant shall also be notified that an appeal has been received at this point.

The Final Appeal panel will usually be convened within 21 days of receipt of the final appeal, will usually conclude their hearing of the case within 14 days and will normally conduct their business via a dedicated confidential network, or similar means provided by the Society, but may meet virtually or in person if it is considered necessary. All Final Appeal hearings shall be held in private and RPS owes a duty of confidentiality to the complainant, respondent and all other individuals involved in the complaint. A confidential summary record of discussions will be kept for the Society's Governance and Legal records and will not be disclosable in any circumstances unless consent has been granted by all individuals referenced in those records.

Unless successful at final appeal, failure by the respondent to comply with any sanction(s) imposed upon them will result in immediate suspension from membership, pending a further determination by the Panel on the failure to comply, which may include the possibility of potential removal from membership.

The Conduct Panel, Appeals Panel and Final Appeal Panel shall have adequate access to suitable legal advice should this be necessary and said advice should be taken into full account when reaching a decision.

In all proceedings under this Scheme, the parties shall normally bear their own costs.

The respondent may not resign from membership to avoid disciplinary proceedings and any purported resignation will not be accepted pending the conclusion of the procedures set out in this Schedule which will include a decision on any appeal that the respondent makes in respect of any finding of a Conduct Panel or the expiry of the period for appealing a decision of the Conduct Panel, as the case may be.

8 Records and Confidentiality

The duty of confidentiality is paramount during all conduct procedures. All members are required to respect confidentiality during these times and must not discuss matters with anyone else unless specifically authorised to do so by the President and Chief Executive. Failure to comply with this requirement could result in formal action for breach of contract and/or policy for all involved.

Records of all stages of the proceedings shall be kept but, subject to any statutory or regulatory requirements or obligations, or any court order, these records shall not be made available to the public.

A confidential 'Case History' record of hearings and outcomes shall be kept to ensure consistency between complaints and decisions is maintained in order to ensure the Society is not open to potential external enforcement liability and/or that complaints received from different sources may receive different treatment or be subject to different processes or sanctions.

A record of all complaints upheld will be placed against on the respondent's member record within the Society's membership database.

Records of all stages of the proceedings may, should the President and Chief Executive in discussion with the Legal team, decide be reported to the Assembly in confidence and under restricted business and only if appropriate to do so once the statutory and regulatory obligations are fully considered.