

# **COUNCIL FOR ANTHROPOSOPHICAL HEALTH AND SOCIAL CARE INVESTIGATION OF COMPLAINTS (PROCEDURE) RULES**

## **Part I Preliminary**

The Council for Anthroposophical Health and Social Care hereby make the following Rules:

### **Citation and Commencement**

1. These Rules may be cited as the Council for Anthroposophical Health and Social Care Investigation of Complaints (Procedure) Rules 2006, and shall come into force on the 3<sup>rd</sup> July 2006.

### **Interpretation**

2. In these Rules, unless the context otherwise requires:

"case relating to conduct or incompetence" means a case where a question arises as to whether the registrant may have been guilty of unacceptable professional conduct or professional incompetence;

"case relating to conviction" means a case where it is alleged that a registrant has been convicted in the United Kingdom, whether while registered or not, of a criminal offence;

"case relating to health" means a case where a question arises as to whether the ability to practise of the registrant is seriously impaired because of his physical or mental condition;

"the Chairman" means the Chairman of the Investigating Committee;

"the Committee" means the Investigating Committee established by the Council;

"complainant" means a person by whom a complaint has been made to the Council;

"the Council" means the Council for Anthroposophical Health and Social Care or a Committee of the Council acting under delegated power;

"the Health Committee" means the Committee established by the Council;

"legal assessor" means an assessor appointed by the Council;

"medical assessor" means an assessor appointed by the Council;

"registrant" means a health or social care professional registered with the Council for Anthroposophical Health and Social Care against whom a complaint has been made and includes a person whose registration is currently suspended;

"the Professional Conduct Committee" means the Committee established by Council;

"the Screener" means a person appointed pursuant to rule 3(1) of these Rules to give preliminary consideration to complaints;

"the Solicitor" means any Solicitor appointed by the Council and includes Counsel representing the Solicitor.

## **Part II**

## **Initial consideration of cases**

### **Appointment and role of Screeners**

**3.** (1) Before any case is considered by the Investigating Committee it shall have been considered by a member of the Investigating Committee appointed for the purpose by the Council (“the Screener”) and referred by that person to the Committee.

(2) The member under paragraph (1) shall be a health or social care professional fully registered with the Council for Anthroposophical Health and Social Care.

(3) The member appointed under paragraph (1) shall not-

(a) be the Registrar or a member of either the Professional Conduct Committee or the Health Committee; and

(b) shall not sit as a member of the Investigating Committee on any case previously considered by him in his capacity as Screener.

**4.** (1) Subject to paragraph (2), where the Screener has decided on an earlier occasion that there is no competence to deal with a complaint against a registrant (“an earlier case”), that earlier case may nevertheless be taken into account by the Screener in connection with the consideration of a subsequent complaint against the same registrant with a view to determining whether together they may indicate a case relating to conduct or incompetence or a case relating to health.

(2) An earlier case may only be taken into account in accordance with paragraph (1) if, when the registrant is notified that no further action is to be taken in connection with the earlier case, the notification contains a statement that the case may be taken into account in the consideration of any subsequent complaint.

**5.** For the purposes of considering a case, the Screener may seek information about or observations on the case from any person who, in the opinion of the Screener, might assist him in his consideration.

**6.** (1) Where the Screener decides that the Investigating Committee has no competence to deal with a complaint then he shall inform the complainant of this decision in writing and give reasons.

(2) In such circumstances neither the complainant, nor the registrant, shall have the right of access to any document relating to the case.

## **Part III Procedures of the Investigating Committee**

### **The Investigating Committee**

7. The Committee shall meet in private to undertake the following:

- (1) consider all new cases of complaint
- (2) review all ongoing cases
- (3) review the reports of Screeners
- (4) receive reports from sub-committees
- (5) take note of the outcome of cases referred to the Professional Conduct Committee or to the Health Committee.

8. The Committee shall meet not less than three times a year and in such days as it shall determine.

9. The Committee shall accept for consideration written statements made by the complainant, the registrant, and by others submitting additional information and any other material collected by the Screener.

#### **New Cases relating to Convictions, Conduct or Incompetence.**

10. Where the Committee is required to carry out an investigation of a complaint relating to convictions, conduct or incompetence of a registrant, it shall in the event that it concludes that there is no case to answer records its reasons for so concluding and supply those reasons in writing both to the registrant and the complainant;

#### **New Cases Relating to Health**

11. In any investigation of a complaint relating to the health of a registrant the Committee shall follow the procedures set out in Rules 12 to 17 below.

12. The Committee may request permission from the registrant to obtain reports from his medical advisers.

13. At any stage of its investigations the Committee may cause such enquiries to be made in relation to the matter as it thinks fit and it may, if it considers it necessary to assist the Committee in arriving at a decision-

(1) obtain advice from a medical assessor on the information and evidence which has been received;

(2) send a notice to the registrant-

- (a) inviting the registrant to agree within a period of fourteen days beginning with the day on which the notice is sent to him to submit to examination by a medical assessor appointed pursuant to rule 15 and to agree that such assessor shall furnish to the

Committee reports on his fitness to practise;

- (b) informing the registrant that it is also open to him to nominate other medical practitioners to examine him at his expense and report to the Committee on his fitness to practise; and
- (c) inviting the registrant to submit any further observations or other evidence which he may wish to offer as to his fitness to practise.

