

Finance and Resources Committee 18 September 2007

Paper title: Partner Complaints and Appeals Policy

Executive summary and recommendations

Introduction

The Human Resources work plan for 2007/2008 identified a need for a Partner Handbook to be developed. The Finance and Resources Committee agreed that policies would be developed throughout the year provided the Committee approves them. All of the existing partner policies are placed under the Partner Handbook section on HPC's website.

The Partner Complaints and Appeals Policy's main function is to provide a clear way in which a Partner Complaint is dealt with. This also allows a step by step procedure for partners to refer to if a complaint is made against them.

In addition to this the policy also outlines the process that partners can use if they wish to appeal against a decision which the HPC has made in relation to their partner role.

This policy has already been followed and this will not mean any change to the current process.

Decision

The Committee is asked to approve the introduction of the proposed HPC Partners' Complaints and Appeals Procedure, to be implemented with immediate effect.

Background information

None

Resource implications

None

Financial implications

None

Appendices

None

Date of paper

18 September 2007

Partner complaints and appeals policy

1 Purpose

- 1.1 The primary aim of the Partner Complaints Procedure is to help and encourage all partners to achieve and maintain acceptable standards of conduct and performance when providing their services to the HPC and acting on behalf of the HPC.
- 1.2 The HPC, as a statutory body, has a responsibility to advise partners when their conduct, behaviour or competence falls below the standard expected of them. To facilitate this, the following procedures shall apply.
- 1.3 This procedure is designed to ensure that the standards established by the HPC are adhered to by all partners and that partners are dealt with fairly and consistently if they fail to meet those standards. It is hoped that acceptable standards can be achieved by informal discussion, but this procedure does provide for termination of Partner Agreements where there is consistent or repeated failure to achieve and adhere to those standards.
- 1.4 The HPC wishes to provide fair and non-discriminatory process through which allegations relating to sub-standard performance or unprofessional behaviour can be considered and appropriately handled. The formal procedure will be used only when necessary. Whenever possible, informal methods will be used to assist partners achieve and maintain acceptable standards.
- 1.5 The terms of this procedure do not form part of the Partner Agreement between you and the HPC.
- 1.6 The standards with which partners are expected to comply are those set out in the Partners Code of Conduct, Partner Agreement, and Partners Role Brief, not the 'HPC Standards'.

2 Principle and policy

- 2.1 Before taking action under the Partner Complaints Procedure, a complaint must be received in writing.
- 2.2 This procedure is designed to establish the facts quickly and to assist the HPC to deal consistently with standards issues. All complaints will be investigated by the HPC. This procedure may be implemented at any stage if the complaint received indicates that immediate formal action is appropriate in the circumstances.
- 2.3 The HPC is committed to an equality of opportunity and to providing a working environment that is free of discrimination for its employees and all other organisations with which the HPC works. Partners are therefore required to treat all HPC employees and all other organisations with which the HPC works with dignity and respect.
- 2.4 All partners should familiarise themselves with the HPC's Partner Code of Conduct, which outlines the standards partners are expected to achieve. The Code is not exhaustive or comprehensive. It will be subject to review and amendment from time to time. Partners are expected to comply with the Code in the provision of their services to the HPC.
- 2.5 The HPC will endeavour to provide guidance to partners to enable them to meet the standard expected by the HPC and to provide their services in a competent and effective manner. If partners fall short of those standards, this will be notified to them by way of this procedure, either informally or formally. There are times when the HPC will have to take formal steps to ensure acceptable standards are achieved and maintained. Where appropriate, such formal steps may necessitate termination of the relevant Partner Agreement.
- 2.6 If a Partner Complaint is received relating to a partner's fitness to practise this will be reported directly to the Fitness to Practise Department.

3 Responsibilities

- 3.1 Partners are expected to provide their services with competence and with professionalism at all times. Partners should behave towards each other with respect and should

work co-operatively together to ensure effective operation of the organisation.

3.2 The relevant Head of Department in conjunction with the Partner Manager will be responsible for dealing with complaints by way of the informal or formal procedure. Should there be a potential conflict of interest the Head of Department may, at their discretion, delegate this responsibility to another Head of Department or another designated individual within the HPC, who will deal with the complaint on their behalf.

3.3 The Partner Manager will assist the Head of Department in dealing with complaints made under this procedure and with all steps taken under this complaints procedure.

4 Making a complaint

4.1 Complaints under this procedure relating to a partner's behaviour should be made to the Partner Manager, either verbally or in writing.

4.2 If necessary, the Partner Manager reserves the right to:

4.2.1 ask that a verbal complaint is confirmed in writing;

4.2.2 delegate any step of this procedure to the relevant Head of Department;

4.2.3 request that the complainant provide further and/or sufficient written information to facilitate an investigation; and

4.2.4 take informal or formal action under this procedure, as appropriate.

5 Informal procedure

5.1 If the Partner Manager (or Head of Department) becomes aware of a failure to achieve acceptable standards or a lack of professionalism. In the provision of services, and if appropriate, in the first instance they will contact the partner to discuss this informally. Such discussion will include an exploration of any factors that may be affecting the partner and impacting upon the achievement of acceptable standards. Clarification of the partner's role will be provided and training offered if necessary.

