



Complaints Resolution Policy

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1. POLICY ADOPTION

- 1.1 This Policy governs the conduct of all Complaints Procedure undertaken by the College on and from the date of adoption of this Policy by the Board unless and until formally revoked, amended or repealed.
- 1.2 This Policy is a Bylaw for the purpose of the Constitution.

2. POLICY PURPOSE

- 2.1 The Board have adopted this Policy to address, determine and monitor Complaints made against the College, Fellows, Associates and Staff.
- 2.2 This Policy recognises that Complaints against the College, Fellows, Associates and Staff indicate possible failures of College policy, procedure or conduct and that serious or frequent Complaints may undermine the credibility, reputation and efforts of the College and the delivery of eye care services to the public
- 2.3 The purpose of this Policy is to establish:
 - 2.3.1 a timely, fair and transparent mechanism for the determination of Complaints; and
 - 2.3.2 a reporting mechanism to assist the ongoing development of Policy, procedure and conduct.

3. THE COMPLAINTS PROCESS

- 3.1 The Complaints Officers shall be responsible for the implementation of this Policy and shall assist the CEO, the Complaints Committee, the Board Chair and Board in relation to all Complaints referred them under this Policy.
- 3.2 The CEO, the Complaints Committee, the Board Chair and the Board shall be responsible for the conduct of all Complaints referred to them under this Policy.
- 3.3 Responsibility for the conduct of Complaints under this Policy shall not be delegated except by the Board which may delegate to a Committee for the purpose of investigation and the provision of relevant recommendations.
- 3.4 The College may engage external assistance as and when considered necessary to assist with implementation of this Policy.
- 3.5 All Complaints subject to this Policy shall be conducted with procedural fairness and natural justice.

4. THE COMPLAINTS REGISTER & ANNUAL COMPLAINTS REPORT

- 4.1 This Policy recognises that:
 - 4.1.1 increase reporting of Complaints may occur upon adoption of this Policy as a consequence of increased knowledge by stakeholders of Complaints Procedures; and

- 4.1.2 ongoing Complaints data generation and analysis is essential to understanding and addressing Complaints within the College context.
- 4.2 The CEO must:
 - 4.2.1 on and from the date of adoption of this Policy, maintain a Complaints Register;
 - 4.2.2 on and from the date of adoption of this Policy, ensure that all Complaints are recorded in the Complaints Register; and
 - 4.2.3 each year on the anniversary of adoption of this Policy, provide the de-identified Annual Complaints Report to the Board.
- 4.3 The Board shall consider the Annual Complaints Report with a view to addressing negative trends any systemic issues and improving relevant College policy and practices, including this Policy, where necessary.
- 4.4 The Complaints Register and Annual Complaints Report shall remain the property of the College at all times and shall, unless otherwise compelled by Law or determined by the Board, only be used by the College in connection with:
 - 4.4.1 Investigation of Complaints;
 - 4.4.2 Investigation of breach of this and other College policy;
 - 4.4.3 the imposition of sanctions for breach of this and other College policy;
 - 4.4.4 referral to an External Agency pursuant to this Policy;
 - 4.4.5 legal action commenced by the College; and
 - 4.4.6 College policy and procedure development.
- 4.5 Subject to **paragraph 4.4**, any and all personal information contained in the Annual Complaints Report and the Complaints Register shall be kept confidential and subject to the Privacy Policy and all applicable Laws, including but not limited to, the *Privacy Act 1988* (Cth) (Australia) and the *Privacy Act 1993* (New Zealand).

5. WHO CAN MAKE A COMPLAINT?

- 5.1 Complaints may be made by:
 - 5.1.1 patients (or immediate relatives of patients);
 - 5.1.2 Staff, Fellows and Associates of the College;
 - 5.1.3 hospitals;
 - 5.1.4 health complaints authorities; or
 - 5.1.5 any other source that has a Complaint capable of being determined under this Policy.

