Complaints Procedure

1. Purpose

The purpose of this procedure is to outline the process for the submission and resolution of matters or complaints made by and against any person pursuant to the RACMA (**College**) Complaints Policy (**Policy**).[1]

2. Scope

2.1.1 This procedure 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 procedure 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. Procedure

3.1 Provisions applicable to all complaints

3.1.1 Investigation and consideration of a matter or complaint shall be dealt with as expeditiously as the circumstances permit.

3.1.2 Management of conflict of interest:

a) Should a matter or complaint relate to the College President, the President-Elect or immediate past-President shall assume the role of the President in regard to this procedure. Where this is not possible, the Chief Executive shall consider the matter in collaboration with the Chair of the Professional Standards Group.

b) Should a matter or complaint relate to the College Chief Executive, the President-Elect shall assume the role of the Chief Executive in regard to this procedure. Where this is not possible, the President shall consider the matter in collaboration with the Chair of the Professional Standards Group.

[1] Procedure adapted from the Australasian College for Emergency Medicine (ACEM) Procedures for Submission and Resolution of Complaints (v3, 2022) with ACEM's permission.

c) Should a matter or complaint relate to the Chair of the Professional Standards Group, the College President shall consider the matter in collaboration with the College Chief Executive.

3.1.3 At any time during the management of a matter or complaint, the Chief Executive and/or President may delegate their responsibilities and powers as outlined in the Policy and this Procedure and subsequently rescind that delegation.

3.1.4 Subject to privacy and confidentiality requirements, the Chief Executive shall keep the Board apprised of all complaints raised with the College or notified to the College, including the decision made based on the initial review.

3.2 Lodging a complaint

3.2.1 We always encourage reporting or behaviour that is in scope of this procedure.

a) In some circumstances, where appropriate, some people may wish to resolve a matter or complaint directly, for example by speaking directly to the person(s) whose actions are the cause of the potential complaint, or by speaking directly to the employer of that person(s).

b) In other circumstances, individuals may wish to also take direct action, but would like some support from the College, without seeking remedy under the Complaints Policy and this procedure. In that case, individuals may wish to contact the Chief Executive.

c) Where an individual wishes to enact the Complaints Policy and Procedure, they must follow the process outlined in this procedure.

3.2.2 Any complaint made by a person against a Member or representative of the College must:

a) be made in writing[2],

b) include the name and contact details of the complainant or complainants, and

c) be lodged with the Chief Executive at the College office.

3.2.3 Receipt of the complaint shall be acknowledged by the College in writing in a timely fashion.

3.2.4 Complaints may be submitted anonymously, however, in such instances the College may be limited in the extent to which it is able to progress the matter.

3.2.5 Notification by Chief Executive – where the College becomes aware of a particular matter or conduct by a Member or College Representative that is considered to fall within the purview of the Policy (including investigations by a statutory complaints authority, professional standards committee, medical board or other relevant authority ('**an authority**'), or notifications from employers), the Chief Executive may refer the matter in accordance with the Policy by notifying the President that the matter is to be dealt with in accordance with the Policy and this procedure.

3.3 Initial Review of Complaint

3.3.1 Prior to making any decision regarding the disposition of a matter or complaint, the Chief Executive and the President shall consider whether the matter or complaint:

a) falls within the scope of the Policy

[2] Where a person is unable to submit a complaint in writing, they can make an appointment to do so verbally.

b) would more appropriately be dealt with internally pursuant to another policy

c) would be more appropriately dealt with by an external body or authority

d) is currently being dealt with by other bodies such as employers or another authority, or

e) should be adjourned or not dealt with, pending a hearing or determination by another authority.

3.3.2 Following the initial review, the Chief Executive and the President may determine to:

a) take no action

b) notify the complainant that the matter should be directed to a more appropriate body or authority

c) notify the complainant that the matter will be managed through an Informal Resolution process (see section 3.4)

d) refer the complaint to the Chair of the Professional Standards Group for consideration (see section 4.1), or

e) if it is considered that the conduct that is the subject of the matter or complaint may be of such a serious nature that it may constitute serious professional misconduct, refer the complaint to Ahpra/Medical Board of Australia, the Medical Council of New Zealand or other authority (as appropriate, based on the nature of the complaint or matter). The College will reserve the right to conduct its own procedure concurrently or following the completion of the Authority's processes.

3.3.3 The College will aim to complete the initial review of the complaint within 10 business days. The Chief Executive will notify the complainant of the outcome of the review process as soon as practicable.

