



FPM Regulations governing the handling of complaints

January 2025

Document	Version date	Owned by / Approved by	Summary of changes and rationale
Original Complaints Regulations	23 January 2025	Board / Board	Not applicable (N/A)

Definitions

For the purpose of these Regulations the following words and expressions have the following meanings, unless the context requires otherwise:

Arbiter usually the Chief Executive unless connected with the Complaint, in which case the Registrar.

Board the FPM Board of Trustees (Board).

Chair the Chair of the Conciliatory Panel or the Chair of the Appeals Panel, is a nominated member of FPM Board, nominated by the Arbiter to act as Chair.

Codes of Conduct includes the FPM Code of Conduct for Volunteers and the FPM Code of Conduct for Trustees.

Complaint an expression or statement of dissatisfaction, however made, which comes to the attention of the Chief Executive or Registrar indicating that a member, by their actions taken or not taken, may have become liable to disciplinary action and/or may be acting in contravention of FPM's Code of Practice.

Complainant a person who brings a Complaint.

FPM the Faculty of Pharmaceutical Medicine.

Lay Trustee a Lay Trustee on the FPM Board of Trustees appointed to take part in hearings and other formal activities relating to the Complaint.

Member a Member or Fellow of FPM at the time the matter complained about occurred.

Panel the Investigations Panel or the Appeals Panel, as the case may be.

HR Services a person or organisation appointed by the Board to give impartial advice on the Complaints Procedure to people who are, or who may become, parties to a Complaint, and to FPM.

Respondent a Member against whom a Complaint has been lodged.

Trustee Subgroup a group of Trustees appointed by the Arbiter to oversee the process. This comprises the Arbiter, at least one Lay Trustee and another Trustee (usually an Officer).

The singular includes the plural and vice versa.

Note: It is a condition of membership that members remain subject to disciplinary proceedings in relation to their professional activities during the period of their membership, even though they may subsequently have ceased to be members.

The Complaints procedure

The Complaints procedure is governed by the rules of natural justice. It will be managed at all times to ensure that the Respondent has a fair and proper opportunity to answer the Complaint.

Unless a Panel decides otherwise, all costs and expenses incurred by FPM in connection with the Complaints Procedure and these Regulations will be borne by FPM.

Failure to comply with these Regulations in any case will not render the procedure void, but the Chair of a Panel may act as necessary to redress the failure if they consider that it may have disadvantaged the Respondent or the Complainant. The Procedure is not invalidated if a relevant communication is accidentally not sent or is not received.

HR Services if used may at their discretion offer such advice and help to the Complainant and the Respondent as they consider necessary to ensure that a potential Complaint may be resolved by informal negotiation and, if necessary that formal Conciliation is attempted and/or an official investigation is followed wherein the Complainant's and the Respondent's cases are presented fairly and in full. HR Services advice is offered in good faith and is not binding upon any party.

Details of a Complaint and of its progress will usually be treated as confidential by the Complainant, the Respondent, the Arbiter, HR Services and all Conciliators and members of the Investigation and Appeal Panels without time limit. Information may be passed to third parties on a strict 'need-to-know' basis and on condition that those parties are explicitly bound by the requirement of confidentiality. Any breach, or alleged breach, of confidentiality may itself give rise to a Complaint.

FPM will retain all records relating to the complaint for seven years from the date of a complaint was received.

The Arbiter

Any disagreement about the conduct of the Complaints Procedure, including the interpretation or application of these Regulations, may be referred to the Arbiter at any time by the Complainant, the Respondent, Chair of the Investigation Panel, the Chair of the Appeals Panel or HR Services.

Any referral to the Arbiter concerning a hearing by the Appeals Panel must be made within five days of the end of the hearing of the Investigation Panel. A decision by the Arbiter concerning the conduct of the Investigation Panel may be cited as a ground for an appeal by the Respondent to the Appeals Panel. In all other instances, the Arbiter's decision is final and binding.

Decisions by the Arbiter shall be reported in writing to the Complainant, the Respondent and (as the case may be) the Chair of the Investigation Panel and/or the Chair of the Appeals Panel. If referral has been made to the Arbiter after the end of a hearing by the Appeals Panel, the Arbiter shall report their decision to the Board, and the Board shall accept their decision.

Making a Complaint

A Complaint will not normally be considered if it is notified to FPM more than 18 months after the incident(s) took place that are the subject of it. In the event of a query or disagreement about this deadline, the Arbiter shall decide whether the Complaint may proceed.

FPM will maintain a register of all Complaints received and the decisions on them.

First stage response

A Complaint should be sent in the first instance to fpm@fpm.org.uk. The Arbiter will investigate the Complaint and make a response to the Complainant, usually within 10 working days. If the issue necessitates a lengthier investigation, a response may take longer. If it is not possible to complete the investigation within 10 working days, the Arbiter will inform the Complainant.