6. MAKING A COMPLAINT

- 6.1 Complaints can be made to the College as follows:
 - 6.1.1 by post addressed Complaints, RANZCO, 94 - 98 Chalmers Street Surry Hills, NSW, 2010 Australia;
 - 6.1.2 by email addressed to the Complaints Email Address;

- 6.1.3 by submitting a Complaints Form on the College Website;
- 6.1.4 by phone by calling the College Complaints Line.
- 6.2 A Complaint may be withdrawn by a Complainant at any time by written notice.
- 6.3 Notwithstanding the withdrawal of a Complaint pursuant to **paragraph 6.2**, the Board may, at its discretion, determine to continue to Investigate and determine a Complaint where it is in the College's best interest to do so.

7. THE COMPLAINT

- 7.1 The Complaints Procedure will be initiated upon receipt of a Complaint pursuant to **paragraph 6.1**.
- 7.2 A Complaint shall:
 - 7.2.1 subject to **paragraph 8**, specify the name, address and contact details of the Complainant;
 - 7.2.2 specify all relevant facts, matters and issues that the Complainant considers relevant to the determination of the Complaint;
 - 7.2.3 contain all relevant materials, documents and evidence in the Complainant's possession that the Complainant considers relevant to the determination of the Complaint;
 - 7.2.4 specify the Complainant's relationship (i.e. a colleague, patient etc.) to the Subject;
 - 7.2.5 specify the name of the Subject;
 - 7.2.6 specify what redress or resolution the Complainant is seeking;
 - 7.2.7 confirm whether the Complaint has been referred to any other entity, person or External Agency or is the subject of any Litigation.
- 7.3 A Complaint shall not concern matters specified in **paragraph 9.1**.
- 7.4 To the extent to which the Complaint proceeds on basis additional to those specified in **paragraph 9.1**, those bases shall exclusively constitute the basis of the Complaint.
- 7.5 A Complaint shall not be deemed received by the College until all of the information specified in **paragraph 7.2** is received.

8. IDENTIFICATION OF THE COMPLAINANT

- 8.1 This Policy recognises that making a Complaint is a serious step and that such action may not be taken if a Complainant is required to disclose their identity to the Subject of the Complaint. Therefore, notwithstanding **paragraph 7.2.1**, a Complainant making a complaint in accordance with this Policy is strongly encouraged but is *not required* to allow disclosure of their identity to the Subject of the Complaint when making a Complaint. Complainants should note that in order to progress any Complaint their identity will be disclosed to the RANZCO Complaints Committee, and where considered necessary will be disclosed to the RANZCO Code of Conduct Committee.
- 8.2 If a Complainant declines to disclose their identity to the Subject of the Complaint, the College may be limited in how they are able to proceed with the Complaint. Such limits may include, but may not be limited to:

- 8.2.1 an inability to properly raise the Complaint with the Subject;
 - 8.2.2 an inability to provide natural justice to the Subject;
 - 8.2.3 an inability to resolve the complaint to the reasonable satisfaction of the Complainant.
- 8.3 The Complaints Manager may at any time and at their discretion decide to cease any ongoing action that they are then undertaking in relation to a Complaint due to the failure of the Complainant to disclose their identity to the Subject of the Complaint.
- 8.4 If a Complaint is made under this Policy, the identity of the person making a Complaint shall accompany the Complaint at all times unless:
- 8.4.1 the Complainant requests in writing de-identification of the Complainant to the Subject of the Complaint; and
 - 8.4.2 such de-identification is, in the opinion of the Complaints Manager, reasonably necessary and not prejudicial to any relevant interest.
- 8.5 Complainants making de-identified complaints to the Subject of the Complaint should assume that their identity may become known during the course of Investigation due to the disclosure of relevant identifying facts, matters and issues. The College shall not be responsible for any identification of anonymous Complainants.