3.4 Informal Resolution Process

3.4.1 The Chief Executive and President may determine that the complaint is such that informal resolution or alternative dispute resolution should be attempted before formal resolution by referral to the Chair or member(s) of the Professional Standards Group.

3.4.2 The Chief Executive may arrange for informal resolution in such manner as the Chief Executive and President deem appropriate, including but not limited to:

a) 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.

b) 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.

c) mediation by an appointed staff member or senior Member, or by an independent person selected by the Chief Executive with skills in mediation. A mediation's aim is to reach a consensual agreement through discussion; or

d) an independent inquiry by a person appointed by the Chief Executive to review the complaint and its circumstances and report to the College.

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

3.4.4 An informal resolution process requires the co-operation of the complainant and respondent. Where a respondent or complainant choose not to cooperate with an informal resolution process, the Chief Executive and President will determine the pathway to be followed in relation to the complaint. This may include notification to the complainant that the complaint is unable to be further progressed, or notification to the respondent that the complaint will be handled in accordance with one of the remaining options described in section 3.3.2.

3.4.5 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[3] through an informal process, they may request to take further action under this procedure 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. Formal Resolution

4.1 Referral to Chair of the Professional Standards Group

4.1.1 Matters or complaints against Members or College Representatives that are considered such that they should be dealt with formally by the College will, pursuant to section 3.3.2 d) of this procedure, be referred to the Chair of the Professional Standards Group for consideration.

4.1.2 On receipt of a referred matter or complaint, the Chair of the Professional Standards Group shall decide whether or not there is a prima facie case to answer. If it is so decided, the Chair of the Professional Standards Group will convene a Professional Standards Panel (see 4.2).

4.1.3 The Chair of the Professional Standards Group shall, at least 21 calendar days prior to the meeting of the Professional Standards Panel at which the matter or complaint will be considered, give the respondent of a matter(s) or complaint allegation(s) written notice of:

a) the intention of the Professional Standards Group to consider the matter

b) the time, date and place of the meeting of the Professional Standards Panel

c) particulars of the nature of the matter or complaint under consideration, and

d) advice that the respondent:

i. may attend and give oral and/or written submissions at that meeting in respect of the matter. Any written submission must be provided at least 7 calendar days before the meeting of the Professional Standards Panel.

ii. may be accompanied by a support person, who may not act as an advocate for the respondent; however, is not entitled to be accompanied by a legal representative (or any other person who shall act as an advocate) unless the Chair of the Professional Standards Group has given prior consent where it is felt that the

[3] 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, or similar.

respondent could not present, or would be disadvantaged if required to present in person. Any request for such representation must:

- be made by the respondent;
- specify the reasons on which the request is made; and
- be received by the Chief Executive at least 7 working days prior to the date of the meeting at which the matter or complaint is to be considered.

4.2 Professional Standards Panel

4.2.1 The Professional Standards Panel is an ad hoc panel comprised of members of the Professional Standards Group, convened by the Chair of the Professional Standards Group as required to consider matters or complaints made in accordance with the Policy and this procedure.

4.2.2 A Professional Standards Panel shall consist of a minimum of three members, comprising:

a) a Board Director, and

b) at least one Fellow and another Fellow or Associate Fellow as determined by the Chair of the Professional Standards Group,

none of whom was involved in the matter or complaint or had previously made a decision in relation to the matter or complaint, or who otherwise has a conflict of interest, whether actual or perceived, with the respondent and complainant concerned.

4.2.3 The Chief Executive or their delegate shall attend meetings of the Professional Standards Panel as an observer and to act as secretary to the Panel.

4.3 Conduct of Meetings

4.3.1 The Professional Standards Panel shall conduct its affairs with as little formality as possible but otherwise, subject to this procedure, shall have full power to regulate its conduct and operation, including convening and adjourning any meeting as it may require. The Professional Standards Panel is not bound by the rules of evidence and, subject to the rules of procedural fairness, may inform itself on any matter and in such manner as it thinks fit.

4.3.2 The Professional Standards Panel is entitled:

a) to make its own enquiries and seek legal or other professional advice in relation to any matter or complaint under consideration, and

b) to consider all relevant information which it thinks fit and may invite any person to appear before it or to provide information.

4.3.3 The Professional Standards Panel may meet in person or by telephone or other electronic means, or by correspondence for the purpose of the members of the Panel carrying out their functions.

4.3.4 The respondent of a matter(s) or complaint allegation(s) shall be given an opportunity to be heard, and the Professional Standards Panel shall give due consideration to any written or oral submissions made by the respondent.

