



## RCP conduct matters

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The RCP aims to provide a clear, fair and transparent process in which complaints regarding the conduct of members and fellows are assessed against the RCP Code of Conduct. Council approves the procedure for investigating 'matters of concern', which is summarised below.

### Summary and key principles

- > The office of the registrar holds responsibility for maintaining the records of fellows and members of all categories who are admitted to the RCP, and is the main first point of contact for 'matters of concern' raised about the membership.
- > Matters of concern should be sent to [concerns@rcp.ac.uk](mailto:concerns@rcp.ac.uk)
- > The registrar has a variety of powers to deal with, or delegate to review, 'matters of concern'
- > See the conduct process flowchart – [appendix 1](#).

### The process in parallel with the General Medical Council (GMC)

On a flag from the GMC or other source, a review process will commence according to agreed criteria mapped to the RCP Code of Conduct.

- > The RCP reviews the outcomes of all cases considered by the GMC and the Medical Practitioners Tribunal Service (MPTS). Substantive decisions on erasure and suspension by the Medical Practitioners

Tribunal Hearing result in automatic disqualification from RCP membership/fellowship. In the event of the GMC subsequently restoring registration, the RCP would be able to consider re-entry to membership or re-election to fellowship via the defined mechanisms.

- > Where a member is made subject to conditions/undertakings/warnings or to an interim order (conditions or suspension) by the GMC/MPTS, the RCP reserves the right to ask for a confidential declaration as to standing to be made by the member. Failure to make such a declaration may result in a removal of membership rights (in cases of interim orders, pending a final adjudication from the GMC/MPTS).
- > In exceptional (egregious) circumstances, interim suspension orders by the GMC can result in immediate removal of membership or fellowship via 'emergency measures'. In these cases, if subsequently no case is found against the appellant by the GMC, appeal for restitution of RCP membership could be immediate.
- > If the original complaint is not from a GMC source and is adjudicated using the RCP Code of Conduct, the registrar may, if felt necessary, disclose to the GMC and/or the members' responsible officer any information relating to a disciplinary offence (or alleged disciplinary offence) and any proceedings taken or penalty imposed by the RCP in connection with it.

## Complaints initiated from other sources

- > A local/informal resolution of a complaint may be possible: for example, for one-off unexpected poor conduct where a genuine apology has been offered and accepted. This may involve the registrar referring cases to appropriate RCP officers to manage within their directorate or team.
- > The registrar will inform the member of any complaint received and invite a written statement by way of response. On occasion, the registrar may choose to interview the member to aid fact finding.
- > At the registrar's discretion, and usually after consultation with another senior officer, eg the senior censor, no action after initial review might be thought appropriate.
- > The registrar will assess and case manage any investigation. An investigation file will be produced by the professional governance team and kept as a digital record. The decision to escalate for formal collegiate review will be made by the registrar alone or after consultation with others.
- > Where local resolution is not possible and/or where conduct is sufficiently poor or inappropriate and/or where there is a pattern of such conduct, this should be escalated by the registrar for case investigation by the Standing Panel of Censors.
- > Should the matter be considered serious enough for escalation, the registrar will inform the member of the relevant procedure.
- > Escalation for review and adjudication will be to a Standing Panel of Censors with supplementary support from the Invited Service Review (ISR) network of reviewers, if appropriate.
- > Final decisions of this panel will be agreed by the senior censor and referred back to the registrar for actioning.

## Standing Panel of Censors

The panel is convened as a permanent standing working group by the senior censor in order that all matters referred by the registrar can be handled in a timely and well-audited way. The main reference document for this panel will be the RCP Code of Conduct, and outcome options will be recommended in the following broad categories (mapped to the Code breaches). There is separation between the registrar who initiates and manages the process, and the censors who conduct the review and decide on sanction. Such sanctions include:

- > dismissal of the case
- > reprimand of the member or fellow by means of an oral or written warning (by the registrar on the censors' recommendation)
- > temporary suspension or permanent removal of the member's particular subscription status. Such recommendations must be endorsed by Council, acting on behalf of the fellowship as a whole
- > restitution of loss: in any case where specific RCP facilities or resources have been misused, by recommending that the member makes good any loss.

If the matter is escalated to the Standing Panel of Censors, the panel will be provided with the documentary evidence of the matter under review and will judge the matter according to the Code of Conduct. Sanctions include written or verbal warnings and temporary or permanent suspension/removal of membership.

- > Although unusual, under specific circumstances as judged by the censors and/or registrar, members might be barred from holding office or undertaking duties for the RCP, but might be permitted to continue with their membership.
- > A register of conflicts of interest is maintained for those undertaking RCP conduct work as part of their RCP roles and held by the office of the registrar.

- > Members should receive the decision of the RCP in writing both digitally and to their registered address from the office of the registrar.
- > All members undergoing investigation should have a standardised letter sent, signposting them to support.
- > All members shall have the right to request an appeal (bar those who have been erased or suspended by the GMC) to be submitted within 2 weeks of a disciplinary decision by the RCP. A standard appeal request form will be included with decisions, inviting the appellant to provide new evidence and their views on why the disciplinary decision was incorrect.

## Complaints against a senior officer of the RCP

Where a concern has been raised regarding a senior officer who holds a role in the conduct and disciplinary procedure, they will be substituted in that role in line with the Council-approved procedure.

