

**Health Professions Council  
Council Meeting - 6<sup>th</sup> December 2005**

**Partner Complaints and Appeal Process**

**Executive Summary and Recommendations**

**Introduction**

The HPC has a responsibility to ensure that a high quality of service is provided via the Partner programme and to inform Partners if their competence or behaviour falls below the standard expected of them. In order to manage complaints made against Partners, the HPC has been advised by Kingsley Napley to introduce a formal, non-contractual process to ensure fairness and consistency. Complaints about misconduct, poor performance or unprofessional behaviour can be considered by either the informal or formal procedure, depending on the severity of the complaint.

It is recommended that any decisions reached as a result of the formal complaints procedure can be appealed by evoking the Partner Appeals Procedure.

**Decision**

Council is asked to formally approve these recommendations.

**Background Information**

Both the Complaints and Appeals procedures have been devised in conjunction with HPC's HR Lawyers, Kingsley Napley, and approved by EMT. Please note that this is a non-contractual process. As Partners are not employees, they are not entitled to statutory grievance or disciplinary processes. However it is recommended that we have a fair method of handling complaints and, where necessary, terminating contracts.

**Resource Implications**

Incorporated in the 2005/6 budget

**Financial Implications**

Incorporated in the 2005/6 budget

**Background Papers**

None

**Appendices**

Appendix 1     Complaints Procedure  
Appendix 2     Appeals Procedure

Date	Ver.	Dept/Cmte	Doc Type	Title	Status	Int. Aud.
2005-11-08	a	HRD	PPR	Council Approval Paper - Partner Complaints and Appeals	Final DD: None	Internal RD: None

## Appendix 1

### HPC Partner Complaints Procedures

The objective of HPC's Partner Complaints Procedure is to provide a consistent, fair and non-discriminatory process through which allegations of misconduct, poor performance or unprofessional behaviour can be considered. HPC has a responsibility to advise Partners if their conduct, behaviour or competence falls below the standard expected of them. To facilitate this, the following procedures should be used:

#### Informal Procedure

This procedure should be used in instances where the complaint is of a relatively minor nature, but where the Department Director would like to delegate the handling of the complaint to the Partner Manager. Examples include poor-time keeping, repeated failure to return reports within the given deadline or reports of discourteous behavior while representing the HPC.

If a Department Director or Manager is aware of a Partner's poor performance they must provide the Partner Manager with details of the problem as soon as possible. The Partner Manager will take action to address the problem by communicating verbally with the Partner. The Partner Manager will discuss and explore with the Partner, any factors that could be affecting their performance and, as appropriate, offer assistance such as training or clarification of their role and the function of the HPC.

