

# Complaints Procedure

March 2014



The College is the professional body for eye doctors and we provide services for ophthalmologists and trainees. We are not a regulatory body and complaints about individual doctors should be dealt with by the local procedures of the hospital, practice or clinic and, if necessary, referred on to the General Medical Council.

We do receive a wide range of enquiries from patients, members of the public, allied professionals and charitable organisations and our intention is to provide a high level of service. Please tell us if we have not maintained a high standard so that we can try to put things right and improve our systems and processes for the future.

*The complaints procedure does not apply to:*

1. *Examination results; candidates wishing to complain about a College examination should contact the Examinations Department.*
2. *Staff personnel matters which are covered in the Staff Handbook*

## **Informal Complaints**

We try to resolve problems informally first. Where there is a problem, please contact the person (or the relevant department head) who provided the service or the response to your enquiry and explain why you are unhappy and what action is needed. This can be done by telephone or in writing. We will then try to resolve the matter for you as quickly as we can.

## **Formal Complaints**

If you are still dissatisfied, a formal complaint should be made in writing, by letter or e-mail. Ideally, complaints should be made within one month of the date the problem or concern arose to help us to establish what happened.

Your complaint should identify:

- Your name and full contact details
- The nature of the complaint
- Who has been involved so far
- What has/has not been done
- Why you are not satisfied with the outcome
- How you would like to see the matter resolved

The Chief Executive will normally investigate the complaint, although this may be undertaken by a College Officer. Complaints involving the Chief Executive will be dealt with by the Honorary Secretary.

The College will try to respond within 20 working days of the initial formal complaint arriving at the College. If, in exceptional circumstances, the College cannot meet the deadline of 20 working days, a letter or email will be sent explaining why and giving a new date by which you can expect the response.

At this stage, we would anticipate being able to resolve most complaints.

## **Consideration of an Appeal by the Appeal Panel**

A complainant who feels that a resolution has not been achieved may seek to present the case to an appeal panel. The complainant must re-state the complaint in writing and give the reasons why the written response is unsatisfactory. He/she must also state what he/she seeks from the appeal panel.

The appeal will be considered initially by the Honorary Secretary. A complaint involving the Honorary Secretary will be considered by a Vice President or regional representative member of Council, as appropriate.

If it is agreed that there is a *prima facie* case in support of the appeal, the Honorary Secretary will convene an Appeal Panel within eight weeks of the complainant's written appeal being received, if reasonably practicable. The Appeal Panel will comprise of the following:

- i. the Honorary Secretary, who will act as Chairman of the Appeal Panel
- ii. a College Office bearer (see Annex A)
- iii. a member of the College Council
- iv. a member of the College Lay Advisory Group

No member of the Appeal Panel will have any current or previous involvement with any aspect of the complaint.

The Chief Executive or nominated deputy will act as Secretary to the Appeal Panel and will attend the Panel as an observer.

The Panel will consider the appeal in the light of written evidence presented and will afford the appellant the opportunity of a hearing. The Chief Executive will agree the date of the hearing with the complainant.

No member of the Appeal Panel can be a subject of the complaint.

In exceptional circumstances, the Honorary Secretary may nominate a representative to replace him/her on the Appeal Panel.

The complainant will be invited to present his or her case in person to the Appeal Panel. The complainant will be entitled to be accompanied by a friend. The friend may advise and counsel the complainant but will not be allowed to make statements or take any part in the proceedings.

The Chairman of the Appeal Panel may take whatever steps he/she considers necessary to ensure that the appeal is handled fairly and efficiently. The Appeal Panel may request from the complainant corroborative evidence not already supplied and this must be submitted to the Panel prior to the hearing. The Panel may also seek evidence from any other person and may request any person to give evidence at the hearing. Members of the Panel and the candidate may question any person before it. All written evidence must be received four weeks prior to the hearing so that all members of the panel have the opportunity to consider it.

If the appeal is rejected, the Secretary to the Appeal Panel will inform the complainant of the reasons for the Panel's decision and this will be the end of the appeal process regardless of whether there are further circumstances subsequently cited by the complainant.

If the Appeal Panel upholds an appeal for outcomes requested, the Appeal Panel's decision will be notified to the complainant by the Secretary to the Appeal Panel.

The appellant will normally be informed of the decision regarding an appeal within 28 days of the hearing. The appellant will be informed if any delay is likely to occur.

There is no further right of appeal.

Any questions arising in respect of the conduct of the Complaints Procedure will be considered and adjudicated by the College Arbiter, a Fellow of the College of due experience and standing who is not Member of the Council. He/she has discretion to take advice or take evidence as he/she thinks fit, and his/her decision is final.

**The decision of the panel is final.**

**Persons Named in a Complaint**

Any person who is a subject of a complaint shall be entitled to view all the paperwork submitted in connection with that complaint and make representation to the Appeal Panel.

**Record keeping**

A central register of formal complaints will be maintained by the Chief Executive detailing the nature of the complaint and the outcome. The register will be reviewed on a periodic basis by the College Executive Committee.

Documents relating to the complaint will be kept for seven years.

Complaints should be sent to:

The Chief Executive  
The Royal College of Ophthalmologists  
18 Stephenson Way  
London  
NW1 2HD

E-mail: [kathy.evans@rcophth.ac.uk](mailto:kathy.evans@rcophth.ac.uk)

*March 2014*

*To be reviewed March 2018*

**Annex A**

College Office Bearers Eligible to consider appeals

- Vice Presidents of the College
- The Honorary Treasurer of the College

(<https://www.rcophth.ac.uk/about/governance/rcophth-council/>)