



# RANZCOG Complaints

## Policy

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# RANZCOG Complaints Policy

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## 1. Purpose

The purpose of this Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG, 'the College') Complaints Policy is to:

- Support a process that demands professional and social behaviours expected of our membership and College Staff as we interact with each other and with others in undertaking the work of the College as outlined in the RANZCOG Code of Conduct.
- Embed the RANZCOG values of Advocacy, Education, Excellence, Integrity, Kindness, and Respect within all aspects of the complaint process.
- Ensure all RANZCOG complaint handling processes, both informal and formal, align with a victim-centred approach.
- Describe the approach used by RANZCOG to address and resolve all complaints.

## 2. Scope

This Policy covers complaints about:

- College member for the purposes of this policy, includes those defined in the RANZCOG constitution as being 'members' of the College, trainees including Specialist International Medical Graduates (SIMG) on the pathway to Fellowship or certification in a Subspecialty of Obstetrics and Gynaecology; and any external person serving on RANZCOG body or representing the College in other forums;
- College Staff
- College matters and issues

The Policy applies to complaints received from:

- College Members
- Trainees
- Recognised authorities (including employers),
- members of the public in regard to the personal or professional conduct of a College member.
- College Staff against members, other staff or other College matters.

## 3. Principles of the complaints process

### 3.1. RANZCOG Code of Conduct

RANZCOG has a Code of Conduct that sets the standard of professional and social behaviour expected of our membership and College Staff as we undertake College work and provides a benchmark against which to view behaviours that may be the subject of a complaint.

RANZCOG expects all Members and trainees of the College, including Specialist International Medical Graduates on the pathway to Fellowship or certification in a Subspecialty of Obstetrics and Gynaecology; any external individual serving on a RANZCOG body or representing the College in other forums, and College Staff to meet the standards of behaviour set out in the RANZCOG Code

of Conduct and conduct themselves in a manner that reflects the standard of professional and ethical behaviour expected by the College.

Bullying, harassment, and discrimination have no place in the College or any modern workplace. These behaviours can have devastating impacts on individuals and can compromise patient care and safety. The College aspires to eliminate such conduct in all areas where it has influence.

### 3.2. Values-based victim-centred approach

The RANZCOG Code of Conduct upholds our organisational values of Advocacy, Education, Excellence, Integrity, Kindness, and Respect. These values are intentionally embedded in all aspects of the complaint process and align with a victim-centred approach to complaint resolution.

A victim-centred approach to complaint handling is international best practice. It carries a responsibility to engage with a complainant in a way that respects their rights, needs, wishes and dignity, protects them from retaliation, re-traumatisation and discrimination, keeps them informed and supported. This approach is essential to ensuring respect for the complainant's dignity, empowering complainants to come forward, and creating a working environment free from bullying, harassment, and discrimination (BHD). It recognises that the complainant's rights, needs, wishes and dignity is critical to their well-being and aligns with RANZCOG's core values.

### 3.3. Integrity

#### 3.3.1. Procedural Fairness

The College does not prejudice the validity or otherwise of a complaint. It supports victim to make and proceed with a complaint. It assures those against whom a complaint is made that they have a full opportunity to present all relevant information and be heard.

All complaints will be dealt with in a fair and transparent manner at all times in accordance with the principles of procedural fairness, the RANZCOG Constitution, Regulations, policies and processes, and any relevant legal requirements. Each complaint is unique and is assessed individually on the available evidence supplied.

In summary, this means:

- a decision-maker will be impartial and be free of actual or apparent bias.
- a person whose interests will be affected by a proposed decision receives a fair hearing, including the opportunity to respond to any adverse material that could influence the decision.
- findings are based on evidence that is relevant and logically capable of supporting the findings.

A member may request a review and/or formal appeal of the decision in accordance with the College's Appeals Procedures – [RANZCOG Regulation A2](#).

#### 3.3.2. Transparency

A deidentified annual report on the complaints received and handled will be made publicly available and include the number and nature of complaints (informal and formal) and the outcomes.

#### 3.3.3. Impartiality

All parties have the right to be treated with impartiality and for any decision to be made by an impartial decision-maker. All parties have the right to appeal against a decision.