Where the president is subject to investigation, their role in the procedure will be allocated to one of the remaining senior officers of the RCP (not cited in the complaint). Another senior officer would act as case manager and the case investigation panel might include other senior officers, an elected councillor, the chair or other lay representative of the Board of Trustees and the CEO.

## Appeals procedure

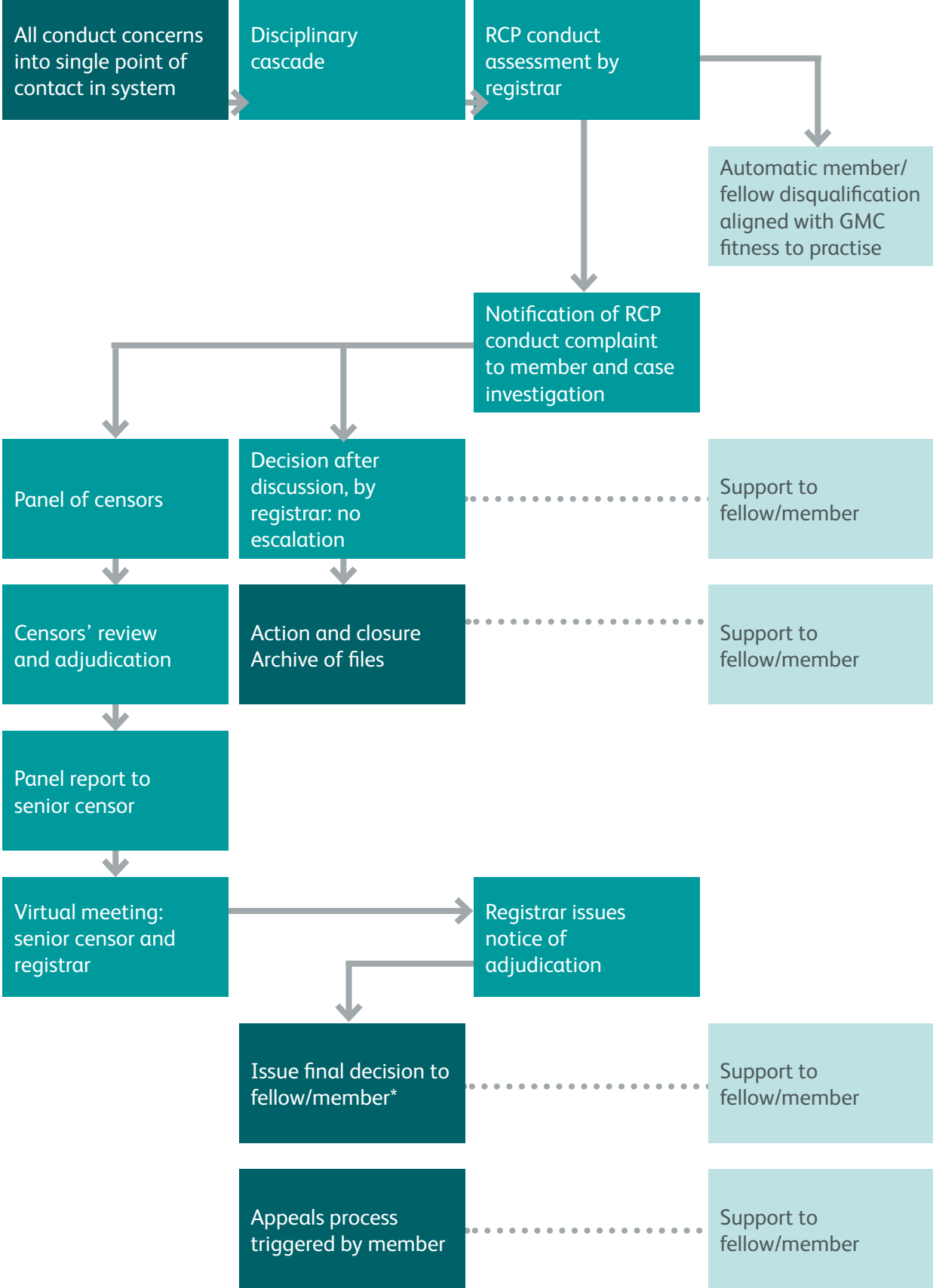
Where a request has been accepted for appeal, a separate Appeals Panel (in addition to the Standing Panel of Censors) will be convened as required to deal with appeals. Appeals will take a review rather than a *de novo* approach. The composition of the panel will ensure senior officer representation, but will exclude the registrar and senior censor. This panel (minimum of three persons) might include the president or their deputy, a lay trustee, an elected councillor, the director of the ISR and a censor not originally involved in the case. This appeal panel can:

- > allow an appeal by a member to stand, and dismiss the case
- > uphold an earlier disciplinary decision and associated penalty
- > uphold an earlier disciplinary decision, but reduce the penalty.

The request to appeal must be notified to the office of the registrar using [concerns@rcp.ac.uk](mailto:concerns@rcp.ac.uk). A standard appeals proforma will be provided for use by the appellant. Case management of the appeals process is by the office of the president.

**Email: [concerns@rcp.ac.uk](mailto:concerns@rcp.ac.uk)**

# Appendix 1: Conduct process flowchart



\*Letter template but personally reviewed and signed off by registrar, followed by archiving and noting on the RCP register