

# What happens if a complaint is made about me?



## **What happens if a complaint is made about me?**

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## 1. About this booklet

This booklet provides information for Registrants who have had a complaint made against them. You may have received this booklet because we have received a complaint about you. Our role is to protect the public, uphold standards and improve practice.

## 2. What is fitness to practise?

When a Registrant is described as 'fit to practise', this means they have the character skills and training they need to practice safely. We also expect Registrants at any time to restrict or adapt their practice if any temporary or permanent condition (including their health, a disability, their skills, or anything else) may affect their fitness to practice so that the public can be confident in the treatment they receive from a registered herbalist. Full details can be found in the URHP Code of Ethics and Professional Conduct

Anyone can make a complaint to us about a Registrant. This includes members of the public, employers, the police and other Registrants or healthcare professionals.

## 3. What types of complaints can we consider?

We consider complaints about fitness to practise and complaints where overall fitness to practise is not in question, but on a particular occasion a Registrant has fallen short of the standards expected. The types of complaints we can consider include:

### 1. Fitness to practice

Matters that question whether a Registrant's fitness to practise is impaired (negatively affected) by:

- i. misconduct;
- ii. a lack of competence (not having the necessary skills and knowledge);
- iii. a caution or conviction for an offence in the United Kingdom (or somewhere else for any caution or conviction wherever committed or an offence that would be a crime if it was committed in England and Wales);
- iv. their physical or mental health;

### 2. Other misconduct

Complaints about a Registrants conduct where overall fitness to practice is not in question but on a particular occasion there has been a lapse or incident which does not reflect the standard of conduct expected of a Registrant.

### 3. Fraudulent Registration

We can also consider complaints about whether an entry to the URHP Register has been made fraudulently or incorrectly.

This is not an exhaustive list and we consider each case individually.

#### **4. What you can expect from us**

If a complaint is made about you, you can expect us to treat you fairly and explain what will happen at each stage. We make our processes as open and clear as possible and we hope the information in this booklet will help you through the complaints process. The Complaints Liaison Officer can provide you with information at any stage to ensure that you understand the process. We will also assign you a mentor who can provide you with informal personal support during the period of investigation.

#### **5. What happens when we receive a complaint?**

We will:

- i. pass the case to the Complaints Liaison Officer
- ii. Provide you with details of the complaint
- iii. Invite you to respond to the complaint in writing within 28 days of our letter.

If you need more than 28 days to make your response to the complaint, you can ask for more time. The Complaints Liaison Officer can give you one 28-day extension. If you need more time after this, you will need to make a written application to the investigating committee.

Even if a complaint is not made to us in the normal way, if we receive information which suggests that your fitness to practise may be impaired, we can still look into it. If a member of the public has made a complaint against you, we may need to ask relevant others for more information. If we need permission to do this we will write to you about it.

After you have had the chance to respond it will be passed to an Investigating Committee. They will meet in private and consider your complaint to see whether we need to take any action.

Each committee is made up of three people, including as a minimum someone from URHP and a collegiate professional and may include a lay member. This committee decides whether your complaint meets the criteria to be taken forward. A full explanation of the role played by this committee, and other committees involved in the process, is included at the end of this booklet.

If the committee decides that the complaint cannot be taken forward we will write to you and explain why.

#### **6. Investigating**

If the investigating committee rules that the complaint is to go forward the case will be referred to a Complaints Committee for a hearing.

If a complaint is serious enough to suggest that you may cause harm to yourself or other people, or there are other reasons in the public interest, we may suspend you from the register without prejudice until your case is heard.

## **7. Complaints Hearing**

### **8.1 Representation**

You are entitled to be represented, or to represent yourself throughout the hearing process.

### **8.2 Where will the hearing be held?**

We are flexible about where hearings can be held, however decisions will be at our discretion.

### **8.3 Preparation for the Hearing**

We will discuss the date that is scheduled for the hearing with you, your representatives and any witnesses. We will try to give you at least 60 days' notice of the hearing date and give you the material that we plan to rely on at the hearing 42 days before the hearing. You must give us your material 28 days before the date of the hearing.

We will try not to alter times and locations once these have been set but may in exceptional circumstances have to vary these.

You do not have to attend the hearing but it is generally in your best interests to do so. The hearing will take place even if you are not there. If you want an adjournment you need to show why it should be granted. Committees will rarely grant adjournments simply because it would be more convenient for us, you or your representative to have the hearing at another time.

