Complaints Policy

1. Purpose

Members and representatives of RACMA (**College**) must conduct themselves in a manner that reflects the standard of personal, professional and ethical behaviour expected by the College.

The purpose of this policy is to describe the College's approach to address, manage and resolve matters and complaints about the conduct of its Members and College Representatives.[1]

2. Scope

2.1.1 This policy applies to matters or complaints against any Member or Representative of the College made by other Members, colleagues, College staff or volunteers other than Members, the general public or other sources.

2.1.2 This policy applies to matters and complaints that relate to:

a) the professional or ethical standards of conduct of a Member or College Representative, or

b) the conduct of a Member or College Representative which affects the honour, good reputation, interests or work of the College.

This includes complaints made in relation to allegations of racism, bullying, discrimination including on the basis of race, gender or sexuality, sexual harassment and allegations of victimisation.

2.1.3 This policy does not apply to complaints against staff members who are not Members of the College. Such complaints are to be directed to the Chief Executive.

3. Policy Statement

3.1 Principles

3.1.1 The College promotes and supports a culture of respect and high standards of professional and ethical behaviour. We value and encourage reporting. We believe all our stakeholders can help hold us to account and that their voice and complaints will support improvement.

3.1.2 **Confidentiality** – The matter or complaint shall be dealt with, as far as possible, on a confidential basis and consistent with the protection offered by the legal principle of qualified privilege, to protect the rights and welfare of all those involved. The College does not, however, guarantee anonymity of those making complaints.

a) 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.

[1] Policy adapted from the Australasian College for Emergency Medicine (ACEM) Complaints Policy (v5, 2020) with ACEM's permission.

b) Any person against whom a complaint is made is entitled to receive sufficient details of the nature and circumstances of the allegations to allow them to fully respond to these. This may necessitate the disclosure of the identity of the complainant. This will only occur with the complainant's consent.

3.1.3 **Procedural Fairness** – The Complaints Procedure should be conducted in a fair and equitable manner at all times and in accordance with the principles of procedural fairness as outlined in the Procedural Fairness Policy and any relevant legal requirements.

3.1.4 **Timeframes** – The College undertakes to address all complaints in as efficient and timely a manner as possible. The College encourages timely lodgement of complaints to maximise the opportunity to resolve the complaint to the benefit of all parties concerned. For this reason, the College may determine not to accept complaints involving incidents that occurred in excess of 12 months prior to lodging the complaint.

3.1.5 **Victimisation** – Victimisation is unlawful and will not be accepted or tolerated against a person who:

a) has made, or intends to make, a complaint;

b) has been, or intends to be, a witness;

c) is a support person to any of the parties involved in the complaint;

d) is involved in resolving the complaint; or

e) has acted in good faith in bringing information or making a complaint in accordance with this policy.

Should such victimisation occur, disciplinary action will be considered against those involved.

3.1.6 **Defamation** – Complaints can potentially damage an individual's reputation. To minimise the risk of defamation, the College will maintain confidentiality and involve as few people as possible in the complaint handling process. Individuals appointed to assist in complaint handling processes are protected under the doctrine of 'qualified privilege' provided they act in accordance with the Complaint Procedure and not maliciously.

3.1.7 **False, Vexatious or Malicious Accusations/Complaints** –

a) A vexatious complaint means a complaint that is considered to be:

i. instituted or pursued without reasonable ground; or

ii. initiated to harass or annoy, to cause delay or detriment, or for any other inappropriate purpose; or

iii. an abuse of process.

b) Complaints that are considered to be vexatious or found to be malicious will be viewed seriously and may expose the complainant to risk of defamation proceedings or disciplinary action. The College may reject such complaints and take no further action.

3.1.8 **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.

3.2 Assistance and Support

3.2.1 **Independent External Reviewer** – The College may appoint an independent external reviewer to assist in circumstances where individuals have flagged concerns that initiating a complaint through regular College processes may result in a breach of confidentiality or privacy or reprisal or retribution.

3.2.2 **Support Person** – A support person provides 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.