- **If the Complaint is upheld**, the Arbiter will set out the actions that will be taken. This could be the requested resolution, alternative remedial action, an apology or a decision to refer the matter to the Officers or Board of Trustees as appropriate.
- **If the Complaint is partially upheld**, the Arbiter will set out which issues are and are not accepted and what action will be taken. This could be the requested resolution, alternative remedial action, an apology or decision to refer to the Officers or Board of Trustees as appropriate.
- **If the Complaint is not upheld**, the Complainant will be informed. If they are not satisfied, the issue can be referred to the Officers or Board of Trustees as appropriate.

Second stage response

If the Arbiter believes a Complaint to be sufficiently serious, or the Complainant is not satisfied with the response, the issue will be referred to the Officers to consider in detail within 10 working days. If the Complaint relates to a Board member or Officer, they should take no part in considering the issue.

If the Officers decide that the complaint needs to be investigated further, the Registrar will convene a Trustee Subgroup and engage HR Services. The Trustee Subgroup will comprise the Arbiter, the Registrar or another Officer and a Lay Trustee.

No individual Trustee will act as sole decision-maker; this will be led by the Board of Trustees, informed by the outcome of the process and recommendations from HR Services.

HR Services will clarify with the Complainant any matters of uncertainty and establish with them a 30-day timeframe within which any appropriate supporting evidence must be provided. They will inform the Complainant about the Complaints Procedure and explain that the Respondent will be notified of the Complaint in order that they may exercise the right of reply. If the Complainant insists upon anonymity, the Complaint may be treated as a matter of concern but the formal Complaints procedure will not apply.

If the Complainant wishes to proceed, HR Services will inform the Respondent of the Complaint, and of the Complaints Policy, and attempt to negotiate an informal resolution. HR Services may obtain from the Complainant a written statement of the Complaint and invite the Respondent to submit a written response; or continue exchanging statements between the parties until bringing the exchange to an end.

If the Complainant wishes to proceed, the Arbiter will appoint a Chair of the Investigation Panel. The Chair must be a Trustee of FPM with no involvement in the Complaint or, if this is not possible, a senior Fellow of FPM. At this stage, the names and details of the parties involved will not be shared.

If HR Services is unable to negotiate a resolution between the Complainant and the Respondent, they will either ask the Arbiter to start the Conciliation process, or to initiate a hearing by the Investigation Panel, or to dismiss the case. Unless agreed otherwise, the Complaint should be referred to the Investigation Panel no later than six weeks after receipt.

Conciliation

The first step in resolving a Complaint, if the Complainant and the Respondent agree to it, is a process of conciliation, mediation or arbitration ('Conciliation').

Conciliation is an informal process managed at the discretion of the Chair of the Conciliation Panel and of any Conciliators whom FPM appoints. It is a confidential process - no records will be kept afterwards, and no details will be forwarded to the Investigation Panel or Appeal Panel or made known to the Chair of the Conciliation Panel.

The Conciliators may investigate any facts and circumstances of the Complaint and take whatever legal or other advice they consider necessary. Unlike at a formal hearing, they are not aiming at a complete understanding of the facts surrounding the Complaint.

Conciliation Panel

The Arbitrator, together with the Trustee Subgroup, will initiate the conciliation process, either by appointment of an External Conciliator through HR Services and/or by setting up a Conciliation Panel. The Panel quorum is two, including one Lay Trustee and a Chair.

Members of the Conciliation Panel will receive copies of the Complaint and the Respondent's response to it.

The Conciliation process should conclude no later than three months after the Panel was appointed. The Complainant and the Respondent may be accompanied by any other person they choose, whom the Chair may allow to address the Panel, and they may state their position and any relevant issues in writing at any time. The Conciliators do not have to reveal to either party what they have been told by, or have said to, the other.

Conciliation will come to an end if:

- the Complainant withdraws all or part of the Complaint in writing;
- the Chair reports to the Investigation Panel that Conciliation has not been successful;
- either the Complainant or the Respondent withdraws from the Conciliation process; or
- the Complainant and the Respondent have not reached agreement within three months.

If a Complaint is not resolved by Conciliation, it will be considered by the Investigation Panel.

Investigation

Investigation Panel

At least six weeks' notice of the hearing of the Investigation Panel will be given to the Complainant and the Respondent, or three weeks' notice if the meeting is to be held virtually. The convening notice will detail the date, time and place for the hearing; the names of the Panel members who will take part in the hearing, and the procedure to be followed. Also included will be a copy of the written submissions from Respondent and Complainant.

Once notice has been given Respondent and Complainant have up to five days to object in writing to any of the members, stating their grounds. If the Chair considers that the objection is well founded, they may appoint an alternative. The Respondent and Complainant have the same right of objection to that alternate.