In order to ensure impartiality, triaging of all complaints will occur by the RANZCOG President and the Chief Executive Officer (CEO).

#### 3.3.4. Confidentiality

Confidentiality will always be respected and maintained when taking action or responding to complaints.

Only the people directly involved in a complaint or in resolving it will have access to information about the issue. Those involved will be advised of the requirements of confidentiality and their resulting obligations. Discussions, information, and records related to complaints will remain factual. If confidentiality cannot be guaranteed, this will be clearly indicated.

Confidentiality needs to be maintained in complaint handling procedures in order to protect the rights and welfare of all those involved in a complaint resolution process. If an allegation of misconduct or other inappropriate behaviours such as discrimination, bullying or harassment is made, identifying information should only be accessible to people who 'need-to-know' or other relevant people such as witnesses, except where the College is compelled by law to produce documents.

As far as is possible, the investigation proceedings shall be confidential, except for the reporting of progress, appropriate reporting to the parties involved, and reporting of findings or decisions reached to the RANZCOG Board.

#### 3.3.5. Privacy

RANZCOG handles all the personal information provided in a complaint submission, including an individual's name and address and contact details, in line with the RANZCOG Privacy Policy, the Australian Privacy Act 1998, and the New Zealand Privacy Act (2020). RANZCOG will use relevant personal information to assess and/or investigate a complaint and respond. It may be necessary for the College to disclose relevant information to the person or employing organisation that is the subject of the complaint so that we can effectively address the issue and provide a response.

For more information on privacy, the RANZCOG Privacy Policy is available on the College website.

### 3.4. Excellence

#### 3.4.1. Recordkeeping

College records assist in identifying patterns of behaviour or continuing problems. Adequate records are essential if the matter leads to an investigation or formal disciplinary action. Formal action taken will be documented, and records of complaints will be maintained in accordance with RANZCOG Records Retention & Disposal Policy & Procedure.

#### 3.4.2. Timeliness

All complaints will be investigated in a timely fashion and action taken to facilitate a timely resolution to the issue.

### 3.5. Respect

All parties have a right to be treated with respect. All parties have the right to have their complaint taken seriously. All parties have rights, including a right to be informed of what has been alleged against them and to put their case in reply.

Complainant rights:	Respondent rights:
To have their complaint investigated and conciliated, if requested	To be informed of what they are accused of, and who is making the allegations*
	To have the opportunity to respond to the allegations
To have support throughout the process	To have support throughout the process
To express concerns without fear of retribution or of suffering detriment	To fair treatment and procedures, and not to be prejudged or discriminated against
To withdraw a complaint	Not to be dismissed unfairly or otherwise treated unfairly, harshly or unreasonably (taking into account all the circumstances)
To have the situation remedied	To be protected from defamation and malicious complaints.
To privacy – to have the matter kept confidential on a 'need to know' basis.	To privacy – to have the matter kept confidential on a 'need to know' basis.

\* Consent will need to be obtained from the complainant. In the event of this consent being withheld, the College's ability to represent the issue fairly to the respondent will be limited.

### 3.6. Kindness

We recognise that being involved in a complaint process is stressful. We will build into all of our complaint processes support for those involved.

#### 3.6.1. Internal support

For Members and trainees this will be available via Training Support Unit on +61 (08) 6102 2096 or by email at [trainee liaison@ranzcof.edu.au](mailto:trainee liaison@ranzcof.edu.au), whose role it is to advise Members and trainees on their options and supports them to pursue complaints if they so choose. RANZCOG focuses on equipping Members and trainees with the skills and support to go through workplace processes first, when appropriate, with the College's processes as a back-up.

#### 3.6.2. External counselling or assistance

A complainant or respondent may wish to seek counselling or assistance from an independent body. There are a range of organisations external to the College who can assist, including Employer Assistance Programs (EAPs); Practitioner Advisory Services; Australian Medical Association support bodies; New Zealand Doctors Health Advisory Services; and organisations such as Beyond Blue and Lifeline.

Converge International, specialists in psychology and wellbeing, is a service available for College Fellows, FRANZCOG trainees, SIMGs, Associate (Procedural and Advanced Procedural) trainees and staff.

