

Complaints against Council members

From time to time, the Council may receive complaints from those who feel that members of the Council have not discharged their responsibilities properly. This protocol sets out the way in which the Council will deal with such complaints.

1. Receiving and acknowledging complaints

1.1 Complaints about members of the Council must be notified in writing to the Chair. Where the complaint relates to the Chair, the complaint must be notified in writing to the Registrar.

1.2 The complaint must identify the complainant.

1.3 Each complaint shall then be acknowledged within 2 working days.

2. Requiring additional information about the complaint

2.1 Where the complaint is made to the Council by a person not directly involved in the matters giving rise to the complaint, the Chair shall take all reasonable steps to secure written confirmation of the complaint from a person directly involved in the matters giving rise to it.

2.2 Written confirmation need not be sought where -

(a) the person directly involved in the matters giving rise to the complaint is under 18 years of age and the complainant is the person responsible for that child;

(b) the person directly involved in the matters giving rise to the complaint is deceased, and the complainant is a relative or representative of the deceased.

3. Obtaining further information and documents

3.1 In order to obtain information and documents held by a third party relating to any person, the Council will require a permission form to be signed and dated by that person.

3.2 A permission form will be acceptable where –

(a) the person to whom the documents relate is under 18 years of age and the person signing the notice is the person responsible for that child;

(b) the person to whom the documents relate is deceased and the person signing the notice is a relative or representative of the deceased.

3.3 Save in circumstances where a complainant refuses to allow access, the Council shall seek copies of all documents held by third parties.

4. Responding to the complaint

4.1 Once the Chair is satisfied that all relevant information and documents have been obtained, he shall, within 14 days, assess the complaint and respond to the complainant. If the Chair concludes the complaint is groundless, or not serious enough to be dealt with under these procedures, the Chair will inform the complainant and no further action will be taken.

4.2 Where the Chair concludes that the complaint should be dealt with under these procedures, the member of Council will be notified of the complaint and the complainant's identity and will be presented with all the evidence that supports the complaint.

4.3 Where it is possible to resolve a matter informally, the Chair will do so. This may include offering advice to the member on expected conduct and requesting a written or verbal apology to individuals or to the Council for unacceptable behaviour. The complainant will be provided with any representations and evidence submitted by the member.

4.4 Where the Chair is unable to resolve the complaint informally, it will be addressed as set out under section 5 below. An informal resolution or a decision to move to section 5 should be completed within 40 working days of receiving the complaint.

5. Investigation Panel

5.1 If the Chair concludes that action under section 4 is not sufficient, the Chair will select a panel of members to investigate the complaint or allegation and make findings on fact. The investigation panel should consist of a lay member, an optometrist and a dispensing optician.

5.2 The investigation panel will take account of any relevant information including representations made by the member.

5.3 The investigation panel should produce a confidential report within 15 days of being selected. This report should be made available to the member under investigation for comment.

5.4 The member under investigation must provide any comments on the report within 10 working days of receiving the report. The investigation panel must review the report in the light of these comments, incorporate any changes and submit its final report to Council within 10 working days of receiving comments from the member under investigation.

6. Report to the Council

6.1 Where the investigation panel finds that the evidence supports the complaint, the Council will consider the report in closed session. A decision to provisionally suspend membership of the Council will be reported to the Privy Council in writing as soon as is practicable.

7. Complaints against the Chair

7.1 A complaint against the Chair should be addressed to the Registrar who will refer the complaint to an investigation panel under section 5 of these procedures. The Registrar will select the panel. The Registrar must explain the reason behind the selection of the panel if called upon to do so by the Council.

8. Audit Committee

8.1. The Audit Committee will review all complaints received to determine that the complaint has been handled under the terms of this protocol.

9. Information storage

9.1 All incoming correspondence and documents shall be scanned onto the Council's computer system in a separate electronic file.

9.2 Each complaint file shall be retained in paper form for 12 months following which it shall be confidentially destroyed.

9.3 Each complaint file shall be retained in electronic form for such period as the Registrar shall think fit.

30 June 2005

Amended 17 June 2010