

RANZCOG Independent External Reviewer Policy

1. Purpose

The Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG/ College) Board has decided to establish a role of Independent External Reviewer (Reviewer) within the College.

2. Scope

This Policy covers complaints made to the Reviewer by members of the College, trainees 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.

The establishment of this role seeks to provide independent oversight of College complaints and Whistleblower handling processes and seeks to ensure concerns can be raised and issues addressed fairly, without fear of reprisal or retribution.

However, the role does not replace usual College processes whereby formal complaints, including complaints relating to discrimination, bullying or harassment, are ordinarily made in writing to the Chief Executive Officer under the Complaints Policy.

3. Definitions

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;

Reviewer for the purposes of this policy, means the person appointed by the College for the purpose of conducting the assigned functions as described in this and any other relevant policies, procedures, and regulations.

Trainee means trainees enrolled in and undertaking the RANZCOG Training Program and, for the purposes of this policy, also includes RANZCOG Subspecialist Trainees, DRANZCOG Trainees, and Specialist International Medical Graduates (SIMGs) undertaking College requirements for the purpose of attaining eligibility for election to Fellowship of the College

Whistleblower means a person eligible to make a disclosure protected by Whistleblower Laws. These persons are identified in section 3 of the Whistleblower Policy.

Whistleblowing means the reportable conduct disclosure protected by Whistleblower Laws by an individual if they have reasonable grounds to suspect that the College, its associate or staff or officers or senior managers of the College, have engaged in conduct identified in section 2 of the Whistleblower Policy.

4. Independent External Reviewer

4.1. Role

The key role of the Reviewer is to manage complaints or disclosures submitted or referred to them, provide independent oversight of the College's handling of complaints, including Bullying, Discrimination and Sexual Harassment (BDSH) and whistleblower disclosure made under the Whistleblower Policy. The role does not replace the expectation that a complainant will, ordinarily, have utilised existing College mechanisms, such as reconsideration, review and appeal, and complaints handling processes. The Reviewer is an independent external person who College members, trainees and others can approach if, they are not confident in utilising established College processes for fear of repercussions, reprisal or bias.

When a complaint is received by the Reviewer, they will determine whether there are grounds for those concerns. If not, the matter will be referred to the President or the Chief Executive Officer to be handled according to the relevant College policy and procedure. If the Reviewer determines that there are grounds, they will assume a role in assisting with handling the complaint to ensure it is dealt with appropriately.

The role does not circumvent usual College processes for the reconsideration, review or appeal of a College decision or the reporting and handling of a complaint.

Should a complaint relate to the College President, Board member(s) or the CEO the matter will be referred in the first instance to the Reviewer.

The Reviewer shall also receive disclosures made under the Whistleblower Policy's provisions where such disclosures relate to the President, Board member and/or the Chief Executive Officer or where disclosures are referred to the Reviewer.

4.2. Powers

- a) The Reviewer shall provide independent oversight of the operation of the College's Complaint processes and provide annual reports to the RANZCOG Board for its information and consideration, including the making of recommendations to the Board if applicable.
- b) The Reviewer shall not participate in the reconsideration, review or appeal of any College decision; rather, upon Board request may review the conduct of these processes and provide annual reports to the RANZCOG Board for its information and consideration, including the making of recommendations to the Board if applicable.
- c) Where the Reviewer is approached by a College member or trainee who is not confident in utilising existing College processes for fear of repercussion, reprisal, bias or similar, the Reviewer shall make a decision as to whether there are grounds for those concerns.

Where the Reviewer is of the view that the concerns are not warranted and that the matter can be appropriately addressed through existing College processes, they will liaise with the Chief Executive Officer or President as applicable, to have the matter addressed through those processes with appropriate oversight, if warranted, by the Reviewer to ensure the matter is handled appropriately.

Where the Reviewer is of the view that the concern is warranted and there is a genuine risk of repercussion, reprisal, bias or similar in the handling of the complaint or matter through ordinary

processes, they shall liaise with the Chief Executive Officer or President as applicable, to establish an alternative way, within the overarching framework of the applicable College policy(ies) and/or procedures, in which the matter is to be handled.

- d) Where the Reviewer receives a complaint under the provisions of the Whistleblower Policy and 3.2(c) (above), they may assume the role of the Chief Executive Officer in facilitating the complaint or report of wrongdoing made under that policy.
- e) In assessing a complaint or concern, the Reviewer shall ensure that the College and any other relevant parties are accorded natural justice and fairness and with appropriate opportunity to consider the issues and respond.
- f) The Reviewer may, for good reason, refuse to assess or investigate a matter where it is appropriate to do so, and will provide the complainant with written reasons for that decision.
- g) The Reviewer shall provide the Board with an independent, validated report on an annual basis or otherwise, as requested, in relation to the College's handling of complaint matters.
- h) The Reviewer shall provide the Board upon its request recommendations on the processes relating to reconsideration, review and appeal of College decisions.

4.3. Limitations on Powers

- a) The Reviewer cannot override a decision of the College, nor issue directions to the College or its staff.
- b) The Reviewer cannot impose a decision on the College and cannot make a decision as between a complainant and the College where that would override any previous decision by the College.
- c) The Reviewer does not review the merits of a College decision and the process is not an opportunity for further 'appeal' of a College decision(s) regardless of whether an appeal has been previously lodged and/or an appeal decision made.
- d) The Reviewer does not consider or review basic management and/or operational decisions of the College in relation to matters such as fees or general College activities.
- e) The reference of a complaint or concern to the Reviewer does not take away from any complainant their rights otherwise available at law or otherwise available through College processes.

4.4. College Assistance

The College will provide such assistance to the Reviewer as the Reviewer reasonably requests. Subject to legal and professional privilege, privacy considerations or where disclosure would not otherwise be appropriate, the College shall provide copies of all relevant information and documents relating to a complaint or concern. The College shall advise the Reviewer as to the reason(s) why any relevant information and documents have not been made available.

5. Reporting

5.1. Annual Review Report

The Reviewer will provide an annual review report to the RANZCOG Board to provide assurance that complaint handling has been undertaken appropriately, and to validate statistics in relation to such

matters. The Reviewer may review a sample of complaints to be satisfied that due process has been afforded.

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

5.2. Referral Matters

The College, through the RANZCOG Board, may also initiate a review by the Reviewer of its processes on specific matters in order to seek the Reviewer’s comments and advice. Circumstance which might generate such a review may include review of an applicable College policy or Regulations.

6. Outcomes

Pursuant to Section 4 (above), the Reviewer shall provide the RANZCOG Board with an annual review report and at such other times as the Board may request.

7. 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
- Complaints Policy
- Guideline for managing complaints against RANZCOG members
- Conflict of Interest Policy
- Privacy Policy
- Grievance and Dispute Resolution Policy
- Trainee in Difficulty Policy
- Whistleblower Policy
- Policy on Prejudicial Relationships
- Appeals procedures

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