9. UNACCEPTABLE COMPLAINTS AND COMPLAINTS INVOLVING NON-COLLEGE EMPLOYEES

- 9.1. The College will not accept a Complaint and shall not deal with matters that a Complaints Manager reasonably considers to be Vexatious, Trivial or which seeks to challenge:
- 9.1.1 Final decisions of a Committee or the Board in relation to examination, selection, and assessment of progress of trainees;
 - 9.1.2 Final decisions of the Council in relation to applications for admission to fellowship;
 - 9.1.3 Final decisions of a Committee or Board in relation to the assessment of international medical graduates seeking a pathway to fellowship of the College;
 - 9.1.4. Final decisions of a Committee or Board in relation to participation in the College's continuing professional development program;
 - 9.1.5 Any College decision that is properly the subject of a Reassessment under the College's Appeals Policy;
 - 9.1.6 The adoption or application of any approved College policy.
- 9.2 Where a Complaint concerns the conduct of an employee of an entity other than the College, the Complainant shall be informed by the CEO

10. PROCEDURAL LIMITS

- 10.1 This Policy acknowledges that the College:
- 10.1.1 does not possess the powers of a Court or Tribunal;
 - 10.1.2 has limited Complaints Procedure resources;

- 10.1.3 must at all times retain the ability to determine its own capacity to manage Complaints;
- 10.1.4 does not seek to deal with Complainants which are the subject of complaints procedures implemented by other entities
- 10.2 Except in case of the referral of a Complaint to the Board Chair pursuant to **paragraph 13.9**, the CEO may, at their discretion, having regard to all relevant information at their disposal at the time, determine that a Complaint raises issues that cannot be properly managed by the College.
- 10.3 If a determination is made pursuant to **paragraph 10.2**, then the CEO may, at their discretion, determine to cease or stay any current Complaints Procedure.
- 10.4 If the Complaint is stayed or ceased pursuant to **paragraph 10.3**, the CEO shall advise the Complainant within seven (7) days of the relevant determination.
- 10.5 Any and all documents held by the College at the date of any determination pursuant to **paragraph 10.3** shall remain the property of the College and shall not be released to any person except by compulsion of Law.

11. COMPLAINTS SUBJECT TO EXTERNAL AGENCY INVESTIGATION, LITIGATION OR COMPLAINTS RESOLUTION PROCESS ENACTED BY ANOTHER ENTITY.

- 11.1 If at the time a Complaint is made in accordance with this Policy or at any time prior to determination of a Complaint pursuant to this Policy, the Complaint becomes the subject of an External Agency investigation, Litigation or complaints resolution process enacted by another entity the Complaints Procedure shall:
 - 11.1.1 be stayed pending the outcome of the External Agency investigation, Litigation or Complaints Resolution Process enacted by another entity as the case may be; and
 - 11.1.2 not be recommenced until after the outcome of the relevant External Agency investigation, Litigation or Complaints Resolution Process enacted by another entity unless the Complaints Manager determines, at its unfettered discretion, that the Complaints Procedure is to proceed.
- 11.2 Where the Complaint has been referred to an External Agency or another entity *by the College* pursuant to this Policy, the CEO shall liaise with the External Agency or other entity, as the case may be, to obtain confirmation of the cessation of any relevant investigation or Litigation.
- 11.3 Where the facts, matter or issues of the Complaint have been referred to an External Agency or another entity *by a Complainant*, or those facts, matters or issues are the subject of Litigation, the College shall not recommence the Complaints Procedure pursuant to **paragraph 11.1.2** until the College is provided with satisfactory evidence from the Complainant that any relevant investigation or Litigation has concluded.
- 11.4 The Complaints Manager shall advise the Complainant in writing if the Complaints Procedure is to proceed within seven (7) days of a determination under **paragraph 11.1.2**.
- 11.5 If a determination is made under **paragraph 11.1.2** that the Complaints Procedure is not to proceed, the Complaints Manager shall advise the Complainant in writing of the determination within seven (7) days.