- 5.2 The Partner Manager (or Head of Department) will make a written note on the partner's file of the complaint received (if any), details of the lack of standard or professionalism and any action agreed with the partner by way of remedy.
- 5.3 The Partner Manager will continue to monitor and review the situation to ensure acceptable standards are achieved or will provide training or support as appropriate. However, if the partner does not meet the standard required by the HPC despite the HPC's guidance and assistance, it will be appropriate to commence the formal procedure.

6 Formal procedure

- 6.1 If a complaint of a more serious nature is made against a partner, or if a partner consistently fails to achieve acceptable standards of performance as required by the HPC in the provision of the services, the formal procedure shall be invoked.
- 6.2 The Head of Department, in conjunction with the Partner Manager, will investigate any allegation of unprofessional behaviour or sub-standard provision of the services. This will include interviewing any witnesses and drawing together any relevant information. Confidentiality will be maintained as far as possible. An investigation is intended to assist the Head of Department establish a fair and balanced view of the facts.
- 6.3 As part of this investigation the Head of Department, in conjunction with the Partner Manager, will write to the partner outlining relevant details of the allegation and a full summary of any complaint received. The Head of Department will either ask for the partner's written comment by way of response or request a meeting to discuss this issue further.
- 6.4 The Head of Department, in conjunction with the Partner Manager, will inform the partner in writing of the decision reached and of any action the Head of Department believes is appropriate in the circumstances.
- 6.5 The Head of Department will make a note on the partner's file of the allegation, any evidence considered, the decision reached and the reasons for that decision, and any action taken (such as recommendation to attend additional training and/or timeframe for improvement).

- 6.6 The decision reached by the HPC will depend upon the nature of the allegation. Discussions and/or meetings with the partner during the progress of the Complaints Procedure will enable the HPC to determine an appropriate outcome, such decision being related to the nature of the allegation. However, depending upon the seriousness of the allegation one possible outcome may be termination of the Partner Agreement.
- 6.7 Partners have the right of appeal against a Head of Department's and Partner Manager's decision.
- 6.8 Depending upon the nature of the complaint received the HPC reserves the right to not use a partner pending outcome of an investigation. If so, this will be confirmed to them in writing.

7 Right of appeal

- 7.1 If the partner is dissatisfied with the decision reached by the Head of Department at the conclusion of the formal procedure, they should submit a written appeal to the HPC's Chief Executive (or other individual as directed by the Chief Executive) within 10 working days of the date of the Head of Department's decision letter.
- 7.2 The appeal letter should clearly set out the grounds of appeal.
- 7.3 If the partner wishes to meet with the Chief Executive to discuss their appeal, this should be confirmed in the appeal letter. If so, the Chief Executive will arrange to meet the partner, usually within 15 days of the date of the appeal letter.
- 7.4 In relation to documents to be considered at the appeal meeting, at least five days prior to the date of the meeting both the partner and the Chief Executive should provide to the other copies of any documents to which they wish to refer.
- 7.5 Prior to the appeal meeting the Chief Executive will review the information gathered as part of the Partner Manager's investigation and the decision reached by the Head of Department.
- 7.6 At the appeal hearing the partner should verbally explain the grounds of appeal. The Head of Department will then explain the basis for the decision reached at the conclusion of the formal procedure.

- 7.7 Partners who wish to be accompanied at the appeal meeting by another HPC Partner (excluding legal assessors) should notify the Chief Executive of the identity of their companion at least five days prior to the date of the appeal meeting (if any is held). However, companions cannot answer questions on the partner's behalf nor act as representative for the partner. Acting as a companion is voluntary and partners are under no obligation to act as a companion. Partners are not entitled to legal representation and/or advice at appeal meetings. The role of a companion is to provide support to the partner.
- 7.8 Within 15 working days of the appeal meeting, the Chief Executive will inform the partner in writing of the appeal process.
- 7.9 There will be no further right of appeal and the procedure will be exhausted at the conclusion of the appeal stage.

8 Documentation

- 8.1 Partners should note that any documents considered as part of the complaints procedure (informal or formal) or the appeal process may be submitted to external agencies if appropriate. This may include the police, HMRC or otherwise as required by law.

9 Timeframes

- 9.1 The HPC will endeavour to comply with the timeframes set out. However, on occasion it may be necessary to extend timeframes. When timeframes are extended the HPC will notify the partner and keep the partner informed of the progress of the procedure.

10 Confidentiality

- 10.1 The HPC aims to deal with all complaint matters sensitively and with due respect for the privacy of any individuals involved. All partners are required to treat as confidential any information communicated to them in connection with an investigation.
- 10.2 Partners and their companions are not permitted to make any electronic recordings of meetings held under this procedure.

11 Meetings

11.1 Should a partner fail to attend a meeting with the HPC when requested to do so as part of this procedure, a decision may be made in the partner's absence.

12. Review

12.1 The Partner Manager will review this policy annually and may amend it from time to time.