
When a complaint is made about me

Information for registrants

November 2013

How we deal with complaints

Who is this information for?

If you are a CAHSC registrant and we have received a complaint about you, this information is for you. **Please read it carefully.** You may also find it helpful to read the CAHSC **Fitness to Practise rules**. You can download these from our website or contact us and we will send you a copy.

How does CAHSC deal with a complaint?

We aim to help protect the public who use the services of our registrants. Our standards describe the behaviour and competencies which the public can expect of you as a CAHSC registrant. They are set out in the:

- CAHSC Code of Practice: either Anthroposophic Health or Social Care Professional
- Standards of Competences: for your profession

When you registered you met these standards. You also agreed to continue to meet them throughout your registration with the CAHSC.

If anyone is unhappy about the service received from you, or if they have concerns about your health or behaviour, they may tell us about it.

We advise them to first **contact you directly**. Where this happens, you should **follow your own or your employer's complaints procedure**. Many problems are caused by misunderstandings and can often be sorted out by talking them through.

If the complainant is not satisfied that their concerns have been properly dealt with or the complaint is more serious, they may want to **make a formal complaint** to us.

Before making a complaint, complainants are advised to read our brochure '**Making a complaint about a CAHSC registrant**'. If they still wish to go ahead, they must fill in the **CAHSC Complaint Form**. You can download this from our website or contact us and we will send one to you.

Who can make a complaint?

Anyone can make a complaint to us about a CAHSC registrant. This includes patients/clients, members of the public, employers and other registrants. Complaints can be made on behalf of another person provided they have given their consent.

What types of complaint can we consider?

We only consider complaints about fitness to practise. Fitness to practise means that you have the health, character, skills and knowledge to carry out your professional practice safely and competently. The types of complaint we can consider are those that question whether your fitness to practise is negatively affected by:

- lack of professional competence (not having the necessary skills and knowledge)
- unacceptable conduct
- your physical or mental health
- a caution or conviction for a criminal offence
- a decision made by another health or social care regulator
- a decision by the Disclosure and Barring Service (DBS), or its equivalent in Scotland or Ireland, to place you on a barred list

We can also consider allegations that you have gained entry onto the CAHSC register fraudulently or incorrectly.

What we cannot do

We cannot consider complaints about:

- practitioners who are not registered with the CAHSC
- organisations eg clinics, schools. We can only consider complaints about individuals.

We cannot get involved in claims for compensation. As a CAHSC registrant, you should have insurance to cover claims made against you.

We will not normally consider complaints about events which are more than 2 years old.

We cannot give you advice on what to include in your responses to the complaint or on how to represent yourself. You should get advice from your professional body, Citizen's Advice, or get legal representation.

What happens when we receive a complaint

The main steps in our complaints process are:

1. **Initial screening:** to decide whether a complaint should be taken further
2. **Investigation** of the complaint: to decide whether the allegations should be heard by a Fitness to Practise Panel
3. **Fitness to Practise Panel**, with or without hearing, to:
 - consider the evidence and decide what facts are proven
 - decide whether a registrant's fitness to practise is impaired
 - if so, to decide which sanctions to apply
4. **Appeals hearing:** to consider an appeal by the registrant against a Fitness to Practise Panel decision

Stage 1: Initial Screening

We will normally write to tell you that a complaint had been made about you.

We will look at the complaint to make sure that it is something we should be dealing with. The written information the complainant has given us will help us decide this and whether the complaint raises concerns about your fitness to practise. We may need to contact you, the complainant or other people for more information.

Taking no further action

After considering the information available, we may decide not to take the complaint to the next stage of our complaints process. As part of this we may:

- pass the complaint to your employer to deal with
- arrange informal discussions with you and the complainant to help sort out the problem.

We will write to tell you and the complainant that we will take no further action about the complaint and explain why.

Even where we do not take the complaint further, it may be taken into account when considering other complaints we receive about you.

Taking the complaint further

If we decide to take the complaint further, it will either pass to:

- an Investigation Panel **or**
- a Fitness to Practice(FTP) Panel.

It will generally go directly to the FTP Panel where it concerns:

- a caution or conviction for a criminal offence
- a decision made by another health or social care regulator
- a decision by the Disclosure and Barring Service(DBS) or its equivalent in Scotland or Ireland, to place the registrant on a barred list

All other complaints will pass to an Investigation Panel.

Stage 2: The Investigating Panel

When the complaint passes to the Investigation Panel, we will:

- send you a copy of the complaint
- invite you to send us a written response to the complaint within 28 days of our letter
- send a copy of your reply to the complainant for comment

The Investigation Panel may also:

- ask other people for information, including your employer
- ask you to have an assessment of your performance and/or health carried out
- arrange informal discussions with you and the complainant to help sort out the problem.

The Investigation Panel will then consider in private:

- the complaint
- any evidence supporting the complaint
- your response to the complaint
- the complainant's comments on your response.

The Investigation Panel may decide to:

- take the complaint no further. It may offer advice to you about matters raised in your complaint
- offer mediation to help you and the complainant find a solution to the problem that you are both happy to accept.
- issue you with a warning
- pass the complaint to a Fitness to Practise Panel for a decision.