12. ACKNOWLEDGEMENT OF THE COMPLAINT

- 12.1 Within seven (7) days of receipt of a Complaint, the Complaint shall be allocated to a Complaints Officer and the Complaints Officer shall by written notice to the Complainant:
- 12.1.1 acknowledge receipt of the Complaint;
 - 12.1.2 inform the Complainant that the Complaint shall proceed to Initial Consideration;
 - 12.1.3 request any additional information required to permit the Initial Consideration.
- 12.2 If a request is made by the Complaints Officer pursuant to **paragraph 12.1.3**:
- 12.2.1 the Complaints Officer shall specify a date by which the additional information must be provided being a period of not more than fourteen (14) days;
 - 12.2.2 no further steps in the Complaints Procedure shall be taken until the additional information is provided by the Complainant.
 - 12.2.3 failure to provide information requested pursuant to **paragraph 12.2.1** shall be taken to be withdrawal of the Complaint by the Complainant.

13. INITIAL CONSIDERATION OF THE COMPLAINT

- 13.1 Subject to **paragraph 13.2, 13.8 and 13.9**, within twenty-one (21) days of Complaints Officer acknowledgement pursuant to **paragraph 12.1.1** or if additional information is requested pursuant to **paragraph 12.1.3**, within twenty-one (21) days of receipt of the requested information, the Complaints Officer shall conduct the Initial Consideration.
- 13.2 The Complaints Officer shall not proceed to an Initial Consideration if there is a conflict of interest as defined in the *Conflict of Interest Policy*. Where there is a relevant conflict of interest, a non-conflicted Complaints Officer shall conduct the Initial Consideration.
- 13.3 The Initial Consideration is an administrative function. The Initial Consideration shall have regard to the Complaint and any and all relevant information in the possession of the Complaints Officer at the time of the Initial Consideration ("**Complaints Officer Material**").
- 13.4 The Complaints Officer shall determine in the Initial Consideration:
- 13.4.1 whether the Complaint is to be dismissed or shall proceed in the College;
 - 13.4.2 if the Complaint is to proceed in the College, the Complaints Path to be followed;
 - 13.4.3 whether the Complaint should be referred to an External Agency.
- 13.5 The Complaint shall only be dismissed pursuant to **paragraph 13.4.1** if the Complaint is found in the Initial Consideration to be:
- 13.5.1 an unacceptable complaint pursuant to **paragraph 9**; or
 - 13.5.2 outside the Complaints Procedure Limits as specified in **paragraph 10**.

- 13.6 When determining the Complaints Path to be followed pursuant to **paragraph 13.4.2**, the Complaints Officer shall have regard to:
- 13.6.1 the urgency of the Complaint;
 - 13.6.2 any Serious Issue raised in the Complaint;
 - 13.6.3 the relevance of the Complaint to a College's objects as specified in paragraph 2 of the Constitution;
 - 13.6.4 the complexity of the Complaint;
 - 13.6.5 the resources available in the College to Investigate and manage the Complaint;
 - 13.6.6 the specific skill set of the Complaints Committee and the Board;
 - 13.6.7 the Complaints Procedure Limits as specified in **paragraph 10**;
 - 13.6.8 the identity of the Subject;
 - 13.6.9 the employment status of the Subject;
 - 13.6.10 the existence of an Exceptional Circumstances.
- 13.7 The Complaints Officer may engage relevant external assistance when conducting the Initial Consideration.
- 13.8 Where a Staff member is the subject of the Complaint, the Initial Consideration shall not proceed and the Complaint shall be dealt with by the CEO in accordance with **paragraph 14**.
- 13.9 Where a CEO or the Company Secretary is the subject of the Complaint, the Initial Consideration shall not proceed and the Complaint shall be dealt with by the Board Chair in accordance with **paragraph 15**.
- 13.10 When determining whether the Complaint should be referred to an External Agency pursuant to **paragraph 13.4.3**, the Complaints Officer may have regard to:
- 13.10.1 the matters referred to in **paragraph 13.6**; and
 - 13.10.2 the jurisdiction of any External Agency to investigate and/or determine Complaint.
- 13.11 Within seven (7) days of the Initial Consideration, the Complaints Officer shall by written notice, inform the Complainant and subject to **paragraph 13.12**, the Subject of the outcome of the Initial Consideration. The notice shall specify:
- 13.11.1 whether the Complaint is dismissed or shall proceed in the College;
 - 13.11.2 if the Complaint shall proceed in the College, the Complaints Path to be followed; or
 - 13.11.3 whether the Complaint is to be referred to an External Agency or other entity.
- 13.12 The Complaints Officer shall not give notice to the Subject of the dismissal of a Complaint pursuant to **paragraph 13.11.1**.
- 13.13 Where the Complaints Officer determines in the Initial Consideration that the Complaint is to be referred to the Complaints Committee or the Board, it shall within

seven (7) days of that determination by written notice, refer the Complaint and any and all additional information relating to the Complaint, to the Complaints Committee or the Board as the case may be.