The Respondent and Complainant must confirm in writing within 14 days of that notice their intention to be present at the hearing, or explain why they should be permitted not to attend. They should state whether they will be accompanied and/or represented at the hearing, and if so by whom, and details of any witnesses they seek to call.

The Chair will decide whether or not to accept applications from the Respondent and Complainant to be absent from the hearing and/or represented in their absence, and whether or not to admit the witnesses proposed.

Hearings by the Investigation Panel will generally be conducted by three or more members, including the Chair, and comprising Members and/or Fellows of FPM plus one Lay Trustee. A Panel member shall play no part in considering a Complaint if they have prior knowledge of any matters relating to it, or have taken part in any previous consideration of it or of any aspect thereof, or have been subject to an objection by a Respondent or Complainant which has been upheld by the Chair.

Unless the Board of Trustees decides otherwise, once a Panel has started to hear a Complaint its work will continue until completed. The Chair must be present throughout the hearing of a Complaint.

The Chair of a Panel may ask HR Services to attend hearings to provide independent support, although they will not be members of the Panel and will have no vote on decisions. A Panel may also instruct a solicitor and/or counsel to represent it at a hearing if it thinks fit.

Panel hearings

Hearings of the Investigation Panel will be held in private. A record of the proceedings will be taken, and a copy supplied to the Respondent or the Complainant if they request it within three months of the hearing.

The Chair may take whatever steps considered necessary to ensure the case is handled fairly and efficiently. The Chair may decide that more than one Complaint against the same Member, or Complaints against more than one Member, will be handled together; or that it is in the public interest to resolve a Complaint urgently. In the latter case, the Chair, in consultation with one or more members of the Panel, is entitled to act on behalf of the Panel in all matters, and will report back to the Panel as soon as reasonably practicable.

The standard of proof at all times is the balance of probabilities.

The hearing will normally be conducted in the presence of both parties. Unless permitted by the Chair to be absent, the Respondent and the Complainant will be expected to attend the hearing (and may be directed to do so by the Chair). Both parties have the right to attend in person, and to be accompanied and/or represented at the hearing by another person. If the Respondent or Complainant is absent without permission or good cause, the hearing may proceed without them and their absence regarded by the Panel as evidence against them.

Witnesses may be called by the Complainant and Respondent, or requested by the Chair. The Complainant, Respondent and members of the Panel may all question witnesses.

Panel decisions

When a decision has been reached, the Panel will notify the Complainant and the Respondent of the decision in writing and will report it to the Board of Trustees not less than 16 days thereafter, assuming no appeal against the decision has been received or disagreement raised as to the conduct of the Complaints Procedure. The decision shall not be reported until the 14-day eligibility period for lodging an appeal has lapsed (see next section).

The Panel may determine that a Complaint:

- does not disclose a case for disciplinary action, in which case it will be dropped; or
- does disclose a case for disciplinary action, but no further action will be taken; or
- does disclose a case for disciplinary action, and a penalty should be levied.

The final decision in respect of a Complaint will take the form of a report by the Panel to the Board of Trustees, and will come into effect from that date.

Appeal

Lodging an appeal

Within 14 days of the date of notification of a decision by the Investigation Panel, or of the date of notification of a decision by the Arbiter concerning the conduct of the Investigation Panel, the Respondent may state in writing that they wish to appeal against the decision.

In giving notice of their wish to appeal, the Respondent must state the grounds on which the appeal is based. The Appeal Panel will consider an appeal solely on the grounds that the Investigation Panel decision was flawed, or there was some serious procedural irregularity, or that new evidence has arisen that materially alters the evidence seen by the Investigation Panel. An appeal is not an opportunity to have the Complaint re-examined from the start.

The Chair of the Appeal Panel may rule an appeal invalid if they consider that the grounds do not conform to the stipulations above, or that no arguable grounds have been stated; or that those grounds had already been addressed by the Arbiter and their decision is upheld.

Subject to these stipulations, the Complaint will be referred to the Appeal Panel and the Complainant will be informed.

Appeal Panel

In the event of a valid appeal by a Respondent against final recommendations of the Investigation Panel, the Investigation Panel will submit to the Appeal Panel:

- a summary of the facts and matters considered by the Investigation Panel, a copy of its written decision and its response to the grounds of the appeal
- a copy of the initial written submissions made by the Complainant and the Respondent;
- any further relevant information or submissions received from the Complainant or Respondent;
- the Respondent's statement of appeal and grounds for appeal.

Notice of the hearing of the Appeal Panel will be given following the same procedure as for the Investigation Panel (see above). The notice will be accompanied by a copy of all relevant documents together with a date, time and place for a pre-hearing review (if the Chair decides one is necessary), and an explanation of the purpose and management of that review.

Once notice has been given the Respondent has up to five days to object in writing to any of the members, stating their grounds. If the Chair considers that objection well founded, they may appoint an alternative. The Respondent has the same right to object to the alternate.