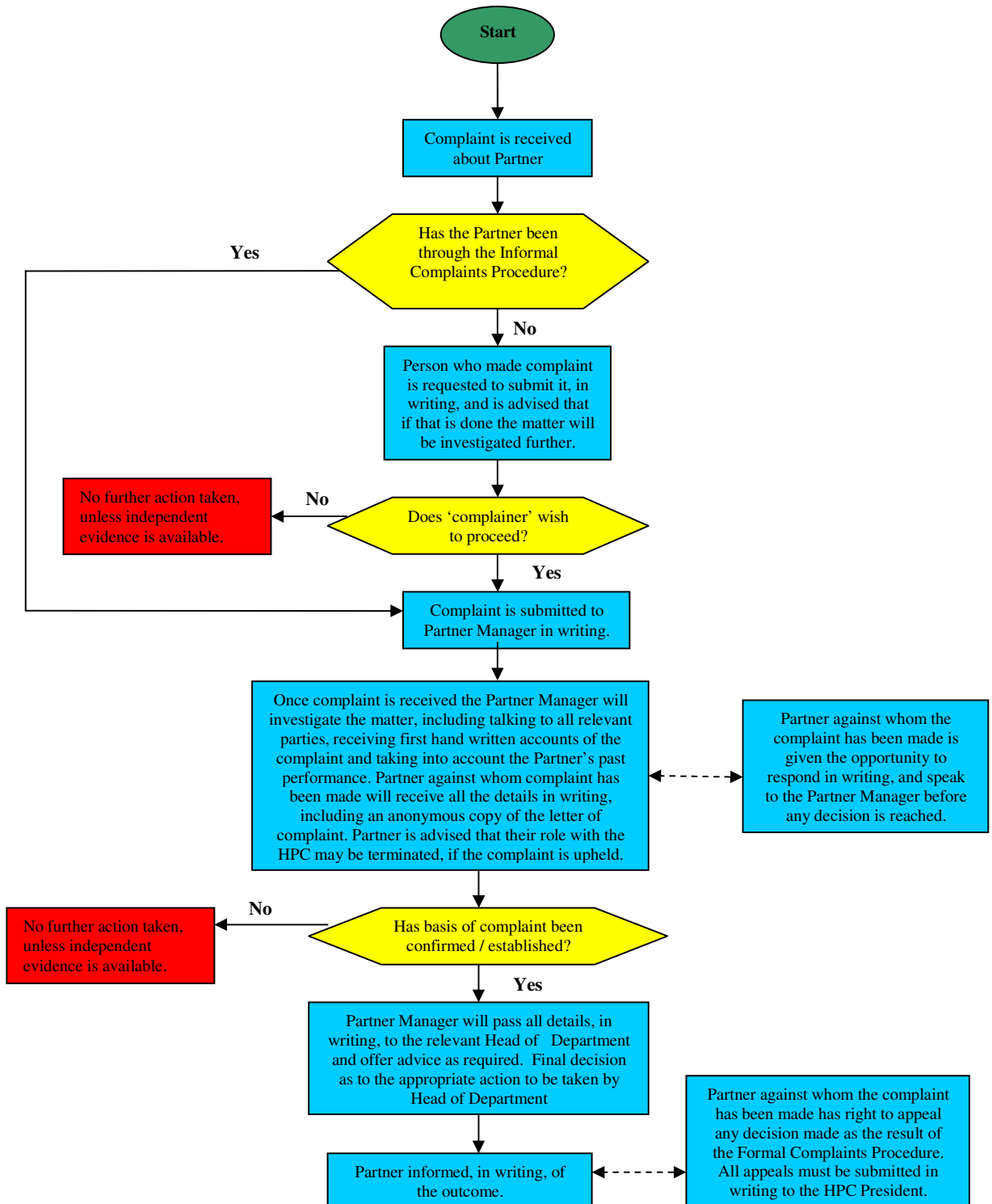
The Partner Manager will then report to the Department concerned. If, following a reasonable period (incorporating such guidance, discussion, training or support as is appropriate), the poor performance is repeated or has not improved sufficiently it may be appropriate to move to the formal procedure.

#### Formal Procedure

If a complaint of a more serious nature is made against a Partner, or if performance has not improved sufficiently after the Informal Complaints Procedure, the Formal Complaints Procedure should be evoked. Examples of more serious complaints include breach of confidentiality, undeclared conflict of interest, abusive behavior or breach of any of the conditions in the Partner Agreement.

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# 1. FORMAL PARTNER COMPLAINTS PROCEDURE