- 13.14 Where the referral to the Board is based on Exceptional Circumstances or a Serious Issue, the Complaints Officer must ensure that the information provided to the Board pursuant to **paragraph 13.13** includes complete details of the Exceptional Circumstances or Serious Issue as the case may be.
- 13.15 Where the Complaints Officer determines in the Initial Consideration that the Complaint is to be referred to an External Agency, the notice given pursuant to **paragraph 13.11.3** shall confirm that the Complaints Procedure shall:
- 13.15.1 be stayed pending the outcome of the External Agency investigation; and
 - 13.15.2 not be recommenced until after the outcome of the relevant External Agency investigation (unless the Complaints Officer determines, at its discretion, that the Complaints Procedure is to proceed).
- 13.16 Where the Complaints Officer determines in the Initial Consideration that the Complaint concerns an employee of another entity and that the conduct complained of occurred whilst so employed, the notice given pursuant to **paragraph 13.11** shall confirm:
- 13.16.1 that the Complainant shall have fourteen (14) days from the date of the notice to report the Complaint to the relevant employer and confirm to the Complaints Officer, in writing, that the Complaint has been reported in accordance with this paragraph;
 - 13.16.2 failing confirmation of reporting to the relevant employer pursuant to **paragraph 13.16.1**, that the College shall report the Complaint to the employer;
 - 13.16.3 that the Complaint shall be stayed pending the outcome of any employer investigation and confirmation received pursuant to **paragraph 11.2 or 11.3**.
- 13.17 The Complaints Officer's Initial Consideration determination pursuant to **paragraph 13.4** shall be final unless overturned pursuant to the Appeals Policy.

14. COMPLAINTS AGAINST STAFF

- 14.1 Where the CEO is required to determine a Complaint against Staff pursuant to **paragraph 13.8**, it shall investigate and determine the Complaint in accordance with the Human Resources Policy and the Law.
- 14.2 Without limiting the nature of the nature of the CEO's determination, the CEO may determine the Complaint and direct as follows:
- 14.2.1 that no further action is required in respect of the Complaint;
 - 14.2.2 that the Complaint is dismissed;
 - 14.2.3 that the Staff member against whom the Complaint has been made is to be counselled;
 - 14.2.4 that the Staff member against whom the Complaint has been made is to be formally cautioned;

14.2.5 that the employment of the staff member against whom the Complaint has been made is to be terminated.

14.3 The CEO may engage relevant external assistance in the context of reaching its determination of the Complaint.

15. COMPLAINTS AGAINST THE CEO OR COMPANY SECRETARY

15.1 Where the Board Chair is to determine a Complaint against the CEO or the Company Secretary pursuant to **paragraph 13.9**, the Board Chair is to determine the Complaint in accordance with the Human Resources Policy and the Law.

15.2 Without limiting the nature of the Board Chair's determination, the Board Chair may determine the Complaint and direct as specified in **paragraph 14.2**.

15.3 The Board Chair may engage relevant external assistance or the assistance of the Board when making a determination of a Complaint referred to it pursuant to **paragraph 13.9**.

16. THE COMPLAINTS COMMITTEE

16.1 A Complaint may be referred by the Complaints Officer to the Complaints Committee pursuant to **paragraph 13.4.2**.

16.2 The Complaints Committee shall comprise at least:

16.2.1 The Vice President of the College (who will act as the Chair of the Complaints Committee);

16.2.2 at least three (3) but no more than six (6) Fellows;

16.2.3 one (1) lay member or Associate of the College (i.e. a non-Fellow).

