

# Royal Pharmaceutical Society of Great Britain

## How to make a complaint about a pharmacist or a pharmacy technician

### What is the RPSGB?

The RPSGB is the regulatory body for pharmacy. All pharmacists who practise in Great Britain have to be registered with the RPSGB. Statutory regulation for pharmacy technicians began on 1 July 2009. By 2011 all pharmacy technicians will be expected to be registered with the General Pharmaceutical Council (the body that is taking over the regulatory function in 2010).

The RPSGB refers to pharmacists and pharmacy technicians as "registrants".

By law, all retail pharmacies must be registered with the RPSGB. The RPSGB inspects all pharmacies on its register of pharmacy premises on a regular basis.

The RPSGB is also responsible for ensuring that all registrants and pharmacy Superintendent's act in accordance with the professional standards we set and that they comply with the laws relating to medicines and poisons.

### What we consider

The RPSGB only consider complaints about fitness to practice. Fitness to practise refers to the skills, knowledge, character and health to do their job safely and effectively. This should not be confused with being fit to work. All registrants have to abide by standards of conduct, ethics and performance, a range of professional standards which the RPSGB publish and which are available on our website ([www.rpsgb.org](http://www.rpsgb.org)) and the Medicines Act 1968. A pharmacist's fitness to practise can be impaired (negatively affected) for a number of reasons that include misconduct, a lack of competence, ill health and through having been convicted of a criminal offence.

### Examples of things you might report to us

- Dispensing errors
- Sexual assault
- Registrants working under the influence of drink or drugs
- Fraud
- Theft
- Registrants not keeping records properly
- Dishonesty

### Examples of things we won't be able to help with

- Claims for compensation
- Customer service issues eg rudeness
- Contract issues eg hours of opening, charges for private prescriptions
- Employment issues eg hours of work, employment contracts

### What can I do if I am concerned about a pharmacist or a pharmacy technician?

#### Apologies and explanations

If you want an apology or explanation you should first contact the pharmacy where the incident you are concerned about occurred.

Most complaints about a registrant can be settled locally and more quickly by the registrant's employers.

If you want to make a complaint about the provision of an NHS service from a pharmacy, you can also contact your local Primary Care Organisation.

The pharmacy or NHS hospital where you received your medication will have their own complaints procedures. Please contact them for details.

You can find details of the NHS complaints procedure at the NHS website [www.nhs.uk](http://www.nhs.uk)

### **Serious complaints**

The RPSGB is responsible for ensuring that pharmacists and pharmacy technicians in Great Britain meet the standards of good pharmacy practice that we set for them.

If you think that a pharmacist or pharmacy technician is not fit to practise or may be a risk to patients, then please contact us.

If you are not sure whether to report a pharmacist or pharmacy technician to us, it might be helpful to discuss your concerns with us by ringing the Case Officer (Investigations) on 0207 572 2634.

### **How do I complain?**

#### **In writing**

Send your complaint to:  
FTP Manager (Investigations)  
RPSGB  
1 Lambeth High Street

London  
SE1 7BT

Email your complaint to:  
[complaintsaboutpharmacists@rpsgb.org](mailto:complaintsaboutpharmacists@rpsgb.org)

Fax your complaint to:  
0207 572 2510

You can either complete a complaints form or write a letter including the following information:

- Your full name and address
- As much information about the registrant as you can give, such as their name, their registration number and their place of work
- As much information about the incident as you can provide, such as the date of the incident, what happened, witness details and details of any harm caused
- As much information about what action you have already taken to resolve your complaint, such as who you have complained to and what action has been taken
- Your permission to send a copy of what you give us to the registrant

Please retain evidence such as packaging, prescriptions and receipts.

#### **Over the phone**

Whilst we normally require your complaint to be submitted in writing we understand that it is not always possible for complaints to be in writing. Therefore, if you require assistance in making a complaint please telephone the Case Officer (Investigations) on 0207 572 2634 who will assist you in recording your concerns.

### **What happens next?**

#### **Initial review**

The FTP Manager (Investigations) will review your complaint to determine if the information you have provided is capable of forming the basis of an allegation that a registrant's fitness to practise is impaired.

If your complaint does not call into question a registrant's fitness to practise then we will write to you explaining why the RPSGB cannot deal with your complaint and direct you to another organisation that might be able to assist you.

If your complaint is a matter that the RPSGB can deal with then we will write to you to confirm that we are investigating your complaint. Your complaint will be investigated by an Inspector or one of the RPSGB's Case Managers.

### **Investigation**

A copy of your complaint form may be sent to the registrant and/or the owner of the pharmacy and they will be asked to give us their comments on your complaint. Personal information will be removed from the form before it is supplied to any third party.

