

THE ANIMAL HEALTH PROFESSIONS REGISTER

Complaints & Disciplinary Procedure



Table of Contents

1. INTRODUCTION

3

1.1 Purpose	3
1.2 Minor Conduct Issues	3
1.3 Code of Conduct	3
1.4 Support and Representation	3
1.5 Expenses	3
1.6 Time limits	4
2. CONFIDENTIALITY	4
3. INFORMAL DISCUSSION	4
4. PRELIMINARY INTERVIEW	4
5. INVESTIGATIONS	5
6. CRIMINAL ALLEGATIONS	6
7. SUSPENSION	6
8. NOTIFICATION OF A HEARING	6
9. DISCIPLINARY HEARING	7
10. POWERS OF THE SUB-COMMITTEE	8
11. THE EFFECT OF A WRITTEN WARNING	9
12. APPEALS	10

1. INTRODUCTION

1.1 Purpose

The purpose of this procedure is to provide a means of resolving, where possible, any complaint against a registrant of the Animal Health Professions Register (AHPR) by any person in connection with the work of any registrant of the AHPR.

The Disciplinary Procedure provides a framework within which the AHPR can work with registrants to maintain satisfactory standards of conduct and to encourage improvement where necessary.

1.2 Minor Conduct Issues

This procedure is intended wherever possible to be conciliatory, constructive, and if appropriate, to give guidance for the future conduct of registrants of the AHPR. It is not intended to be punitive, and the use of the sanctions provided for in the disciplinary procedure would normally be viewed as a last resort.

Minor conduct issues can often be resolved informally. If a minor cause for concern comes to the attention of the AHPR, the registrant will be contacted by AHPR and the issue discussed. A record of any informal discussions will be retained by AHPR along with any corrective course of action agreed. Formal steps will be taken under this procedure if the matter is not resolved, or if informal discussion is not appropriate (for example, because of the seriousness of the concern or allegation made).

1.3 Code of Conduct

Registrants are bound to accept and work to the Register's Code of Conduct, and any infringement may be taken into account when considering a complaint.

1.4 Support and Representation

Registrants, against whom a complaint has been made are advised to talk it over with a friend or colleague. In any discussion or hearing they may be accompanied by a companion if they wish, to act as adviser and provide support. Registrants are not encouraged to use lawyers except as a last resort. This is partly because of the cost, and partly because the involvement of lawyers, especially at an early stage, can make a sensitive resolution of the problem more difficult to achieve.

In the case of any disciplinary hearing or appeal hearing under this procedure the registrant may bring a union representative, employee, colleague or legal representative. AHPR must be informed of the chosen union representative, employee, colleague or legal representative, no less than 14 days prior to the hearing. AHPR will also require notification of any professional qualifications the representative holds and the position in which they are to attend. AHPR reserve the right at our absolute discretion to require the registrant's companion to leave the hearing should AHPR decide that this is necessary for any reason.

1.5 Expenses

The AHPR shall not be responsible for the travel or any other expenses incurred by either the complainant, the registrant complained of or the registrant's representative(s).

1.6 Time limits

The time limits specified in the following paragraphs are intended to act as a guideline rather than a rigid timetable. Where a date is set for an interview or hearing, consideration will be given to any reasonable request that an alternative date be arranged.

1.7 Frivolous, malicious or vexatious complaints

AHPR may reject a complaint at any time if, in the opinion of the AHPR board, or nominee, the complaint is frivolous, malicious or vexatious.

A frivolous or vexatious complaint can be characterised in a number of ways:

1. Complaints which are obsessive, persistent, harassing, prolific, repetitive;
2. Insistence upon pursuing unmeritorious complaints and/or unrealistic outcomes beyond all reason;
3. Making a complaint without evidence to substantiate said complaint;
4. Insistence upon pursuing potentially meritorious complaints in an unreasonable manner;
5. Making a complaint that is false;
6. Making a complaint for personal or commercial gain;
7. Complaints which are designed to cause disruption or annoyance;
8. Demands for redress which lack any serious purpose or value.