16.3 The Complaints Committee quorum shall be four (4).

16.4 Subject to **paragraphs 16.5 and 17.1**, the Complaints Committee shall meet biannually in May and November to consider and determine Complaints.

16.5 The Complaints Committee may at their discretion meet more frequently than biannually and may conduct meetings personally, by phone or by any electronic means as they consider appropriate.

16.6 The Complaints Committee shall minute all meetings. Those minutes shall not be disclosed except in accordance with this Policy and the Law.

16.7 The Complaints Committee may appoint a member of Staff to minute its meetings.

16.8 All decisions of the Complaints Committee shall be by simple majority.

17. COMPLAINTS COMMITTEE CONFLICT

17.1 The Complaints Committee shall convene within twenty-eight (28) days of any Complaint being referred to it pursuant to **paragraph 13.11.2** it to identify any real, potential or perceived conflict of interest associated with the determination of the Complaint.

- 17.2 When determining the existence of a relevant conflict of interest, the Complaints Committee must have regard to the substance and intent of the Conflict of Interest Policy.
- 17.3 If any real, potential or perceived conflict of interest is identified, then:
- 17.3.1 any and all affected Complaints Committee members shall stand down from the Complaints Committee and shall cease to have any further involvement in the Investigation or determination of the subject Complaint;
 - 17.3.2 where the Vice President is conflicted, the President of the College shall appoint a Fellow of the College to fill the Vice President's Position and to be the Chairman of the Complaints Committee.
 - 17.3.3 the Complaints Committee shall reconvene within a further twenty-eight (28) days with new members or so many of them that are to be found to be relevantly conflicted, to deal with the Complaint afresh and to determine how the Complaint is to proceed.
- 17.4 If, notwithstanding a failure to identify a relevant conflict of interest, a Complainant or a Subject, notifies the Complaints Committee in writing of an alleged conflict of interest on the Complaints Committee, such an allegation shall be immediately addressed in accordance with the *Conflict of Interest Policy*.
- 17.5 Within seven (7) days of any determination of the alleged conflict of interest notified in accordance with **paragraph 17.4**, the Complaints Committee shall reconvene with new members, if any of them have been found to be relevantly conflicted, to deal with the Complaint afresh.

18. COMPLAINTS COMMITTEE PROCEDURE

- 18.1 The Complaints Committee shall seek to determine all Complaints within six (6) months of the date of the referral to the Complaints Committee. Where, in the reasonable opinion of the Complaints Committee, the determination of the Complaint requires further time, the Complaint Committee shall advise the Complainant and the Subject in writing.
- 18.2 Where the Complaints Committee determine that the Complaint is urgent, the Complaints Committee may abridge any and all relevant timeframes specified in this Policy, provided always that procedural fairness and natural justice is maintained.
- 18.3 Subject to any delay occasioned by the management of a conflict of interest in accordance with **paragraph 17**, the Complaints Committee shall by written notice within seven (7) days of the notice specified in **paragraph 13.12**:
- 18.3.1 notify the Complainant and the Subject that the Complaints Committee has assumed conduct of the Complaint;
 - 18.3.2 provide the Subject with a copy of the Complaint including any and all additional information in the possession of the Complaints Committee ("**Committee Material**");
 - 18.3.3 invite the Subject to submit a written response to the Complaint to the Complaints Committee within twenty-eight (28) days;
 - 18.3.4 inform the Subject, that the Complaints Committee shall determine the Complaint on the basis of the Complaint and the Committee Material if the

no response is provided by the Subject strictly in accordance with **paragraph 18.3.3**.