### **8.4 What happens at the hearing?**

Hearings are not public, however a secretary will be there to record what happens and anyone with a legitimate interest in the complaint may request details. Any information released to third parties may be anonymised and otherwise redacted to protect patient confidentiality, or to protect the Registrant in certain circumstances.

Each committee is made up of three people, including as a minimum someone from URHP and a collegiate professional and may include a lay member. This committee decides whether your complaint is upheld. A full explanation of the role of this committee, and other committees involved in the process is included at the end of this booklet.

This is a formal process however we will always try to help Registrants who have had a complaint made against them feel as comfortable as possible.

The Chair will open the hearing by presenting the case and calling any witnesses. The Registrant or their representative may cross examine (question)

the witnesses. The committee can then ask some questions. After the case has been presented, the Registrant may call further witnesses or make statements to the committee.

The committee will decide whether the complaint is upheld after the complainant and the registrant have left. They will then retire before reconvening to decide upon any sanctions.

We will write to you within fourteen working days to inform you of the outcome. If the complaint has been upheld we will also inform you of any sanctions which are to be applied.

## 8. What powers does the committee have?

Our role is to protect the public, uphold standards and improve practice. If the committee upholds the complaint they will decide on the appropriate action. The committee has the following options available.

- ▶ They can decide to take **no further action**.
- ▶ They can issue a **written warning** which will remain on the Registrants file for a specified period.
- ▶ They can suggest **restrictions or conditions** on the Registrant's registration. (This might include demanding that the Registrant seeks additional specified training or undertakes private study/personal development under the supervision of an agreed peer mentor).
- ▶ They can **suspend registration** for a period of up to twelve months subject to meeting certain conditions
- ▶ They can decide to **remove** the Registrant's name from the Register.

## 9. Review of conditions of practice and suspension orders

If a 'conditions of practice order' or 'suspension order' has been made, a review committee will review it shortly before it is due to run out. If we asked you to meet some conditions of practice, a review committee will look for evidence that you have met these conditions. If you were suspended, a review committee will probably look for evidence that you have dealt with the problems that caused the suspension. If the review committee concludes that you are not fit to practise (or if they don't think you should practise without restrictions), they may extend the conditions of practice order or suspension order. They may also replace the order that is running out with another order that could have been made at the time of your original hearing. For example, they may replace a 'suspension order' with a 'conditions of practice order' if they think this provides enough public protection. They may also consider suspending your registration or striking you off the Register.

## 10. Applying for review

Although conditions of practice orders and suspension orders are automatically reviewed before they run out, you can apply to have an order reviewed. You can do this if you think the circumstances that caused the order have changed. For example, if you were ordered to have training and you finished it before you had to, or if you have taken steps to sort out the issues that caused the order.

## **11. Appeal**

You can appeal against the committee's decision if you think it was wrong or the sanction was unfair. Appeals are made to an appeals committee. You may want to get advice before you decide to appeal.

## **12. Contact details**

The Information Officer URHP  
Home Glyn, Stockbridge Road,  
Timsbury, Romsey  
Hampshire SO51 10NF

## **13. EHTPA**

The EHTPA represents herbal & traditional medicine practitioners across Europe as an umbrella body for Professional Associations which Register Herbalists in the UK and Europe. This Procedure is used by all UK bodies which are members of the EHTPA.