If a complaint is considered frivolous, malicious or vexatious, the AHPR board, or nominee, will write to the complainant, explaining that the AHPR is terminating further consideration of the complaint, setting out the reasons for doing so, and issue a Completion of Procedures letter. The complainant may be referred to the AHPR disciplinary panel for their conduct.

2. CONFIDENTIALITY

2.1 AHPR aims to deal with disciplinary matters sensitively and with due respect for a registrant's privacy and that of any complainant or other persons involved. All registrants must treat as confidential any information communicated to them relating to an investigation or disciplinary matter. Registrants will normally be told the names of any complainant whose evidence is relevant to disciplinary proceedings against them, unless AHPR believe that a complainant's identity should remain confidential.

3. INFORMAL DISCUSSION

3.1 The AHPR would encourage anyone who wishes to make a complaint against a registrant to make known the grounds of complaint to that registrant and to discuss the situation with them with a view to resolving the matter to the satisfaction of both parties without the need for formal steps.

3.2 If it is thought that it would be helpful for a meeting to be held with an intermediary party present to help facilitate, the AHPR would encourage the complainant and the registrant in question to initiate a meeting in the first instance with the registrant's professional sub group, and secondly, in the presence of another registrant of the AHPR, acceptable to both parties. This can be done without any active involvement on the part of the committee, but the committee would be happy to suggest a registrant who might be willing to act in this capacity

if this is desired. Any such meeting should be informal and the nature and content of the discussions entirely confidential.

3.3 If AHPR receive a potential complaint then the registrant's professional subgroup, the disciplinary committee chair should be notified with any pertinent details and their advice sought (where appropriate to do so), even if the complaint is dealt with informally.

4. PRELIMINARY INTERVIEW

4.1 If the parties are not able to resolve the matter informally, a formal complaint in writing should be addressed to the Registrar, stating in detail the grounds of the complaint and the full circumstances surrounding the matter of the complaint. The letter should state what attempts have been made to resolve the matter between the parties.

4.2 If a written complaint is received by the AHPR before any meeting between the parties has taken place, the complainant will be encouraged to make every attempt to resolve the matter by these means unless there are exceptional circumstances which make an informal approach inappropriate.

4.3 Subject to Paragraph 4.2 above the AHPR will, within ten working days of receipt of the letter of complaint, send to each of the parties a copy of the letter, a copy of this procedure, and will set a date for a preliminary interview with the Registrar. Wherever possible this interview should take place within 30 days of receipt of the letter of complaint. The registrant complained of shall have the right to submit a letter of response to the Registrar prior to the interview should they so wish.

4.4 At the preliminary interview, the Registrar will discuss the subject of the complaint with both parties, each of whom should be given full opportunity to express their views. The primary aim of this interview will be to resolve the matter without the need for a full disciplinary hearing. If it is not possible to achieve a resolution, the Registrar shall submit a brief written report to the Chair indicating whether in their view the matter should be referred for a full disciplinary hearing, considering:

- the seriousness of the alleged complaint
- the evidence against the registrant complained of
- whether this is a matter in which it is appropriate for the Register to become involved

A copy of the Registrar's report shall be sent to both parties and the registrant's professional sub group.

4.5 If the Registrar advises that the matter should be referred for a full disciplinary hearing, the Chair shall call a meeting of the Executive Committee for the purpose of electing a Disciplinary Sub- Committee ("the Sub-Committee"). The disciplinary Sub-Committee may comprise of a specialist regarding the nature of the complaint, a practitioner from the registrant's professional sub group, a lay person, and a disciplinary officer.

4.6 If the Registrar advises that the matter should not be referred for a full disciplinary hearing, and the complainant does not accept their view, the complainant shall have the right to make an appeal by letter to the Chair. The final decision as to whether a full disciplinary hearing shall be held shall rest with the Chair whose decision on this point shall be final.