All sessions are entirely confidential, and the first four sessions (in any 12-month period) are fully subsidised by the College. To contact Converge, call 1300 687 327 (Australia), 0800 666 367 (New Zealand) or from other countries on +61 3 8620 5300. To book a session online visit the Converge website.

Other external resources:

- Beyond Blue
- Lifeline
- Lifeline Aotearoa
- [DRS4DRS](#) (For Associate Procedural Members in Australia)

- [Doctors Health Advisory Services \(DHAS\)](#) (For Associate Procedural Members in Australia or New Zealand)

Additional information and contact details for organisations mentioned above is available in the Member Support and Wellbeing Hub on the College [website](#).

### 3.6.3. Use of a support person

A complainant or respondent may wish to use a support person. A support person is responsible for providing assistance to the complainant or the respondent of a complaint allegation(s). A support person may be a family member, trusted advisor or a co-worker. The support person's role is to be conducted in the spirit of conciliation as well as fair and equitable outcomes. A support person is also bound by the requirement for confidentiality and cannot act as a witness and a support person in the same complaint.

A medical indemnity representative may represent a complainant or respondent in those cases where the decision-making body considers that a complainant or respondent would be disadvantaged to present in person. Such a request for a complainant or respondent to be so represented must be made in writing to the decision-making body. In those cases where leave is granted to be represented by a medical indemnity representative, the College may appoint a person to act as counsel assisting in the hearing of the matter.

## 3.7. Advocacy

RANZCOG will seek to advocate for all members in their workplaces, recognising the particular challenges experienced by members of Aboriginal and Torres Strait Island and Māori heritage. We will seek to be a role model in this space by modelling a proactive approach to gender equity within the leadership of the College.

We will work to strengthen links with reporting to training sites and other hospitals. We will work with employers of RANZCOG members towards a joint commitment to dealing with BHD, sharing information and collecting data on complaints and actively encourage them to offer early intervention pathways for complaints, along the lines of the Vanderbilt model, particularly those related to BHD behaviours.

## 3.8. Education

Our processes will be embedded in a learning culture. We remain current in best practice, seek to learn from exemplar organisations using our intellectual curiosity and critical appraisal skills. We will participate in, encourage and support research in this space and seek, where necessary, the professional help, advice and/or opinion of experts.

We offer through our educational programs training in communication and positive workplace behaviour. The RANZCOG Training Support Plan supports trainees where development and learning opportunities have been identified that will benefit the trainee progressing in a training program. Where Six-monthly summative assessment of a trainee is assessed as 'Not Satisfactory', and the relevant six-month period is not credited, the trainee will be provided further recommendations for improvements in performance and progress, including appropriate supervision and mentoring. Our processes focus on equipping members with the skills and support to go through workplace processes first, when appropriate, with the College's processes as a back-up.

In order to receive accreditation, hospitals and O&G departments will be required to demonstrate they take proactive measures to create a safe and effective workplace free from BHD and address BHD when it arises. We actively encourage all Fellows to complete an Operating with Respect or similar online module as part of their Continuing Professional Development.

We provide leadership training to Fellows in workplace leadership roles on managing teams, having difficult conversations, dealing with poor behaviour, coaching skills and upholding RANZCOG's values.

## 4. Complaint Submission

### 4.1. Formal Complaints

Formal complaints are to be made in writing to the CEO and should include: the name, address, email address and telephone contact details of the person or persons making the complaint;

- If the complaint relates to an individual, then:
  - the name of the person you are making a complaint about;
  - the role or position of the person you are making the complaint about;
  - the situation or name of the organisation where the unacceptable behaviour occurred;
  - advice if the complaint relates to a breach of the RANZCOG Code of Conduct
- an explanation of the issue;
- how the issue has affected you;
- a list and attachments of any relevant supporting documentation

Formal complaints must be submitted in writing to:

Chief Executive Officer

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists

[ceo@ranzcof.edu.au](mailto:ceo@ranzcof.edu.au)

### 4.2. Anonymous or Confidential complaints

An anonymous complaint is when the person does not want to be identified for various personal and professional reasons but still wants to raise the issue as a matter of concern.