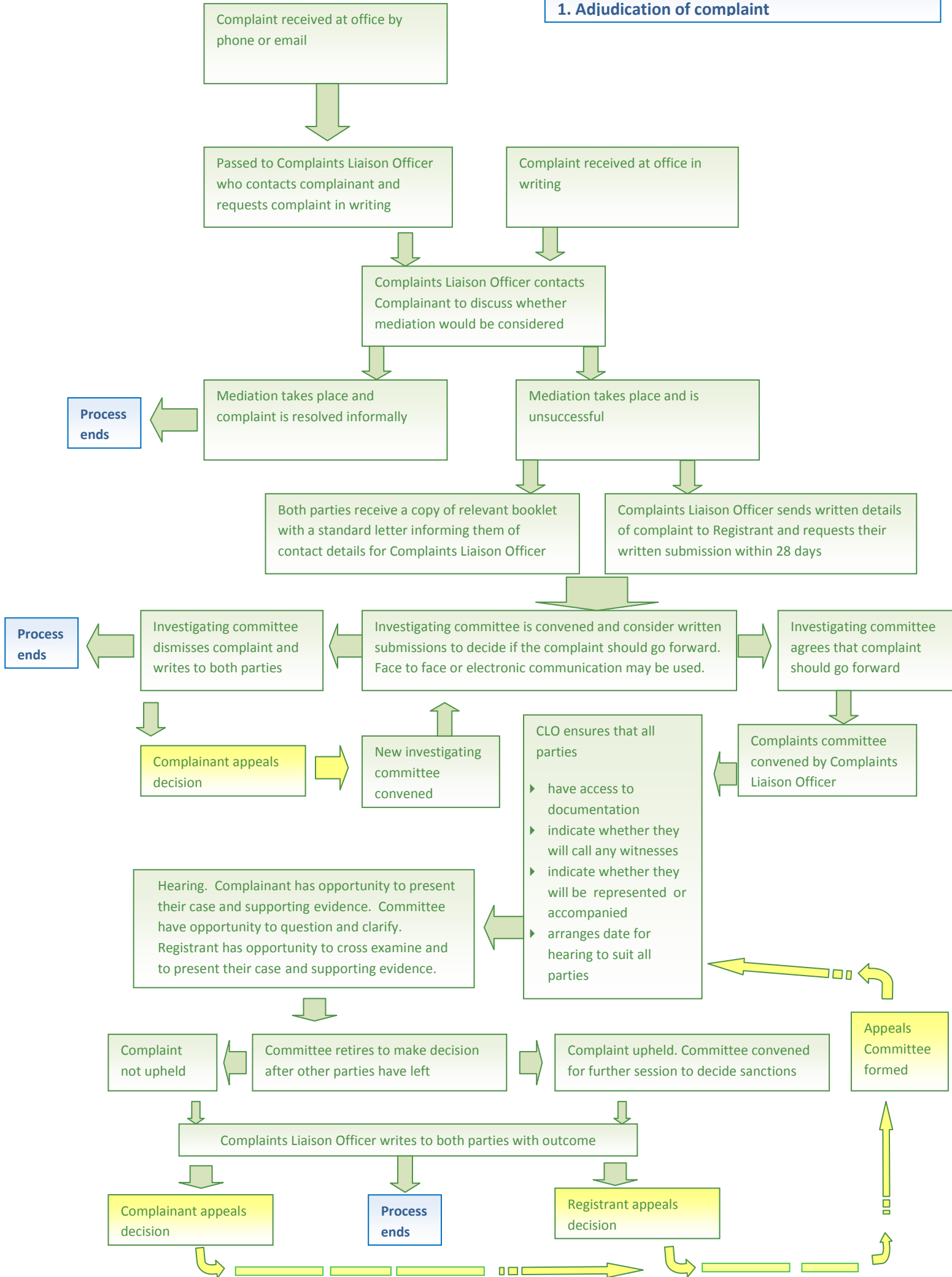
Information about EHTPA can be found at <http://ehtpa.eu/>

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## **14. Flow Chart summary of Complaint Process**