5 INVESTIGATIONS

5.1 The purpose of an investigation is for AHPR to establish a fair and balanced view of the facts relating to any disciplinary allegations against a registrant, before proceeding with a disciplinary hearing. The amount of investigation required will depend on the nature of the allegations and will vary from case to case. It may involve interviewing and taking statements from the registrant and any complainant's or other witnesses, and/or reviewing relevant documentation.

5.2 Investigative interviews are solely for the purpose of fact-finding and no decision on disciplinary action will be taken until after a disciplinary hearing has been held.

5.3 Registrants must co-operate fully and promptly in any investigation. This will include informing AHPR of the names of any relevant witnesses, disclosing any relevant documents/evidence to AHPR in a timely manner and attending investigative interviews if required.

6 CRIMINAL ALLEGATIONS

6.1 Where a registrant's conduct is the subject of a criminal investigation, charge or conviction AHPR will investigate the facts before deciding whether to take formal disciplinary action.

6.2 AHPR may wait for the outcome of any prosecution before deciding what action, if any, to take. However, AHPR are not bound to do so and will make a determination on whether to continue with disciplinary action regardless of any prosecution. Where registrants are unable or have been advised not to attend a disciplinary hearing or say anything about a pending criminal matter, AHPR may have to take a decision based on the available evidence.

6.3 A criminal investigation, charge or conviction relating to conduct unrelated to being a registrant of the AHPR may be treated as a disciplinary matter if AHPR consider that it is relevant to the registrant's ability to continue with the AHPR. In particular, if a registrant's conduct could be deemed to bring the register into disrepute.

7 SUSPENSION

7.1 In some circumstances AHPR may require a registrant to cease purporting to be a registrant or practicing as an AHPR registrant. This will include requiring a registrant to remove any reference on marketing material (including websites/social media) to being part of the AHPR. Any suspension of this nature will be for no longer than is necessary to investigate any allegations of misconduct or so long as is otherwise reasonable while any disciplinary procedure is outstanding. AHPR will confirm the arrangements in writing and also inform the registrant's professional sub group.

7.2 Suspension of this kind is not a disciplinary penalty and does not imply that any decision has already been made about the allegations. Registrants will not be eligible to claim compensation from AHPR for any loss of income suffered as a result of not being able to work as an AHPR registrant during a period of suspension. AHPR will seek to act reasonably and with due diligence in all cases.

8 NOTIFICATION OF A HEARING

8.1 Following any investigation, if AHPR consider there are grounds for disciplinary action, the registrant will be required to attend a disciplinary hearing. AHPR will inform the registrant in writing of the allegations against them, the basis for those allegations, and what the likely range of consequences will be if AHPR decide after the hearing that the allegations are true. AHPR will also include the following where appropriate:

- 8.1.1 a summary of relevant information gathered during the investigation;
- 8.1.2 a copy of any relevant documents which will be used at the disciplinary hearing; and
- 8.1.3 a copy of any relevant complainant and witness statements, except where a complainant's identity is to be kept confidential, in which case AHPR will give the registrant as much information as possible while maintaining confidentiality.

8.2 AHPR will give the registrant written notice of the date, time and place of the disciplinary hearing. The hearing will be held as soon as reasonably practicable, but the registrant will be given a reasonable amount of time, usually 28 days minimum, to prepare their case based on the information AHPR have provided.

8.3 The registrant will be required to provide the hearing panel with all relevant information they wish to rely on for defence. This must be received by the AHPR at least 10 days before the hearing date.

9 DISCIPLINARY HEARING

9.1 Following the election of the Sub-Committee under paragraph 4.5 above, a date for a full disciplinary hearing shall be set, and copies of the following documents sent to each member of the Sub-Committee:

- 9.1.1 The letter(s) of complaint
- 9.1.2 The letter(s) of response, if any
- 9.1.3 The report of the Registrar
- 9.1.4 Any subsequent correspondence between the parties, the Registrar (or representative thereof) and the Chair
- 9.1.5 Any previous complaints made against the registrant complained of
- 9.1.6 Any previous written warnings or decisions of a disciplinary nature
- 9.1.7 Wherever possible, the full disciplinary hearing should take place within 45 days of the Registrar report.