- In this circumstance, the College will only register the details of the concern or complaint raised on the complaints database but will be unable to take the matter any further.  
A confidential complaint is when a person is happy to disclose their identity to the College but does not want their identity disclosed to the member they are concerned about.
- In this circumstance, the College will register the identity of the complainant and the details of the concern or complaint raised.
- The College reserves the right to refer a confidential complaint to an external authority for investigation where the contents of the complaint is of a serious nature (i.e., criminal matter).
- All anonymous and confidential complaints are recorded and reviewed annually. Should a number of anonymous or confidential complaints be received about the same matter the CEO in consultation with the President will consider options for investigating the concern, including referral to the RANZCOG Independent External Reviewer.

### 4.3. False, frivolous and vexatious accusations/claims

The College will take care to determine whether a claim is frivolous or vexatious, and deal with such cases quickly, firmly, and fairly. Frivolous claims are those that are 'obviously unsustainable'.

Vexatious claims are those that are brought for a 'collateral purpose, as a means of obtaining some advantage for which the proceedings were not designed'. Bringing a vexatious complaint against a person may constitute unacceptable behaviour.

The College will take great care when dismissing a claim on these grounds, undertaking at least sufficient inquiries to establish that the complaint is either frivolous or vexatious. A complaint that has

previously been resolved or is vexatious, malicious, false or frivolous may lead to disciplinary action against the complainant.

#### 4.4. Victimization

Victimization means subjecting or threatening to subject a person to some form of detriment because they have:

- lodged, or are proposing to lodge, a complaint
- been, or intend to be a witness
- been, or intend to be a support person to any of the parties involved in the complaint
- been involved in resolving the complaint
- acted in good faith in bringing information or making an allegation under anti-discrimination and harassment legislation
- provided information or documents to an internal investigation or an external agency
- attended a conciliation conference
- reasonably asserted their rights or supported someone else's rights under anti-discrimination laws
- made an allegation that a person has acted unlawfully under anti-discrimination laws

Victimization is against the law and can also be a criminal offence. Concerns and complaints should always be handled appropriately and sensitively. Victimization may lead to disciplinary action against the perpetrator(s).

#### 4.5. Defamation

Allegations of unlawful discrimination, bullying and sexual harassment are serious matters and can potentially damage an individual's reputation. To minimise the risk of defamation, it is important to maintain confidentiality and involve as few people as possible in the dispute resolution process.

Individuals appointed to assist in dispute management are protected under the doctrine of 'qualified privilege' provided they act in accordance with the dispute resolution procedures and not maliciously.

#### 4.6. Intent

Perceptions and interpretations are likely to differ because of diverse backgrounds, cultures and views. "Innocent intent" is not a defence or excuse against behaviours that may lead to complaints.

### 5. Complaints Processes

The complaint process varies depending on the complainant, respondent, and subject of the complaint. In general, complaints are dealt with under the below-mentioned Policy or procedure, cognisant of the principles outlined in this Policy.

#### 5.1. Complaints against RANZCOG members

The *Guideline for managing complaints against RANZCOG members* outlines the process for dealing with complaints against RANZCOG members, trainees including Specialist International Medical Graduates (SIMG) on the pathway to Fellowship or certification in a Subspecialty of Obstetrics and Gynaecology; and any external person serving on RANZCOG body or representing the College in other forums;. Complaints may come from a variety of sources including: Members, trainees, Authorities, Employers, College Staff or the general public.

The College acknowledges that it has limited powers to deal with some complaints due to their nature and does not have the power to investigate, access records, or require interviews. Bodies with regulatory powers, such as Australian Health Practitioner Regulation Agency (AHPRA) or Medical

Council of New Zealand (MCNZ) are generally better equipped to deal with complaints of a serious nature such as where there is concern about possible professional misconduct. The College may advise that the matter be directed to a more appropriate Authority where appropriate.

While there are limits on the College's legal power to investigate incidents that occur in another employer's workplace, the College will strongly monitor the progress of complaints to these workplaces. The College may refer the complainant to another authority when appropriate.

Generally, if a complaint is being investigated by another body, such as employers (Including hospitals) or regulatory authorities, in that case, RANZCOG will not initiate its own investigation until the other body(ies) have completed their investigations and the College is able to consider the matter in the context of the outcome of that work.