# 15. Summary Flow Chart

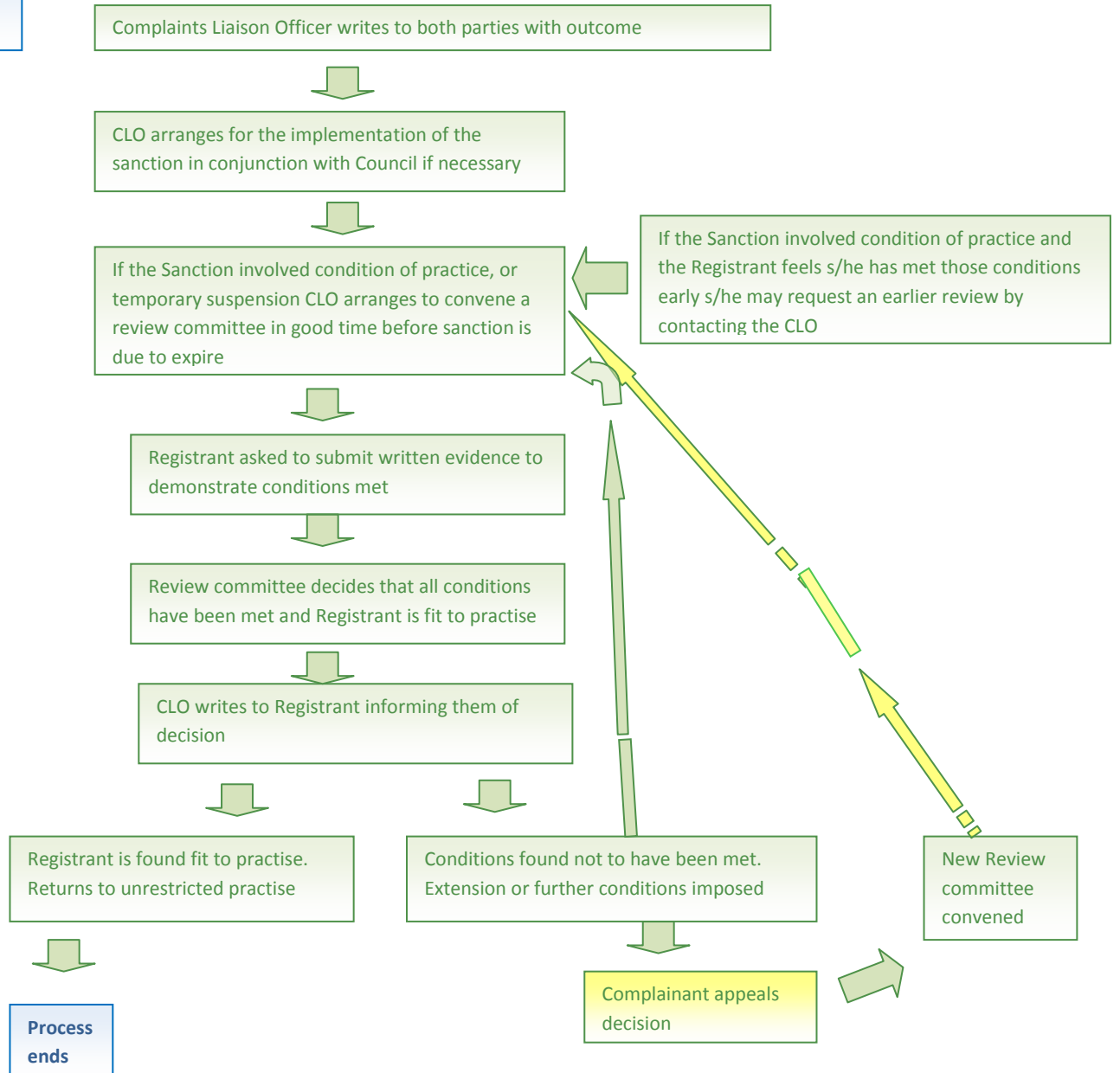
## Complaints Procedure – summary chart 1. Adjudication of complaint





**Complaints Procedure – summary chart**  
**2. Sanction and Review**

**Complaint  
 Process ends**



Full details of the complaints procedure can be found in the three booklets 'How do I complain about a Herbalist' 'What do I do if a complaint is made against me' and 'Guidance for Complaint Committees Indicative Sanctions Policy'

## **16. Glossary of terms used**

### **Registrant**

A Registrant is a medical herbalist who is registered with URHP

### **Fitness to Practice**

Before Registrants start practising they must consider whether they have the character skills and training they need to practice safely. We also expect Registrants at any time to restrict or adapt their practice if any temporary or permanent condition (including their health, a disability, their skills, or anything else) may affect their fitness to practice.

For the purpose of this procedure, the various stages are considered by specific committees for each stage of a complaint. Member organisations have adopted a cross-organisational approach to dealing with complaints. This enables us to ensure greater accountability and maintain a pool of trained practitioners from which committees can be drawn. By drawing on a larger pool of practitioners trained in the handling of complaints we can maintain a more effective and efficient response to concerns raised by members of the public. Each committee will be made up of three people, one of whom will be from the organisation that has received the complaint. A second committee member will be from the same, or a collegiate organisation and the third member will, so far as is possible, be a lay member from the same, or a collegiate organisation. There will always be one person on the committee who is not from the organisation receiving the complaint and the committee chair will be selected from the three nominated representatives.

There are five possible committee stages, the investigating committee, the complaints committee, the conduct committee, the review committee and the appeals committee. Each of these committees is constituted according to the outline above, and at each stage it is the responsibility of the Complaints Liaison Officer to assemble the committees from the pool of trained members.

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This booklet has been produced by EHTPA in conjunction with URHP. URHP is a professional association for herbal practitioners.