4.3.5 The respondent may be accompanied by a support person but shall not be entitled to have an advocate or to be legally represented without the prior consent of the Chair of the Professional Standards Group.

4.3.6 The Professional Standards Panel shall keep minutes of meetings, including details of any decision(s) made in relation to any matter or complaint before it. Minutes of meetings of the Professional Standards Panel may be confined to a list of all persons present, a report listing the documentation presented and a report of the decision made by the committee, including reasons for the decision.

4.4 Outcome of Hearing

4.4.1 After consideration of a matter or complaint, the Professional Standards Panel may:

a) take no action

b) dismiss the matter or complaint and exonerate the respondent

c) counsel the respondent and/or require them to participate in any relevant College program or activity

d) censure the respondent

e) refer the matter or complaint to the Board for consideration (if the panel believes the matter or complaint is sufficiently serious as to merit possible cessation or suspension of, or the imposition of conditions on, membership or involvement with the College or removal of any College award or dignity), and/or

f) request that the Chair of the Professional Standards Group refer the matter or complaint to an appropriate external authority.

4.4.2 The Professional Standards Panel may decide to request that the Chair of the Professional Standards Group refer the matter or complaint to an appropriate external authority at any time after the matter or complaint is referred to it.

4.5 Notification of Outcome

4.5.1 Subject to section 4.5.3, meetings and hearings of the Professional Standards Panel shall be confidential. Information relating to the matter or complaint will usually not be disclosed except in relation to:

a) the reporting of progress

b) appropriate reporting to the parties involved

c) reporting of the findings, decision and reasons to the Chair of the Professional Standards Group and the Board (see 4.5.2)

d) referral of the matter or complaint to an external Authority

e) referral of the matter or complaint to the Board, and

f) any other disclosure which is otherwise allowed or mandated by law.

4.5.2 The Professional Standards Panel shall report on its decision(s), including a summary of the reasons for the decision(s), to the Board at the next meeting of the Board following the making of the decision(s) by the Panel.

4.5.3 At the conclusion of the hearing, the complainant (where appropriate) and the respondent shall be notified in writing of the outcome.

5. Referral to the Board

5.1.1 Where a matter or complaint is referred to the Board by the Professional Standards Panel pursuant to clause 4.4.1 (e) and except where otherwise provided, the Board shall consider the matter or complaint, and the findings/recommendations of the Professional Standards Panel.

5.1.2 Consideration by the Board may result in the following Board final decision:

a) take no action

b) dismiss the matter or complaint and exonerate the respondent

c) counsel the respondent and/or require them to participate in any relevant College program or activity

d) censure the respondent

e) suspend the membership of the Member, in accordance with the provisions of the College constitution

f) expel the Member from the membership, in accordance with the provisions of the College constitution

g) remove the Member from the applicable College training program

h) refer the matter to any appropriate external authority, and/or

i) remove any College award or dignity held by the respondent.

5.1.3 The Board may decide to refer the matter or complaint to an appropriate external authority at any time after referral of the matter or complaint by the Professional Standards Panel.

6. Review and Appeal

6.1 Internal Review

6.1.1 The *complainant* may request, by written request to the Chief Executive, an internal review of the investigation process and the findings if they are dissatisfied with either the process (manner in which the matter or complaint was investigated and/or handled) or the outcome.

6.1.2 The *respondent* may request, by written request to the Chief Executive, an internal review of the investigation and complaints process if they are dissatisfied with the manner in which the matter or complaint was investigated or handled (not the outcome).

6.1.3 It will then be determined by the Chief Executive if an internal Review Panel of personnel nominated by the Chief Executive is necessary to assist in either a complainant or respondent's request for an appeal.

6.2 Appeal of Decision

Any appeal against a decision of the Professional Standards Panel or the College Board under the Policy and this Procedure may be made only in accordance with the provisions of the Reconsideration, Review and Appeals Policy and shall proceed directly to formal appeal.

6.3 Acting on Unsubstantiated Complaints

6.3.1 If a complaint is not substantiated, both parties are to be informed of the finding and provided with written reasons for the finding.

6.3.2 The complainant will also be advised that, if they are unsatisfied with the outcome, they can lodge a complaint either internally through the College appeals process, or externally through the relevant statutory bodies.

7. 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 the Complaints Policy and the Complaints Procedure, it includes specialist international medical graduates 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.

8. Related documents

- Complaints Policy
- Constitution
- Code of Conduct
- Conflict of Interest Policy
- Procedural Fairness Policy
- Reconsideration, Review and Appeal of Decisions Policy

Document information			
Type:	Procedure - 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 procedure