An Inspector may contact you and make arrangements to discuss your complaint fully with you, and to obtain any necessary further information or evidence such as a witness statement. Inspectors are usually pharmacists themselves, and have been specially trained in gathering evidence and investigating complaints.

Where necessary the Inspector will arrange a visit to the pharmacy and make a point of giving advice and recommendations to the registrant concerned.

In serious cases the registrant may be formally interviewed under caution (in accordance with the provisions of the Police and Criminal Evidence Act 1984, and relevant codes).

### **Evidence review**

Following investigation of the matters you have complained of the RPSGB will review the available evidence and determine what action to take. Options include:

- Closing your complaint because the matters you have complained of are out of the RPSGB's jurisdiction because they do not:
  - Involve a registrant
  - Amount to an allegation that a registrant's fitness to practise is impaired
  - Involve a breach by a non registrant of the relevant sections of the Poisons Act, the Medicines Act or the Pharmacists and Pharmacy Technicians Order 2007
- The Chief Inspector issuing advice to the registrant to enable the registrant to improve their practice and procedures
- Referring your complaint to the Investigating Committee to determine if the matters should be referred to the Disciplinary or Health Committees.
- Referring your complaint directly to the Disciplinary Committee to determine if the registrant's ability to practise should be restricted or suspended for a specified period. Interim orders are only used in cases where it is believed that such an order is:
  - Necessary for the protection of the public
  - Otherwise necessary in the public interest
  - In the interests of the registrant

### **The Investigating Committee**

The Investigating Committee will consider a report and associated evidence (which will include information provided by yourself) and any submissions made by the registrant.

The Investigating Committee will decide whether to —

- Inform the person concerned that it will take no further action on this occasion, but, that should any fresh complaint be made against the person concerned within 5 years from the date of the Committee's decision, the Committee may consider the original complaint together with the new complaint;

- Write a letter of advice to the person concerned, and to such other person or body as the Committee considers appropriate in the circumstances of the case;
- Issue a warning to the registrant concerned;
- Where the complaint relates to the registrant's health or performance, and the registrant admits that his fitness to practise is impaired, accept written undertakings from the registrant;
- Where there has been a breach of the medicines legislation, and the Society is given responsibility for enforcing this legislation, instruct the RPSGB to issue criminal proceedings against the registrant or pharmacy owner concerned; or
- Refer the case to the RPSGB's Disciplinary or Health Committees

**The Investigating Committee will not refer a case unless there is a real prospect that the Disciplinary or Health Committees will make a finding that a registrant's fitness to practise is impaired, or that a pharmacy owner has committed misconduct.**

### **The Disciplinary Committee**

If the case is referred to the Disciplinary Committee the registrant/pharmacy owner will be required to attend a formal disciplinary hearing and you may be asked to be a witness at that hearing. The Disciplinary Committee will consider the evidence available and decide whether or not the registrant's fitness to practise is impaired or whether the pharmacy owner has committed misconduct.

If the registrant's fitness to practise is found to be impaired, or if the pharmacy owner is found to have committed misconduct, the Disciplinary Committee will decide whether a sanction should be imposed. The Fitness to Practise Committee may take no further action; issue a warning; impose conditions on a registrant's practice; suspend the registrant; or remove his name from the register.

### **Timeframes**

- You will be informed within 5 days of receipt and review of your complaint whether it will be investigated or not.
- The amount of time it takes to investigate your complaint depends on how complicated the matter is. However, in less complex cases, our aim is to try and complete our investigation within 3 months from the date on which we received your complaint.
- If your complaint is to be closed following investigation our aim is to notify you within 10 days of that decision being made and the reasons for it.
- If your complaint is to be dealt with by way of advice from the Chief Inspector our aim is to notify you within six months from the date on which we received your complaint.
- If your complaint is to be dealt with by way of referral to the Investigating Committee our aim is to notify you of that referral within 6 months from the date on which we received your complaint from. You will be informed of the Investigating Committee's decision 10 days after it has considered the case.
- If your complaint is referred to the Disciplinary Committee then a member of the Hearings team will write to you setting out the timeframes involved.
- The RPSGB will aim to update you on the progress of your complaint every 3 months

### **What if you are not happy with the outcome of your complaint?**

We will keep you informed of any action we are taking and provide you with a clear explanation for our decisions. If you are not happy with the way we have handled your complaint, please write to the person who handled your complaint. You may contact their manager if you are still unhappy, or email [complaintsaboutsociety@rpsgb.org](mailto:complaintsaboutsociety@rpsgb.org)