It is important to note that the College is limited in the range of outcomes available as a result of complaints progressed. The College is not a statutory body and cannot award compensation or other remedies to complainants, nor can it compel respondents to comply with outcomes of investigations other than that described in the *Guideline for managing complaints against RANZCOG members* and other relevant College documents.

Complaints may relate to a wide range of behaviours, including those related to BHD behaviours. Specific guidance with respect to these behaviours is covered in the *Bullying, Harassment and Discrimination Policy*.

Conduct of a College member that does not comply with:

- RANZCOG Constitution
- RANZCOG Code of Conduct
- RANZCOG Bullying, Harassment and Discrimination Policy (including sexual harassment)

Conduct of a College member, as notified by recognised authorities, including, but not limited to:

- AHPRA
- MCNZ

Conduct of a College member, as notified by a member of the public.

Conduct of a College member lodged on behalf of another person/s that contains second or third-hand information about something that happened.

- A written and signed authority from the person/s directly affected by the unacceptable conduct will be required.
- Without such a signed authority, the College will only register the details of the concern or complaint raised on the complaints database but will be unable to take the matter any further.

## 5.2. Complaints against the RANZCOG President or Board

Should a matter or complaint relate to the College President or Board member(s), the matter will be referred to the RANZCOG Independent External Reviewer. Where this is not possible, the CEO shall consider the matter in collaboration with the College legal advisor.

## 5.3. Complaints against the CEO

Should a matter or complaint relate to the CEO, the matter will be referred to the RANZCOG Independent External Reviewer. Where this is not possible, the President shall consider the matter in collaboration with the College's legal advisor and the RANZCOG Board.

#### 5.4. Complaints against RANZCOG employees

Staff work-related issues are an employment matter and are dealt with under the *RANZCOG Grievance and Dispute Resolution Policy and Procedure* that applies to all College Staff and outlines the steps to resolve workplace grievances, disputes, and complaints.

Complaints about RANZCOG employees should be forwarded to the RANZCOG CEO and Head of People and Wellbeing.

#### 5.5. Complaints related to RANZCOG educational programs

A request for a review of an assessment or decision relevant to the RANZCOG Education programs including, but not limited to, Training (FRANZCOG, Subspecialty, PTP, APTP), SIMG pathways, Selection, CPD, and Accreditation, are dealt with under the *Exceptional Circumstance and Special Consideration Policy* or Regulation A2 for Reconsideration, Review and Appeal of Decisions Policy.

#### 5.6. Complaint related to RANZCOG matters

Complaints pertaining to College matters and issues are to be forwarded to the CEO.

Any concerns or complaints regarding membership fee issues will be directed from the CEO to the College Membership Office for resolution.

### 6. Independent Review Requests

The College can receive requests for assistance with providing independent expert opinion or clinical review of a member's practice from another member, a hospital or a regulator. These requests must be received in writing and are managed formally.

The request may be seeking an expert on a particular area of practice, or may involve the examination of documentation, or could extend to visiting a practitioner to observe and assess performance.

Independent Reviewers are not acting as representatives of the College, but rather as independent subject matter experts. This is reflected in all documentation to the requesting body and the reviewer(s). All matters are between the Health Service and the Fellow, who are indemnified by their insurer.

### 7. Whistleblower disclosures

The RANZCOG *Whistleblower Policy* details the Reportable Conduct Disclosures protected by Whistleblower Laws for an Eligible Whistleblower to disclose a Protected Matter to an Eligible Recipient.

### 8. Related RANZCOG documents

- RANZCOG Constitution
- RANZCOG Regulations
- RANZCOG Code of Conduct
- RANZCOG Organisational Values
- Bullying Harassment and Discrimination Policy
- Bullying Harassment and Discrimination Resource Guide
- Conflict of Interest Policy
- Guideline for managing complaints against RANZCOG members
- Privacy Policy
- Grievance and Dispute Resolution Policy
- Independent External Reviewer Policy
- Trainee in Difficulty Policy
- Whistleblower Policy
- Policy on Prejudicial Relationships

- Appeals procedures

Version	Date of Version	Pages revised / Brief Explanation of Revision
v1	March 2017	RANZCOG Board
v2	April 2019	Executive Leadership
v3	December 2020	
v4	August 2022	PSC review including BHDAGW recommendation
v5	January 2024	Policy revised to reflect change in nomenclature
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