

Complaints Policy

Purpose and Scope

The purpose of this policy is to describe the approach used by the Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG, College) to address and resolve complaints.

All members 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 must comply with the RANZCOG Code of Conduct and conduct themselves in a manner that reflects the standard of professional and ethical behaviour expected by the College.

Complaints may be received from College members against other College members, or by notification from recognised authorities (including employers), or received from members of the public in regard to the personal or professional conduct of a College member.

Complaints may be received pertaining to College matters and issues, excluding any RANZCOG Education, Training, SIMG and CPD Program assessment or decision complaints or reviews that are dealt with by separate policies and RANZCOG Regulations.

Complaints about College Staff should be forwarded to the RANZCOG Chief Executive Officer and Head of People and Wellbeing (see section 4.2 College Staff).

1. Complaint Submission

1.1 Formal Complaints

- Formal complaints are to be made in writing to the Chief Executive Officer and should include:
- the name, address, email address and telephone contact details of the person or persons making the complaint (see 1.2 below);
- 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 behavior occurred;
- an explanation of the issue;
- how the issue has affected you;
- advice if the complaint relates to a breach of the RANZCOG Code of Conduct; and
- 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@ranzco.edu.au

1.2 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 but will be unable to take the matter any further.
- 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).

2 Complaint Issues

2.1 Complaint issues that are relevant to this policy include, but are not limited to:

- Conduct of a College member, that does not comply with:
 - RANZCOG Constitution
 - RANZCOG Code of Conduct
 - RANZCOG Bullying, Harassment and Discrimination Policy
- Conduct of a College member, as notified by recognised authorities, including, but not limited to:
 - Australian Health Practitioner Regulation Agency (AHPRA)
 - Medical Council of New Zealand
- 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.
- 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, 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.
- Complaints pertaining to College matters and issues are to be forwarded to the RANZCOG Chief Executive Officer.
- Membership Fee issues:
 - Any concerns or complaints regarding membership fee issues will be directed from the CEO to the College Membership Office for resolution.

2.2 Complaint issues that are relevant to this policy, that are dealt with under other RANZCOG policies, include:

- College Staff Bullying, Harassment and Discrimination (BHD):
 - The RANZCOG Staff BHD Complaints Management Process contains information on lodging a complaint.
- RANZCOG Education Programs:
 - Assessment or Decision Reviews: A request for a review of an assessment or decision relevant to the RANZCOG Education programs including, but not limited to, Training (FRANZCOG, Subspecialty, Diploma), SIMG pathways, Selection, CPD, and Accreditation, are dealt with under these policies or Regulations:
 - Exceptional Circumstance, Special Consideration and Reconsideration Policy
 - Appeals Procedures (RANZCOG Regulation A2)
- Employee conduct:
 - Complaints about RANZCOG employees from a College member or a member of the public should be forwarded in writing to the RANZCOG Chief Executive Officer.
 - Staff work-related issues 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.
- 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.

3. Complaint Acknowledgement

The receipt of the complaint will be acknowledged by the Chief Executive Officer in writing within three business days.

4. Complaint Process

4.1 Assessment of Complaint

Any matter received by the Chief Executive Officer of the College may be:

- Dealt with by the Chief Executive Officer; or
- Returned to the person(s) from whom the complaint was received, advising that no action can be taken; or
- Returned to the person(s) from whom the complaint was received, advising that the College cannot initiate an investigation if another body, such as an employer or regulatory authority, is currently investigating the matter; or
- Notify the person(s) from whom the complaint was received, that the matter will be managed through an Informal Resolution process (see 4.1.1); or
- Notify the person(s) from whom the complaint was received, that the matter will be handled through a relevant RANZCOG Constitution clause, or an existing RANZCOG Regulation, policy or procedure; or
- Returned to the person(s) from whom the complaint was received, advising that the matter be directed to a more appropriate Authority; or
- Referred to any appropriate medical board or complaints authority (“Authority”); If it is considered that the matter or complaint may be of such a serious nature and may constitute serious professional misconduct; or

- Referred to an external independent investigator; or
- Referred to the Professional Standards Committee (PSC) in matters received from College members in regard to the personal and/or professional conduct of other members, and notifications from recognised authorities (including employers). The PSC will decide whether, prima facie, there is a case to answer in respect of such matter or complaint, and if it is decided that there is a prima facie case to answer, the PSC will undertake proceedings as stipulated in RANZCOG Regulation A3; or
- Referred to another committee or body of the College which may appropriately deal with the matter or complaint; or
- Referred to the Board (or a subcommittee of the Board appointed for that purpose) for consideration.

