

CONDUCT SCHEME FOR MEMBERS OF THE SOCIETY

1 Receipt and referral of complaints

- 1.1 All complaints about the practice, performance or conduct of a member shall be referred to the General Pharmaceutical Council, and any action by the Society shall be postponed until the outcome of the Council's proceedings is known.
- 1.2 If the complaint is summarily dismissed by the General Pharmaceutical Council, the matter shall be referred to the Chairman of the Membership Committee, or the Vice-Chairman, if the Chairman is unavailable or it is inappropriate for them to act. The Chairman or Vice-Chairman shall decide if it is necessary to convene a Conduct Panel as set out below.
- 1.3 If the complaint is the subject of proceedings before a court or other regulatory authority, any action by the Society shall be postponed until the outcome of those proceedings is known.
- 1.4 In exceptional circumstances, the Society may take action in advance of a decision of a court or regulatory authority, in which case the complaint shall be referred to the Chairman of the Membership Committee, or the Vice-Chairman, if the Chairman is unavailable or it is inappropriate for them to act. The Chairman or Vice-Chairman shall decide if it is necessary to convene a Conduct Panel as set out in below.
- 1.5 If the RPS determines there is reason to consider that a member has seriously breached the terms and conditions which govern their membership, the RPS under the instructions of the CEO, may terminate the membership in accordance with the terms and conditions which govern membership.

2 Sanctions by the General Pharmaceutical Council

A member of the Membership Team shall visit the GPhC website on a weekly basis and compile a list of RPS members who have been subject of suspension or removal from the GPhC register.

3 Appointment of Panels

- 3.1 All cases, excepting those referred to in clause 1.5, involving members of the Society who have been suspended or removed from the register of the General Pharmaceutical Council shall be referred to a Conduct Panel.
- 3.2 In the event that a Conduct Panel needs to be convened the Membership Team, in liaison with the Chairman of the Membership Committee, or the Vice-Chairman, if the Chairman is unavailable or it is inappropriate for them to act, shall appoint a Conduct Panel consisting of five members of the Membership Committee, including either the Chairman or the Vice-Chairman as Chairman of the Panel.
- 3.3 The remaining members of the Membership Committee shall form the Appeals Panel, should one be required, with either the Chairman or Vice-Chairman as Chairman of the Panel.
- 3.4 Conduct and Appeals Panels will normally conduct their business via a dedicated confidential network on the Society's website, or similar means provided by the Society, but may meet in person if it is considered necessary.

- 3.5 Once consideration of a case has commenced, any person appointed to a panel will continue to act, irrespective of whether they have retired from the Membership Committee during the consideration.
- 3.6 In cases where, due to unforeseen circumstances, a member of the Conduct Panel or Appeal Panel is no longer available, consideration of the case may proceed in their absence, provided that the Panel is always quorate. If it is not quorate, the Chairman or Vice-Chairman of the Membership Committee shall appoint a substitute member from amongst the members of the Membership Committee.
- 3.7 No person may act as a member of an Appeal Panel if they have previously been a member of a Conduct Panel relating to the case, or any other case, against the member for whom an Appeal Panel is being convened.

4 Quorum

The quorum for a meeting of the Conduct or Appeal Panel shall be three.

5 Procedure

- 5.1 A case referred to a Conduct Panel shall be considered as soon as possible. The Membership Team shall inform the member that their case will be referred to a Conduct Panel and they shall be given the opportunity to comment in writing, but consideration of the case may proceed whether or not the member has responded.
- 5.2 The Membership Team shall prepare a report on the case, including the comments, if any received from the member and shall make a recommendation as to what happens to the member's membership. The report shall be circulated to the members of the Conduct Panel. Reports will only be compiled once the appeal period given by the GPhC has passed and their decision is therefore final.
- 5.3 Subject to the Charter and Regulations of the Society from time to time in force, the Conduct Panel may, in its sole discretion, decide on the procedure to be adopted at the Conduct Panel hearing, including any investigations that may be required prior to the hearing. All Conduct Panel hearings shall be held in private.
- 5.4 The Conduct Panel shall consider the case and shall decide whether or not the member has breached the Code of Conduct for Members or the Terms and Conditions of Membership, or has brought the profession into disrepute. If so, the Panel shall decide on one of the following outcomes:
- the member shall remain as a Member or Fellow of the Society, and may be directed to appropriate sources of support;
 - the member shall be changed to Associate for a specified period or indefinitely, and may be directed to appropriate sources of support;
 - the member shall have their membership suspended, pending a decision of a court or regulatory authority;
 - the member shall have their membership terminated;
 - In cases where membership is terminated, the Panel may also decide that the member declared ineligible to apply for membership of the Society for a specified period or indefinitely.