3.2.3 **Counselling and Support**

a) For College Members and staff, support is available through Converge International (1300 687 327 in Australia; 0800 666 637 in New Zealand).

b) A complainant may wish to seek counselling or assistance from someone independent. There is a range of organisations external to the College who can assist with this, including employer Employee Assistance Programs (EAPs), and organisations such as Beyond Blue (1300 224 636) or Lifeline (13 11 14), or Samaritans New Zealand (0800 726 666).

3.3 Rights

In relation to complaints, a complainant who is making a complaint, and a respondent against whom a complaint is made have the rights outlined below.

A complainant has a right:	A respondent has a right:
▪ To have their complaint investigated and conciliated if requested and as appropriate	▪ To be informed of what they are accused of and who is making the complaint(s)[2] ▪ To respond to the complaint(s)
▪ To have support or representation throughout the process	▪ To have support or representation 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 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

[2] 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.

3.4 Complaints Process

3.4.1 The process by which the College deals with complaints is described in the Complaints Procedure. In general, complaints will be dealt with as outlined in that document, cognisant of the principles outlined therein and in this Policy.

3.4.2 The College recognises that complaints may also be dealt with by other bodies, such as employers (including hospitals/health services) or statutory complaints authority, professional standards committee, medical board or other relevant authority (e.g. Coroner, police). Generally, if a complaint is being investigated by another body, the College 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.

3.4.3 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 produce records or information or comply with outcomes of investigations other than that described in the Complaints Procedure and other relevant College documents.

3.4.4 The College will review complaints to identify potential systems issues, using the findings to drive continuous improvement.

4. Definitions

Term	Definition
Member	means a person admitted as a 'member' of the College pursuant to the provisions of the RACMA Constitution. For the purpose of this Policy and the Complaints Procedure, it includes specialist international medical graduates being assessed for comparability to specialist pathway to fellowship or undertaking College requirements for the purpose of obtaining specialist recognition in Australia or Aotearoa New Zealand.
College Representative	includes a person who is formally appointed to a College position, which includes: ▪ Board Directors ▪ people who are members of Committees, Subcommittees and Working Groups established by the Board. ▪ College Members and non-Members in the roles of Censors, Supervisors and Preceptors. ▪ members of panels, including panels assessing accreditation of training posts, recognition of prior learning and experience and Specialist International Medical Graduates.
Complainant	A person making a complaint or raising a matter in scope of this Policy.
Respondent	A person against whom a matter is raised or a complaint is made.
Discrimination	Discrimination happens when: ▪ a person, or a group of people, is treated less favourably than another person or group because of their background or certain personal characteristics. This is known as ‘direct discrimination’.

- an unreasonable rule or policy applies to everyone but has the effect of disadvantaging some people because of a personal characteristic they share. This is known as 'indirect discrimination'.

Personal characteristics protected by law include

- race, colour, descent, national origin, or ethnic background
- sex and gender identity including intersex, transsexual, transgender, non-binary
- sexual orientation, including gay, lesbian, bisexual, queer and heterosexual.

Harassment is a type of discrimination involving unwelcome language or behaviour that, regardless of intent, could be reasonably anticipated to offend, embarrass, intimidate or threaten another person because of a personal characteristic protected by law.

For more information, refer to the policy on discrimination, bullying and sexual harassment.

5. Related documents

- Complaints Procedure
- Constitution
- Code of Conduct
- Policy on Discrimination, Bullying and Sexual Harassment
- Procedural Fairness Policy
- Reconsideration, Review and Appeal of Decisions Policy
- Whistleblower Policy

Document information			
Type:	Policy - Governance	Approval Date:	September 2024
Custodian:	Chief Executive	Approved by:	Board
Version:	v1.0	Endorsed by:	Governance Committee
Next Review: 3 years from approval date or earlier if required			
Uncontrolled when printed			

Revision history		
Version	Date	Description
v1.0	September 2024	New policy replacing the Breaches of the Code of Conduct for Officers and Members Policy v1.3 (rescinded)