



Managing Complaints Against RANZCOG members

Guideline

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Guideline for managing complaints against RANZCOG members

1. Purpose

This Royal Australian and New Zealand College of Obstetricians and Gynaecologists (RANZCOG) guideline covers in detail:

- the process for dealing with complaints about members and
- the sanctions available to RANZCOG where a Fellow has failed to adhere to the standards outlined in the Code of Conduct or is found to be in breach of the Code of Conduct.

2. Scope

This document covers complaints about College member. For the purposes of this guideline, member 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;

The process described applies to complaints received from:

- College Members and trainees
- recognised authorities (including employers),
- members of the public in regard to the personal or professional conduct of a College member.
- College Staff
- Or any other source

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 this guideline and other relevant College documents.

The guideline should be read in conjunction with the RANZCOG Complaints Policy, which describes the principles and broader value-based framework that guides RANZCOG's response to all the complaints.

3. Complaint Submission

3.1. 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;
- the name of the member or trainee you are making a complaint about;
- the role or position of the member 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 (CEO)
The Royal Australian and New Zealand College of Obstetricians and Gynaecologists
ceo@ranzcof.org.au

3.2. 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 against a RANZCOG member.

- 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 concerned member.

- 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 the RANZCOG appointed Independent External Reviewer (the Reviewer) for investigation where the contents of the complaint are of a serious nature (i.e., criminal matter). Additionally, 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.

The CEO will acknowledge the receipt of the complaint in writing within three business days.

3.3. Independent External Reviewer

If for any reason, a complainant is not confident in utilising established College processes for fear of repercussions, reprisal or bias, they have the option of addressing their concerns to the RANZCOG Independent External Reviewer (The Reviewer). The Reviewer will determine whether there are grounds for those concerns. If not, the matter will be referred to the CEO or President, if applicable, to be handled under the relevant RANZCOG policy(ies) and processes. If the Reviewer determines that there are grounds, they will assume a role in assisting with managing the complaint to ensure it is handled appropriately.

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

3.4. Assessment of Complaint

All complaints about members, except those referred directly to the Reviewer, will be reviewed and triaged by the RANZCOG President and the CEO. In order to inform the assessment, it may be necessary for the CEO, or their delegate, to speak to the complainant to clarify the details of the complaint and the outcome they are seeking.

A sensitive matter—one raised by a member about a criminal matter, or something that could attract media attention—may call for special handling.

The triaging process will determine whether the matter needs to follow:

- a. A formal resolution pathway is available to complaints from members and recognised authorities (including employers) necessitating referral to the Professional Standards Committee
- b. An alternative approach, including informal resolution approaches

Regardless of the approach determined by the assessment process, the complainant will be informed of the outcome of the assessment.

3.5. Referrals to Professional Standards Committee

In general, matters will be referred to the Professional Standards Committee (PSC) where the complaint has been received from College members or recognised authorities (including employers) in regard to the personal or professional conduct of other members or where the notification is 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. If it is agreed that there is a *prima facie* case to answer, the PSC will undertake proceedings as stipulated in RANZCOG Regulation A3.

3.6. Alternate approaches to complaint resolution

Where the matter does not require referral to the PSC, the CEO, in consultation with the President, will determine the appropriate response, which may include:

- no action; 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

- Managed through an Informal Resolution process; or
- 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 the Reviewer; or
- Referred to another committee or body of the College which may appropriately deal with the matter or complaint; or

If at any point further information suggests a formal review is required, the matter will be referred to the PSC.

3.7. Informal Resolution Process

The President and 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 a manner they deem appropriate, including direct mediation by any one of the following to review the complaint and its circumstances and report to the CEO:

- an appointed staff member,
- senior Fellow,
- an independent person selected by the CEO with mediation skills, or
- an independent external investigation by a person appointed by the CEO

Whilst it would be expected that the complainant would co-operate in an informal resolution process, the CEO will not progress without the cooperation concurrence of the complainant and any respondent.

Some disputes emphasise resolution rather than the presentation of factual proof or substantiation of a dispute. Informal disputes can be resolved by the complainant or through discussion between the parties. Informal disputes do not require a formal investigation.

Where the matter is considered such that, it is viewed by the President and the CEO as requiring action to achieve resolution but is not of a nature that warrants referral to the PSC, resolution through an informal mechanism may be recommended. Such mechanism may involve, but not be limited to, avenues such as:

3.7.1 Action taken directly by the complainant

If appropriate, the complainant may be advised to speak directly to the person(s) whose conduct was the subject of the complaint.

3.7.2 Advice or counselling through a Third Party(ies)

The complainant will be advised that the matter will seek to be addressed with the respondent through a third party, who may be another College member, a college staff member, an external third party, or a combination thereof.

Following completion of the informal resolution process, if the complainant is of the view that their concern is not taken seriously by the respondent(s), or not able to be resolved through an informal process, they may choose to take further action under this guideline and seek to have the matter escalated to a formal resolution or refer the matter to The Reviewer.

Self help	The person may choose to address the matter in question by communicating their concerns to the initiator of the action.
Seek assistance	The person may seek assistance and support.
Mediation	Mediation is a negotiation between the parties (without three-way face-to-face contact), 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 this guideline.

3.8. Formal Resolution – referral to PSC

If it is determined that the complaint is such that the matter should be referred to the PSC the process of review may encompass the proceedings in accordance with Regulation A3.3.

The PSC is not bound by the rules of evidence and, subject to the rules of natural justice, may inform itself on any matter and in such manner as it thinks fit. Any information which is material to the allegations made in relation to the member shall be disclosed to the member, and the member shall be given sufficient opportunity to make submissions in relation to that information.