4.1.1 Informal Resolution Process

The CEO may determine that the complaint is such that informal resolution or alternative dispute resolution should be attempted before formal resolution. The CEO may arrange for informal resolution in such manner as the CEO deems appropriate, including direct mediation by an appointed staff member or senior Fellow, mediation by an independent person selected by the CEO with skills in mediation, or an independent external investigation by a person appointed by the CEO to review the complaint and its circumstances and report to the College. Whilst it would be expected that the complainant would co-operate in any informal resolution process, the CEO will not progress such without the co-operation concurrence of the complainant and any respondent.

- **Mediation:** Mediation is a negotiation between the parties and discusses the options and considers the alternatives and reaches a consensual agreement. The College may nominate an independent mediator to assist the parties to negotiate a resolution which is acceptable to the parties.
- **Resolution:** Resolution is achieved when the complainant is satisfied that the uninvited or unwelcome behaviour has stopped, an acknowledgment and appropriate apology has been received, agreement to stop any conduct that is the subject of the complaint has been given, workplace adjustment or similar. If the allegations are denied or a satisfactory resolution cannot be achieved through informal action, then the complainant can request further action under the policy and these procedures.

Where a complainant is of the view that their concern is not taken seriously by the respondent(s) and/or not able to be resolved through an informal process, he/she may request to take further action under this policy and seek to have the matter escalated to a more formal process. It would be exceptional for a complaint made in relation to a specific matter and involving the same respondent by the same, or different, complainant(s) to be referred for informal resolution on more than one occasion.

4.1.2 Formal Resolution – referral to an external independent investigator

The CEO may determine that the complaint is such that the matter should be referred to an external independent investigator. In this circumstance, the scope of the investigation may encompass the following actions:

- contact the complainant and discuss the issues;
- contact the respondent to discuss the issues, any evidence or information they may hold, and details of individuals they nominate to be interviewed;
- contact an external organisation concerned in the matter for their response;
- interview the complainant's nominated individuals;
- interview the respondent's nominated individuals;
- conduct an analysis of relevant documentation, including RANZCOG Regulations and processes if required; and
- prepare a final report to the CEO that will include guidance as to how the matter might progress

4.1.3 Formal Resolution – referral to Professional Standards Committee

Complaints against members that are considered such that they should be dealt with formally by the College may be referred to the Professional Standards Committee for consideration, in accordance with [RANZCOG Regulation A3](#).

4.1.4 Formal Resolution – referral to a College Committee or Body

Complaints against members that are considered such that they should be dealt with formally by the College may be referred to another committee or body of the College which may appropriately deal with the matter or complaint.

4.1.5 Referral to the RANZCOG Board

The Professional Standards Committee, may refer a matter or complaint to the Board pursuant to [RANZCOG Regulation A3](#).

The Board may consider any matter or complaint referred to it pursuant to the processes outlined in [RANZCOG Regulation A3.5](#), and/or other relevant College documents.

4.2 College Staff

Complaints concerning College Staff will be dealt with by the Chief Executive Officer and the Head of People and Wellbeing. Complaints must be submitted in writing to:

Chief Executive Officer: ceo@ranzcof.edu.au ; and

Head of People and Wellbeing: hr@ranzcof.edu.au

4.3 Principles for responding to complaints

4.3.1 Procedural Fairness

All complaints will be dealt with in a fair and equitable 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

Both a complainant who is making a complaint, and respondent against whom a complaint is made, have rights:

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.

4.3.2 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 for a minimum of two (2) years.

4.3.3 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 a right to be informed of what has been alleged against them and to put their case in reply.

4.3.4 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.

4.3.5 Timeliness

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

5. 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, 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, proceedings of the investigation shall be confidential, except for the reporting of progress, appropriate reporting to the parties involved, and reporting of findings or decision reached to the RANZCOG Board.

6. 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 College 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](#).

7. Frivolous and vexatious 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, itself, 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, or frivolous may lead to disciplinary action against the complainant.

8. Victimisation

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

- lodged, or are proposing to lodge, a complaint
- 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

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

9. Notice of Determination and Appeal

Following determination by the Professional Standards Committee (PSC), or another committee or body of the College, or the Board in respect of any complaint, the Chief Executive Officer shall, as soon as possible, notify in writing the individual concerned, the person initiating the complaint and the College Board of the determination and a summary of the reason(s) for the determination.

Where a determination has been made by the PSC or another committee or body, the Board will be notified with a summary of the reason(s) for the determination.

Any decisions which involve suspension or termination of the membership of a member will be made in compliance with clause 5 of the RANZCOG Constitution.

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

10. Counselling and Support

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.

Trainees may contact the Training Support Unit, via email traineeliasion@ranzcof.edu.au.

Converge International, specialists in psychology and wellbeing, is a service available for College members 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](#)

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

11. 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
- Privacy Policy
- Cessation of Membership Process
- Grievance and Dispute Resolution Policy
- Independent Review Request Process
- Trainee in Difficulty Policy
- Whistleblower Policy

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v1	March 2017	RANZCOG Board
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