- 5.5 A respondent has the right to appeal the decision of the Conduct Panel in writing, within 21 days of receipt of written notification of the Conduct Panel's findings. Any such appeal should be to the Chairperson of the Membership Committee and shall set out the grounds upon which they are appealing against the upholding of the complaint made against them by the Conduct Panel or against any sanction imposed. The Chairperson of the Membership Committee shall be responsible for implementing the setting up of an Appeal Panel to hear the Appeal.
- 5.6 The Appeal Panel shall not hear evidence, unless new evidence has come to light since the decision of the Conduct Panel, but shall consider whether the complaint has been properly heard under the Regulations and the Members Conduct Scheme, whether the rules of natural justice and any relevant principles of equality or human rights have been satisfactorily observed, and whether the Conduct Panel has reached a reasonable decision having regard to the evidence before it and the circumstances giving rise to the complaint.
- 5.7 If the Appeal Panel concludes that the handling of the complaint has been unsatisfactory, it may overturn the finding of the Conduct Panel or remove the sanction imposed on the respondent or substitute a different sanction from amongst those available to the Conduct Panel. If new evidence is put before the Appeal Panel, and the Panel is satisfied that the evidence could not reasonably have been made available to the Conduct Panel at the Conduct Panel hearing then the Appeal Panel may direct that the Conduct Panel reconvene a hearing to hear the new evidence. The rights of appeal of the respondent under this paragraph shall apply equally to the outcome of the reconvened hearing of the Conduct Panel.
- 5.8 Subject to the Charter and Regulations of the Society, the Appeal Panel may decide its own procedure for the conduct of Appeal Panel hearings. All Panel Appeal hearings shall be held in private.
- 5.9 Decisions of the Conduct Panel and Appeal Panel shall be notified to the Chairperson of the Membership Committee and to the respondent in writing. The Conduct Panel and Appeal Panel shall keep records of their proceedings and subject to any statutory or regulatory requirement or obligation or court order these shall not be made available to the public.
- 5.10 The member has a second opportunity to appeal a decision by seeking a further and final review of a decision by a Final Appeals Panel comprised of the President of the Society and the Chairs of the three National Boards, who will have final say.
- 5.11 The reporting of any complaint to the Preliminary Screener, the convening of a Conduct Panel and any Appeal Panel including the decisions of such Panels will be reported to the Assembly save that the identities or any other personal information, which is protected by the Data Protection Act 1998 (or any other legislation in force that gives protection to personal information), of the respondent, the complainant and other parties such as witnesses will not be disclosed without their having first given their individual consent in writing to such a disclosure.
- 5.12 Any matter of conduct procedure may be further prescribed by rules of the Conduct Panel or Appeal Panel as appropriate or, during any hearing, by direction of the Chairperson of the Membership Committee, provided that no such prescription or direction shall be of effect if it is inconsistent with the Regulations or this Scheme.

5.13 The respondent may not resign from membership to avoid disciplinary proceedings and any purported resignation will not be accepted pending the conclusion of the procedures set out in this Schedule which will include a decision on any appeal that the respondent makes in respect of any finding of a Conduct Panel or the expiry of the period for appealing a decision of the Conduct Panel, as the case may be.

6 Costs

In any proceedings under this Schedule, the parties shall bear their own costs.