### **Medical Examination**

**14.** If the registrant agrees to submit to medical examination in response to an invitation, the Committee shall make arrangements for such examination by one or more medical assessors of the appropriate specialty.

### **Action following reports of medical examination**

**15.** Subject to the provisions of rule 17, the Committee shall send copies of any report received from the medical assessor to the registrant and invite him to submit any observations that he has on the reports within the period of 28 days beginning with the day on which the reports are sent to him.

**16. (1)** If in the opinion of the Committee a report contains any material which-

- (a) is not relevant to the present fitness to practise of the registrant; and
- (b) it would not be in the best interests of the registrant to see then the Committee may direct the medical assessor to exclude such material from his report.

(2) No material so excluded shall subsequently be presented to the Health Committee.

**17.** Following consideration of the information and reports it has been able to obtain, and any observations which have been supplied by the registrant, the Committee shall determine whether there is a case to answer and inform the registrant and the complainant in writing of its conclusion.

### **Notification to the registrant in all new cases**

**18.** (1) Where the Committee considers that it has insufficient evidence fully to understand the nature of the complaint, the Committee may delay notifying the registrant of the complaint until sufficient evidence has been obtained.

(2) The Committee shall enclose with any notice a summary of information received by the Council.

(3) Notices sent to the registrant requesting further information which is necessary to the proper investigation of the complaint, or asking him to agree to submit to a medical examination, shall contain a statement to the effect that, if the registrant fails, without good reason, to respond to the notice within twenty eight days of the date of it being sent to him, then the Committee will conclude that there is a case to answer and refer it forthwith to the Professional Conduct Committee or the Health Committee as appropriate.

### **Further investigations**

**19.** (1) The Committee may in any case consider that it has insufficient evidence on which to reach a decision and may require further investigations to be carried out.

(2) Such investigations may include seeking further information from the complainant or the registrant or statements or reports from other registrants, authorities or persons having knowledge of matters to do with the complaint and may also include a request to the registrant for members of the Committee to visit the practice at a pre-arranged date and time.

### **Legal Advice**

**20.** The Committee may in any case seek legal advice from a legal assessor on any question of law arising in connection with the case and may ask the Solicitor to assist in any enquiries and investigations, and in the collection of evidence, and in the formulation of the allegation or allegations in the event that they are to be referred to the Professional Conduct Committee or to the Health Committee.

### **Power to Adjourn**

**21.** Where the Committee wishes in any case to make further enquiries or further investigations, to obtain further evidence or to seek legal advice it may adjourn further consideration of the case until its next meeting.

## **Interim Suspension**

**22.** (1) If the Committee considers that the nature of the complaint received is such that in order to protect members of the public it may be necessary to order the Registrar to suspend the registrant's registration (an "Interim Suspension Order"), it shall-

(a) notify the registrant of his opportunity to appear before it at a hearing to argue why an Interim Suspension Order should not be made and of his right to be legally represented at any hearing;

(b) proceed as provided in the following paragraphs of this rule.

(2) Any hearing under this Rule shall not be fixed within a period of five days beginning with the day on which the notice under paragraph (1)(a) hereof is sent to the registrant.

(3) A legal assessor appointed by the Council shall be present at any such hearing.

(4) Where the registrant is neither present nor represented at the hearing, the Committee may, nevertheless, proceed with the hearing if it is satisfied that all reasonable efforts have been made in accordance with rule 22(1)(a) to serve notification of the hearing on the registrant.

(5) When considering whether to make an Order under this rule the Committee may invite the Solicitor to address it as to the circumstances of the case.

(6) The Committee shall-

(a) ensure that its decision is recorded in writing; and

(b) direct the Registrar as soon as practicable, after the hearing to send a copy of the Order to the registrant.

(7) Subject to the above, the Committee's procedure in dealing with Interim Suspension Orders shall be as it shall determine.

## **Ongoing cases and Review of the decisions of Screeners**

**23.** At each meeting the Committee shall review all cases not yet concluded or referred to the Professional Conduct Committee or to the Health Committee.

## **General**

24. Where, in relation to any complaint which is the subject of a report made to it, the Committee dismisses that complaint (the “dismissed complaint”) on the grounds that there is no case to answer, and the Screener then makes a further report to the Committee in connection with a subsequent complaint, that report may, if the Screener thinks fit, contain details of the dismissed complaint so that the Committee may determine whether together the complaints indicate a case to answer.

25. No member of the Committee who is a member of the Health Committee or the Professional Conduct Committee shall take part in dealing with the same allegation in his capacity as a member of those other Committees.

26. Where the Committee has concluded that there is no case to answer, neither the complainant nor the registrant shall have any right of access to any documents relating to the case submitted to the Council.

## **Service of Notices**

27. Any notice or communication required by these rules to be served on a registrant shall be served by recorded delivery to the registrant at his address on the Register or to his last known or any other address if it appears to the Registrar that a notice so addressed is more likely to reach him.

## **Provision of rules to the Registrant**

28. The Registrar shall provide a copy of these rules to the registrant when taking any action under rules 13(2) and 22.

Agreed by the Council for Anthroposophical Health and Social Care this 3rd day of July two thousand and six.

*Simon Fielding*  
Chairman