

## Complaints Process

A person registered with the Council shall at all times act in the interests of promoting health.

A pharmacist or pharmacy support personnel should maintain and enhance the honour and dignity of the pharmacy profession. In doing so, they shall refrain from any activity which may discredit the profession. The Council is empowered to inquire into and deal with any complaint, charge or allegation which may be brought before it in any manner whatsoever.

Any person(s) who observes or experiences unprofessional conduct, unethical behaviour or misconduct on the part of a person registered with the Council may report such conduct to the Council

### Receiving a complaint

A complaint should be forwarded to the Registrar of the SAPC. Postal address: Private Bag 40040, Arcadia, 0007. Physical address: 591 Belvedere Street, Arcadia, Pretoria. Fax number: (012) 321 1479/92. E-mail address: [professionalconduct@sapc.za.org](mailto:professionalconduct@sapc.za.org), alternatively the complaint can be lodged online.

**Click here** to access the Complaints Form

1. The complaint must be comprehensive, containing all the relevant dates and facts and supported by relevant documentation and other evidence, where possible;

2. At least the following information must be supplied:

- Complainant's name, contact telephone number and email address;
- Name of the person(s) against whom the complaint is lodged;
- Name of the pharmacy;
- Nature of the complaint;
- Date and time of the incident(s).

### Processing a complaint

1. On receipt of the complaint the Registrar will investigate the complaint. If there is prima facie proof of unprofessional conduct or misconduct, the Registrar will inform the registered person (respondent) of the complaint and request a written explanation from him or her. The respondent may refuse to provide an explanation but, if provided, the complainant may request a copy of the respondent's reply;

2.	If Registrar decides that any further inquiry would not be necessary or appropriate, the complainant and the respondent will be informed accordingly, and the matter will be closed
3.	If the Registrar is of the opinion that there is prima facie proof of unprofessional conduct or misconduct, the matter will be referred to a Committee of Preliminary Investigation (CPI) for review
4.	If the CPI is of the opinion that the action or omission does <b>not</b> amount to unprofessional conduct or misconduct, the matter will be considered finalised and all the parties will be informed in writing accordingly.
5.	In the event that CPI is of the opinion that there is unprofessional conduct or misconduct, CPI will decide whether there should be an informal inquiry or a formal inquiry.
6.	The CPI will take the following factors into consideration in reaching a decision: <ul style="list-style-type: none"> <li>• The nature of the complaint;</li> <li>• The consequences of the alleged unprofessional conduct or misconduct for the complainant, the general public, the Council, the respondent, the pharmacy profession, or any other interested party;</li> <li>• The penalty which it foresees could be imposed by the Committee of Informal Inquiry (CII) or the Committee of Formal Inquiry (CFI) if the respondent is found guilty of unprofessional conduct or misconduct.</li> </ul>
7.	If the CPI decides that an informal inquiry should be held: <ul style="list-style-type: none"> <li>• A notice will be served on the respondent. The respondent will have the option to consent to the proposed fine, appear in person before the CII, or have the matter referred to the CFI.</li> <li>• Where the respondent fails to exercise any of the abovementioned options, or fails to respond to the notice of the CPI, the CII will refer the matter to CFI for a formal inquiry.</li> <li>• It will appoint a pro forma complainant to represent the actual complainant at the informal inquiry;</li> </ul>
8.	If the CPI decides that a formal inquiry should be held: <ul style="list-style-type: none"> <li>• A notice will be served on the respondent to appear at the formal inquiry.</li> <li>• It will appoint a pro forma complainant to represent the actual complainant and present the complaint at a formal inquiry.</li> <li>• Both parties shall have the right to appoint legal representation;</li> <li>• A legal assessor is appointed to assist the CFI on issues of law, evidence and procedure;</li> <li>• The complainant will not be responsible for the costs of the proceedings;</li> </ul>

- The proceedings during such an inquiry are open to the public and the media.

## Penalties

1. Should the respondent be found guilty of unprofessional conduct or misconduct the following penalties may be imposed:

- A reprimand or caution, or a reprimand and a caution; or
  - Suspension for a specified period from practising or performing acts specifically pertaining to his or her profession; or
  - Removal of his or her name from the relevant register; or
  - A fine not exceeding R25 000,00 per charge.
- The CFI may also order the respondent to pay the costs of the proceedings to a maximum of R25 000,00.

2. A guilty finding by the CFI will be published in the Government Gazette and e-Pharmaciae

## General

It is important to note that:

- The legislation dictates time frames that must be adhered to within the disciplinary process. This means that complaints may take a while to be finalised.
- The CPI and CII meet three times a year to consider and finalise complaints
- the SAPC cannot order the respondent to make any financial restitution to the complainant. However, a complainant is at liberty to institute civil litigation proceedings independently in respect of a complaint lodged with the SAPC.

This publication is aimed at informing the public about:

- *Their rights as patients;*
- *The rights of persons registered with the SAPC as respondents;*
- *The SAPC's professional disciplinary procedures; and*
- *Guidelines for lodging a complaint when necessary.*