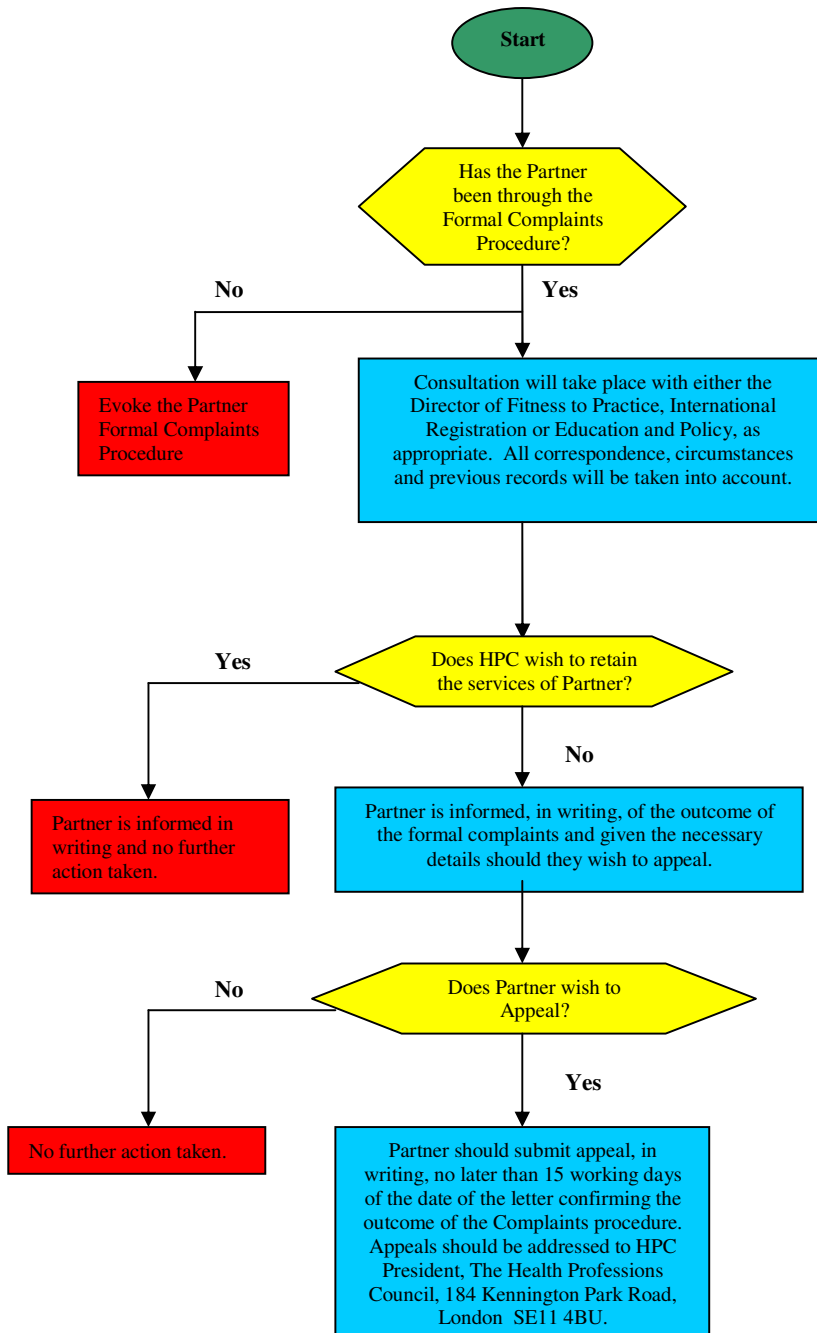


## Appendix 2

### HPC Partner Appeals Procedure

1. Any appeal against a decision reached as a result of the Formal Partner Complaints Procedure must be made in writing to the HPC's President within fifteen working days of the date of the letter confirming the action to be taken.
2. All appeals will be heard by the HPC President.
3. An appeal hearing will usually be held within fifteen working days of the receipt of a letter from the Partner notifying the grounds of appeal. In exceptional circumstances the appeal hearing may be delayed, in which case the Partner will be advised accordingly.
4. The appeal will be a re-hearing of the matter on which there was a finding against the Partner. The Partner will start the process by presenting the case for appeal. The relevant Department Director/Manager will then present the management case in defence of the original finding. Both sides will be able to question each other.
5. The Partner has the right to be accompanied by a colleague, other HPC Partner or any other representative at the appeal. If it is the Partner's intention to be accompanied they must inform the HPC in writing no less than five working days prior to the date of the hearing and should also confirm the identity of their companion.
6. If the Partner intends to refer to documents at the appeal hearing, copies of those documents must be provided to the HPC President no less than five working days prior to the date of the hearing. HPC will provide to the Partner, no less than five working days prior to the date of the hearing, any documents upon which it intends to rely at the appeal hearing.
7. These documents may be submitted to an external agency (such as the Police, Inland Revenue or as required by law).
8. Within fifteen working days of the date of the appeal hearing the Partner will be informed in writing of the outcome of the appeal process.
9. All stages of the appeals procedure will be dealt with as speedily as possible and time limits are set for each stage in the procedure above. However, there may be good reasons why, occasionally, time limits may be extended. For example, where the Partner has difficulty in obtaining a companion, or where an adjournment of a meeting to enable reconsideration is desirable. Where time limits are extended, the HPC will notify the Partner and keep the Partner informed of the progress of the procedure.

## 2. PARTNER APPEALS PROCEDURE



Date  
2005-11-08

Ver.  
a

Dept/Cmte  
HRD

Doc Type  
PPR

Title  
Council Approval Paper - Partner  
Complaints and Appeals

Status  
Final  
DD: None

Int. Aud.  
Internal  
RD: None



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