9.2 The Sub-Committee may, if appropriate, hold a preliminary meeting to discuss any issues arising from the above documents, and to consider the future conduct of the matter.

9.3 The full disciplinary hearing shall be recorded. Each party shall have the right to bring one representative to help them present their case and offer support. All hearings are confidential and shall follow the stages set out below:

- the complainant sets out the nature of the complaint
- the complainant may be questioned by the registrant complained against and/or the registrants of the Sub-Committee
- the registrant complained of answers the complaint

- the registrant complained of may be questioned by the complainant and or the registrants of the Sub-Committee
- the registrant complained of may add further points and summarise their position
- the complainant may add further points and summarise their position
- the Sub-Committee retires to consider the matter and reach a decision. The registrant and complainant will be notified of the decision.

9.4 The decision of the Sub-Committee may include one or more of the sanctions set out under paragraphs 9.5.1-9.5.5. Any decision reached at the end of the hearing shall be communicated to both parties and confirmed in writing within 7 days. The Sub-Committee may, if the case requires further consideration, reserve their decision, but must reach a conclusion, and send written confirmation of their decision to the parties within 21 days of the hearing.

9.5 If the Sub-Committee requires the registrant to give undertakings, it must ensure that any such undertakings are proportionate, targeted, workable and measurable. The Sub-Committee may draft and refer to a list of possible undertakings which will be regularly reviewed. The types of possible undertakings are not limited to those set out in the list of undertakings but may include, for example:

- 9.5.1 undergoing a course of professional development at the registrant's own expense;
- 9.5.2 supervision by a workplace supervisor appointed by the AHPR, who may be a suitable colleague in the same practice;
- 9.5.3 specific undertakings to address concerns identified by the AHPR or the workplace supervisor, for example, relating to the registrant's practice or the specific facts of the case;
- 9.5.4 undertakings allowing the sharing of information between relevant persons, for example, the registrant's employer, workplace supervisor and the AHPR; and,
- 9.5.5 submitting to performance or competence assessments and observation.

9.6 An undertaking is a formal promise given in writing and signed by the registrant. A registrant giving undertakings will be notified that, at the discretion of the AHPR sub-committee, breach of an undertaking could result in their expulsion for a failure to comply with the agreement.

9.7 The undertakings relating to a specific registrant are not made public by the AHPR, unless public disclosure is clearly in the public interest. Once undertakings have been given by a registrant, managing compliance with those undertakings takes place in private, unless there are overriding public interest reasons for disclosure.

9.8 The decision of the Sub-Committee shall be documented and reported to the Committee and the registrant's professional sub group. If the Sub-Committee impose expulsion or suspension, the name of the registrant complained of shall be set out in the minutes. In all other cases, the names of the complainant and the registrant complained of shall be kept confidential. Where a registrant is suspended or removed from the register this decision may be made available to the public.

9.9 The decision of the Sub-Committee shall be final and binding on both parties.

10 POWERS OF THE SUB-COMMITTEE

10.1 In the case of a minor misdemeanour, the registrant complained of shall be sent a written reprimand which warns them that if further complaints of a similar nature are received by the AHPR, whether from the complainant or from any other party, the registrant may be liable to further disciplinary action. The reprimand may, if appropriate, include conditions as to their future conduct and time limits for compliance therewith.

10.2 If further complaints are received and upheld, or if the registrant fails to comply with any conditions imposed, the registrant shall be sent a second letter warning them that if the matter is not resolved to the satisfaction of the Sub-Committee, they will consider suspension or expulsion.