The PSC may as a result of their assessment:

- Dismiss the complaint
- Recommend informal pathway resolution including mediation, counselling or mentoring

- Recommend sanctions as appropriate
- Refer the matter to the Reviewer
- Refer the matter to an appropriate Authority
- Refer a matter or complaint to the Board pursuant to RANZCOG Regulation A3

Following assessment by the PSC they will:

- Prepare a final report to the Board that will include guidance as to how the matter might progress, including any recommendation for sanction

3.9. RANZCOG Board

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. Sanctions

This guideline outlines four levels of sanctions that may be applied to Fellows by RANZCOG:

Fellows include Fellows undertaking assigned roles and serving on the RANZCOG body or representing the College in other forums, or undertaking work on the College's behalf.

Level	Sanction	Decision/Recommendation	Conditions/Restrictions
Level 1	Deed	President, CEO & PSC Chair	N/A
Level 2	Reprimand	President, CEO, PSC Chair & College's legal advisor	May involve remediation and/or loss of privileges
Level 3	Censure	Board	Loss of privileges
Level 4	Termination	Board	Loss of Fellowship

4.1. Level 1 – Deed

After evaluation of the complaint and response, where it appears that the Fellow may have breached the Code of Conduct, the Fellow will be requested to sign a Deed of Undertaking to comply with the Code of Conduct ('the Deed'). No further investigation into the complaint will be undertaken. By signing the Deed, the Fellow is confirming:

- That the Code of Conduct is the standard of behaviour required for all Fellows
- That they undertake to comply with the Code of Conduct
- That failure to comply may result in the application of a censure or termination of Fellowship
- If a Fellow does not sign the Deed when requested to do so, the complaint will be referred to the PSC for further consideration.

4.2. Level 2 – Reprimand

A reprimand is a written notification informing a Fellow, with disapproval, that they have been found to have breached the Code of Conduct. This will be handled by the President, CEO, PSC Chair and the College's legal advisor.

A reprimand may be given once the complaint and response have been evaluated; any further investigation carried out if necessary and; a finding of breach has been made. A Fellow receiving a reprimand will be required to sign the Deed of Undertaking and may be required to undertake remediation activities including attendance at certain nominated courses (at their own expense), and/or review after a period of time.

Until the required remediation is undertaken the Fellow may be unable to, as specified in the reprimand:

- a) Participate in a RANZCOG committee, or as an examiner, or supervise Trainees or Specialist International Medical Graduates (SIMGs)
- b) Teach on a RANZCOG course
- c) Apply for a RANZCOG scholarship
- d) Be eligible to receive a RANZCOG award
- e) Be eligible to be elected to College Council, Board or Committee

4.3. Level 3 – Censure with loss of privileges

A censure is a serious rebuke of a Fellow's behaviour when they have been found to have breached the Code of Conduct. A censure is accompanied by a loss of privileges for up to 12 months or until required remediation activities have been met.

During this period, the Fellow may incur a loss of privileges including (but not limited to):

- Participation in a RANZCOG committee or as an examiner, or supervision of Trainees or Specialist International Medical Graduates (SIMGs)
- Teaching on a RANZCOG course
- Application for a RANZCOG scholarship
- Eligibility to receive a RANZCOG award
- Eligibility to be elected to College Council, Board or Committee

A Fellow subject to a censure with loss of privileges will not be considered to be in good standing with the College until all conditions imposed have been met.

The PSC may also recommend that a reinstatement of privileges be subject to a Fellow undertaking certain actions which may include (but is not limited to) further remediation, counselling, participation in course(s) within a specific period of time and review of performance at work. If a Fellow fails to comply with the condition within the specified period of time, the matter will be referred back to the PSC. The Fellow may provide a written submission to the PSC who may grant an extension.

4.4. Level 4 – Termination of Fellowship

Where a Fellow is found to have repeatedly breached the Code of Conduct or if a very serious breach of the Code of Conduct has been found to have occurred, the PSC may recommend to Board that their Fellowship be terminated under clause 5.2.1 of the College Constitution.

A Fellow who is the subject of a recommendation to Board by the PSC for a Level 3 or 4 sanctions will receive notification of the PSC's decision within 7 business days.

The Fellow will receive a notice of the resolution to be considered by the Board and a copy of any business papers circulated to the Board regarding the resolution not less than 14 days prior to the date of the meeting.

The Fellow will be invited and permitted to attend that part of the meeting of the Board at which the resolution is considered and permitted to make submissions to the meeting in writing and orally. The Board may ask the Fellow to leave the meeting during its deliberations once submissions from all interested parties are complete

5. Notice of Determination and Appeal

Following determination by the PSC, or another committee or body of the College, or the Board in respect of any complaint, the CEO 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 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](#).

6. 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 trainee liaison@ranzcog.edu.au.

Converge International, specialists in psychology and wellbeing, is a service available for College Fellows, FRANZCOG, PTP, APTP trainees, SIMGs, 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 Associates (Procedural and Advanced Procedural) in Australia)

[Doctors Health Advisory Services \(DHAS\)](#) (For Associates (Procedural and Advanced Procedural) 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](#)

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
- Conflict of Interest Policy
- Privacy Policy
- Grievance and Dispute Resolution Policy
- Independent External Reviewer Policy
- Trainee in Difficulty Policy
- Whistleblower Policy
- Policy on Prejudicial Relationships
- Appeals procedures

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v1	August 2022	Creation
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