

Procedure in the case of a complaint alleging a Council Member has breached the Code of Conduct

If a complaint is made that a member of Council has breached the Code of Conduct, the matter shall be referred to the Conduct Panel.

9.2.1 Complaints

- a) A complaint must be made in writing, and signed. The complaint must specify the conduct complained of in sufficient detail to enable it to be understood and answered. It should identify the provision(s) of the Code alleged to have been breached and include, where relevant, any supporting evidence.
- b) A complaint may be made against a former member of Council where the complaint relates to his/her conduct whilst a member of Council, and references in this section to a member of Council include a former member.
- c) The complaint should be addressed to the Chairman of the Conduct Panel, c/o the Director, PSNI, in an envelope marked Private and Confidential.
- d) Complaints should normally be considered within three months of receipt by the Chairman of the Panel but the Chairman may extend this period in exceptional circumstances.

9.2.2 Composition and quorum

The panel shall consist of at least 5 and not more than 7 persons, appointed by the Council and should include a pharmacist, lay representation and representatives from other regulatory bodies for health and social care. The Chairman for the Conduct Panel should have appropriate legal experience.

9.2.3 Quorum

The Quorum shall consist of three Panel members including the Chairman.

9.2.4 Procedure

- a) The Chairman shall send copies of the complaint to the Panel and to the member(s) of Council to whom the complaint relates (respondent(s)). The chairman shall request a written response, and supporting evidence, if any, from each respondent, within a reasonable time.
- b) Meetings of the Panel shall be held in private, unless otherwise determined by the Chairman.
- c) The Panel may seek such advice, including legal advice, or secretariat support as it sees fit, in accordance with guidance provided to the Panel. The Panel shall not be advised by lawyers instructed by the Society or the Council, neither shall legal advice or secretariat support be provided to the Panel by the Society's employees.
- d) The Panel shall consider any response, and shall initiate any further enquiries of both the complainant and the respondent(s) required to enable it to consider the complaint. The Panel may hear oral evidence, and the respondent shall have a right to an oral hearing within a reasonable time. Where an oral hearing is held, another person may accompany the respondent and complainant. Any such person is not entitled to address the Panel at the hearing. If a respondent does not request an oral hearing the matter may be considered on the papers alone.
- e) All decisions of the Panel will be by a simple majority of votes. In any case of equality of votes, the Chairman will have an additional, casting vote.
- f) On conclusion of its enquiries the Panel shall determine whether the complaint is upheld and if so, what action or sanction is recommended.
- g) The Chairman shall prepare for the Council a report of the complaint, the

Panel's findings and its recommendation(s).

- h) If the Panel determines that the complaint is unfounded or is not supported by sufficient evidence, the complaint must be dismissed.

9.2.5 Sanctions

If the Panel concludes that there has been a breach of the Code, it may recommend to the Council one or more of the following:

- a) that the respondent(s) be censured by the Council, such censure to be recorded in the relevant minutes
- b) that the respondent(s) be suspended from membership of the Council for a specified period not exceeding six months in total
- c) that the respondent(s) be removed from the Council and/or from any office held as a Council member (including chairmanship or membership of one or more committees)
- d) that a complaint be made against the respondent(s) to the Statutory Committee (or equivalent)
- e) that a report be made to the police or other authority.

9.2.6 Council Procedure

- a) The report of the Panel and its recommendation(s) will be considered, in open business at the next meeting of the Council, except where the Panel has dismissed the complaint, in which case the report will be taken in Confidential business. In the case where the Panel has recommended that the police be informed of the matter no report shall be made public until the conclusion of any action by the police or prosecuting authorities.
- b) The Council shall

- resolve to impose the recommended sanction(s) by a two-thirds majority vote of those present (excluding respondent and complainant where applicable). Those voting in favour must constitute an absolute majority of members of Council excluding the respondent(s) or complainants where applicable;
- or
- resolve to impose by similar resolution one or more of the other available sanctions.

- c) The Council should not purport to re-hear a complaint or substitute its own judgement for that of the Panel on whether a complaint should be upheld. Only in exceptional circumstances may Council remit a case for further consideration by the Panel, for example where a respondent claims that crucial new evidence is available which could not reasonably have been produced before the Panel.

Appeal Mechanism

Any appeal panel will be constituted independently of Council.

Notes:

- i) Currently, in the event of an established breach of the Code, the Council could impose any of the sanctions listed in 9.2.5 except removal or suspension from membership of the Council, for which powers have not yet been taken. However, the Council has decided that, in future, the Council should be able to remove or suspend a member of Council for such reasons and according to such procedure as shall be specified in regulations.
- ii) Guidance will be prepared for the Panel as to how and where they might obtain advice, secretariat support, meeting facilities etc. Other health professional regulators have stated that they would be willing to provide meeting facilities and secretariat support to the Panel, on the understanding that the Society would reciprocate if required.