10.3 If after two written warnings, and after a reasonable time has been allowed for the registrant to comply with any conditions imposed and the registrant fails to make the required improvements, the Sub-Committee may impose one or more of the sanctions set out under paragraph 9.5, notwithstanding the relatively minor nature of the matters complained of.

10.4 In the case of serious misconduct, or in the circumstances set out under paragraph 9.5 above, the Sub-Committee may impose one or more of the following sanctions:

10.4.1. suspension from register until a given date, or until specified conditions have been complied with

10.4.2. expulsion from register

10.5 The Sub-Committee shall take steps to monitor the registrant's compliance with any sanctions imposed, and in the event of default, to impose such further sanction as may be appropriate.

10.6 The Sub-Committee shall make it clear to registrants who have received an expulsion from the register whether they can re-apply for registered status after a certain period. This will depend on the seriousness of the offence. Registrants will have to clearly demonstrate their conduct has changed to such a degree that they meet all the criteria required of an AHPR registrant before they may be reregistered.

10.7 The Sub-Committee shall seek to undertake reasonable actions when discharging their duties, therefore this will not give rise to any action against it or the members of the committee and there shall be no personal liability on any member or the Chairperson.

10.8 The Sub-Committee will inform the registrant's professional sub group of action taken throughout all disciplinary proceedings relating to one of their members.

11 THE EFFECT OF A WRITTEN WARNING

11.1 Written warnings will set out the nature of the complaint, the change in conduct and/or practice required, the period for which the warning will remain active, and the likely consequences of further complaint in that active period. These will be set by the disciplinary panel for each case.

11.2 A first written warning will usually remain active for six months and a final written warning will usually remain active for 12 months. Registrants conduct may be reviewed at the end of a

warning's active period and if it has not improved sufficiently AHPR may decide to extend the active period.

11.3 After the active period, the warning will remain permanently on the registrants record and may be reviewed at future disciplinary proceedings.

12 APPEALS

12.1 If a registrant feels that disciplinary action taken against them is wrong or unjust they should appeal in writing, stating their full grounds of appeal, to the Chairperson within one week of the date on which they were informed of the decision.

12.2 If a registrant is appealing against their termination, the date on which termination takes effect will not be delayed pending the outcome of the appeal. However, if appeal is successful the registrant may be reinstated with effect from the date on which their being on the register was terminated. Registrants will not be compensated from any loss of earnings as a result of disciplinary action.

12.3 If any new matters are raised in appeal, AHPR may need to carry out further investigation. If any new information comes to light AHPR will provide the registrant with a summary including, where appropriate, copies of additional relevant documents and witness statements. Any evidence the registrant wishes to rely on must be submitted at least 28 days prior to the appeal date. This must be identically bundled and clearly labelled. Defendants need to provide three copies to the AHPR. Registrants will have a reasonable opportunity to consider relevant information before the hearing, and may comment on any new evidence arising during the appeal before any decision is taken.

12.4 AHPR will give the registrant written notice of the date, time and place of the appeal hearing.

12.5 The appeal hearing may be a complete re-hearing of the matter, or it may be a review of the fairness of the original decision in the light of the procedure that was followed, or any new information that may have come to light. This will be at AHPR discretion depending on the circumstances of the case. In any event, the appeal will be dealt with impartially.

12.6 The appeal hearing will be conducted impartially by an official of the AHPR who has not been previously involved in the case. The registrant may bring a "companion" to the appeal hearing (see 1.4). Other officials of the AHPR may also be present at the hearing.

12.7 AHPR may adjourn the appeal hearing if further investigations are necessary in the light of any new points raised at the hearing. The registrant will be given a reasonable opportunity (at least 28 days) to consider any new information obtained before the hearing is reconvened.

12.8 Following the appeal hearing AHPR may:

- confirm the original decision;
- revoke the original decision; or
- substitute a different penalty.

12.9 AHPR will inform the registrant and their professional sub group in writing of the final decision as soon as possible, usually within one week of the appeal hearing. Where possible AHPR will also explain their decision to the registrant in person. There will be no further right of appeal.