We will write to you and to the complainant to tell you about the decision reached and the reasons why.

Where a complaint passes to a Fitness to Practise (FTP) Panel, we will send you a letter stating the allegation against you. We will also send you information about the procedure that will be followed next.

Stage 3: The Fitness to Practise Panel & Hearing

The Fitness to Practise (FTP) Panel will have all the information gathered by the Investigation Panel and may ask for further information. It may ask you to have an assessment of your performance and/or health carried out.

We will ask a case presenter (who may be a solicitor) to prepare our case and take witness statements. We will give you the contact details for our case presenter.

Notice of Hearing

We will send you a letter stating:

- the allegations that have been made against you
- the date, time and venue of the hearing
- your right to attend and be represented at the hearing
- your right to put your case at a hearing
- that the FTP Panel can proceed in your absence
- the possible outcomes of the FTP hearing

We will invite you to state whether you will attend the hearing or not.

We will also send you copies of relevant documentation and a copy of the CAHSC FTP rules.

Dealing with a case without a FTP hearing

Where you:

- accept in writing all facts of the allegation
- accept:
 - > that they amount to misconduct or professional incompetence **or**
 - > that you have been convicted of a criminal offence/s **or**
 - > that you are on a barred list **or**
 - > that you have a decision against you from another health or social care regulator

the FTP Panel may reach a decision without a hearing.

Otherwise a FTP hearing will be held.

FTP Hearing

Where a FTP hearing is held, this will be in private.

At a FTP hearing the CAHSC will present its case against you. You will also have the opportunity to present your case or have a representative present it for you.

The FTP Panel will:

- listen to all the evidence
- decide which of the alleged facts are proved
- decide whether, on the basis of the proved facts, your fitness to practise is impaired

Decisions of the FTP Panel

Where the FTP Panel, with or without a hearing, finds that your fitness to practise is impaired it may:

- **place conditions** on how you must practice for a set time (for example, to work under supervision or have more training)
- **suspend** your CAHSC registration for a set time. You will not be able to practise as a CAHSC registered anthroposophic health or social care professional during this period or use the AnthroMed® quality mark. You may have to complete more training before being allowed to register again
- **remove** [strike off] you from the CAHSC register. You will no longer be able to practise as a CAHSC registered anthroposophic health or social professional or use the AnthroMed® quality mark.

Where your health is found to be impairing your fitness to practise, the FTP Panel may only:

- **place conditions** on how the you must practice for a set time
- **suspend** the you registration for a set time.

Where the FTP Panel finds that your fitness to practise is not impaired it may:

- take **no further action**
- give you a **warning** about your future conduct or performance. This is recorded on your file and can be taken into account in any further complaints.

We will send you a copy of the FTP Panel's decision and the reasons for it. We will also tell you about any right of appeal that applies. We will also send a copy to the complainant and any other relevant people (e.g. your employer).

Interim orders

At any point in the complaint procedure an interim order may be made to:

- suspend your registration (interim suspension order) **or**
- place conditions on your practice (interim conditions of practice order)

This will prevent you from:

- practising as a CAHSC registered practitioner or using the AnthroMed[®] mark, **or**
- practising unrestricted,

until a decision about a complaint is reached or your case is heard.

We will normally only consider applying an Interim Order where a complaint suggests:

- that you may cause harm to yourself or other people, **or**
- there are other reasons in the public interest, **or**
- your entry to the register has been fraudulently or incorrectly made.

An Interim Order Panel will hold a hearing, usually at relatively short notice. We will send you a letter stating:

- the allegations that have been made against you
- relevant evidence to the question of whether or not an interim order should be made
- the date, time and venue of the hearing
- your right to attend
- your right to put your case at the hearing or to put your case in writing
- that the Interim Order Panel can proceed in your absence
- the possible outcomes of the Interim Order Panel hearing.

We will invite you to state whether you will attend the hearing or not. We will also send you copies of relevant CAHSC rules.

At hearing the Interim Order Panel will:

- consider all the evidence
- reach a decision
- give reasons for its decision

The Interim Order Panel can decide to:

- suspend your registration for a set time of up to 18 months **or**
- place conditions on your practice for a set time of up to 18 months.

It will do this where it is satisfied that this is:

- necessary for the protection of the public **or**
- otherwise in the public interest **or**
- in your interest.

Interim Orders are effective immediately. We will write to you and any other relevant people (e.g. your employer) giving details of the decision and why.

Appeals

You can appeal to the CAHSC against the following decisions made by a Fitness to Practise Panel:

- to remove [strike off] your name from the register
- to suspend your registration
- to place conditions on your practice

You must:

- put your appeal in writing
- state that you are making an appeal
- state the decision you are appealing against
- state clearly the reasons for your appeal
- make your appeal within 28 days of the date on which the decision you are appealing against was sent to you.

When we receive your appeal we will:

- set up an Appeal Panel to hear your appeal
- send you information about the Appeal hearing and the procedure we will follow.

If you need further information about how we deal with complaints please contact us.

Contact us

The Registrar
CAHSC Office
St Devenick's
Murtle Estate
Bielside
Aberdeen
AB15 9EP

t: 01224 869844 admin@cahsc.org www.cahsc.org