The Respondent must confirm in writing within 14 days of that notice their intention to be present at the hearing, or explain why they should be permitted not to attend. They should state whether they will be accompanied and/or represented at the hearing, and if so by whom, and details of any witnesses they seek to call.

The Respondent must confirm whether they accept the facts stated within the accompanying documents – and, if not, which facts are denied, and why – and submit any additional documents on which they intend to rely. Any additional documents submitted will be copied to the Complainant. If the Complainant chooses to submit a response, this must be received within 14 days and will be

copied to the Respondent. In light of any new information or evidence provided, the Chair may before the hearing decide in consultation with the Panel to allow the appeal without a hearing.

The Chair will decide whether or not to accept an application from the Respondent to be absent from the hearing and/or represented in their absence. The Respondent may apply to the Chair to call one or more witnesses, provided that the witness(es) will present new evidence which materially alters the evidence previously submitted. The Chair will decide whether or not to admit the witnesses proposed.

If the Respondent fails to comply with any direction issued by the Chair, the Chair will have discretion to have an appeal struck. The Chair shall not make such an order before giving them reasonable opportunity to show cause why it should not be made.

The membership of the Appeals Panel will follow that of the Investigation Panel (see above). The Chair of a Panel may ask HR Services to attend hearings to provide independent support, although they will not be members of the Panel and will have no vote on decisions. A Panel may also instruct a solicitor and/or counsel to represent it at a hearing if it thinks fit.

Pre-hearing review

The Chair of the Appeal Panel may conduct a pre-hearing review to clarify the issues before the Panel and generally to ensure that the appeal is handled fairly and efficiently.

The review may consider such things as: what matters other than those which went before the Investigation Panel should be considered; whether any aspects of the initial Complaint or grounds for appeal should be struck out; whether any further evidence and/or witness statements are necessary; which facts, and which documents, are admitted and whether the facts stated are in dispute; and any other relevant matters.

The Chair may direct the Respondent to appear in person at a pre-hearing review.

Panel hearings

Hearings of the Appeal Panel will be held in private. A record of the proceedings will be taken, and a copy supplied to the Respondent or the Complainant if they request it within three months of the hearing.

The Chair may take whatever steps considered necessary to ensure the case is handled fairly and efficiently. The Chair may decide that more than one Complaint against the same Member, or Complaints against more than one Member, will be handled together; or that it is in the public interest to resolve a Complaint urgently. In the latter case, the Chair, in consultation with one or more members of the Panel, is entitled to act on behalf of the Panel in all matters, and will report back to the Panel as soon as reasonably practicable.

The Appeal Panel will consider the Complaint only in respect of the grounds of appeal. The standard of proof at all times is the balance of probabilities.

Unless permitted by the Chair to be absent, the Respondent will be expected, and may be directed by the Chair, to attend the hearing. The Respondent has the right to attend in person and may be accompanied and/or represented at the hearing by another person. The hearing will be conducted in

the presence of the Respondent unless the Chair decides otherwise. If the Respondent is absent without permission and without good cause, the hearing may proceed without them and their absence may be regarded by the Panel as evidence against them.

The Chair may request witnesses to attend, who may include the Complainant.

Panel decisions

When a decision has been reached, the Panel will notify the Complainant and the Respondent of the decision in writing and will report it to the Board of Trustees not less than 16 days thereafter.

The Panel may determine an appeal against a decision of the Investigation Panel as follows:

- it may dismiss the appeal; or
- it may allow the appeal and quash the decision appealed against; or
- it may substitute for the decision appealed against any other decision that the Investigation Panel could have made.

The final decision in respect of a Complaint will take the form of a report by the Panel to the Board of Trustees, and will come into effect from that date.

Penalties

In the event that a Complaint is upheld, the Investigation Panel and Appeal Panel may decide that any or all of the following penalties apply:

- the Respondent be reprimanded, or their membership of FPM be suspended for up to two years, or terminated altogether;
- the Respondent be prohibited from sitting on any FPM Committee, including the Board of Trustees, or a working group for a period of three years;
- the Respondent be prohibited from representing FPM in any formal capacity in any external forum or committee; and
- a report be sent to the Respondent's Responsible Officer.

In the event that the Respondent's membership of FPM is suspended or terminated, no refund will be made of Membership fees for the remainder of the membership year after the date of suspension or termination.

The Investigation Panel or the Appeals Panel may similarly request the Respondent to obtain and follow advice from specified sources if it considers that the Complaint has arisen because the Respondent's business, or the business in which the Respondent is employed, has been mismanaged. Where relevant, the Investigation Panel or the Appeals Panel may seek the assistance of the Respondent's employer in implementing the advice.

If the Respondent breaches any of the penalties listed above, they may be subject to a further Complaint and possible action.

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