- 18.4 Notwithstanding **paragraph 18.3.4**, the Complaints Committee may, at its discretion, conduct Investigations to enable it to determine the Complaint.
- 18.5 If the Complaint raises allegations of a breach of the Code of Conduct or if, subject to **paragraph 23.2**, the Complaints Committee form the view during their Investigation of the Complaint that a breach of the Code of Conduct may have occurred, then the Complaints Committee shall:
 - 18.5.1 by written notice, provide the Code of Conduct Committee with:
 - 18.5.1.1 the Complaints Material;
 - 18.5.1.2 all additional relevant information in the possession of the Complaints Committee;
 - 18.5.1.3 all relevant details in support of the Complaints Committee view, including a notice specifying details of any possible breaches based on that view (**Code Concerns Notice**); and
 - 18.5.1.4 written notice requesting the Code of Conduct Committee review the Complaint with a view to determining, in accordance with all relevant College policy, any relevant Code of Conduct breaches; and
 - 18.5.2 by written notice to the Complainant and the Subject, confirm that the Complaints Committee has requested a review of the Complaint by the Code of Conduct Committee and that no further action shall be taken by the Complaints Committee in respect of the Complaint until further written notice.
- 18.6 Where Investigation pursuant to **paragraph 18.4** gives rise to information which is, in the reasonable opinion of the Complaints Committee, adverse to the Subject, the Subject will be provided with the relevant information and shall be given a reasonable period, as determined by the Complaints Committee, to respond to the information.
- 18.7 Subject to **paragraph 18.1** and **18.5**, within six (6) months of referral of a Complaint to the Complaints Committee pursuant to **paragraph 13.4.2**, the Complaints Committee shall, having regard to the material in its possession, determine the Complaint and direct as it considers appropriate.
- 18.8 Without limiting the directions that the Complaints Committee may make pursuant to **paragraph 18.7**, the Complaints Committee may direct:
 - 18.8.1 that no further action is required in respect of the Complaint;
 - 18.8.2 that the Complaint is dismissed;
 - 18.8.3 that the Subject is to be counselled;
 - 18.8.4 that the Complaint be referred to the Board due to Exceptional Circumstances identified by the Complaints Committee.
 - 18.8.5 that the Complaint is to be referred to an External Agency given:
 - 18.8.5.1 the matters referred to in **paragraphs 13.5 and 13.6**;

- 18.8.5.2 information arising during the Complaints Committee Investigation of the Complaint; and
 - 18.8.5.3 the jurisdiction of any External Agency to investigate and/or determine the Complaint.
- 18.8.6 that the Committee responsible for development of relevant College Policy be requested to consider any specific necessary Policy changes.
- 18.9 The Complaints Committee may engage relevant external assistance and/or obtain advice from other College Committees or the Board in the context of reaching its determination.
- 18.10 Within seven (7) days of the determination pursuant to **paragraph 18.7**, the Complaints Committee shall by written notice, inform the Complainant and the Subject of its determination. The notice shall specify:
 - 18.10.1 the Complaints Committee determination;
 - 18.10.2 any relevant direction made by the Complaints Committee.
- 18.11 Where the Complaints Committee determines pursuant to **paragraph 18.8.4**, the Complaint is to be referred to the Board, it shall by written notice within seven (7) days of that determination:
 - 18.11.1 refer the Complaint to the Board; and
 - 18.11.2 provide the Board with the Complaint, the Complaints Officer referral to the Complaints Committee, the Committee Material and any additional material in the possession of the Complaints Committee at the time of its determination. ("**Committee Determination Material**").
- 18.12 Where the Complaints Committee determines pursuant to **paragraph 18.8.5** that the Complaint is to be referred to an External Agency, the notice given pursuant to **paragraph 18.10** shall confirm that the Complaints Procedure shall:
 - 18.12.1 be stayed pending the outcome of the External Agency investigation; and
 - 18.12.2 not be recommenced until after the outcome of the relevant External Agency investigation (unless the Complaints Committee determines, at its discretion, that the Complaints Procedure is to proceed).
- 18.13 The Complaints Committee's determination and directions pursuant to **paragraphs 18.7 and 18.8** shall be final unless overturned pursuant to the Appeals Policy.

19. BOARD CONFLICT

- 19.1 A Complaint may be referred to the Board pursuant to **paragraphs 13.4 or 18.8.4**.
- 19.2 The Board shall convene within seven (7) days of any Complaint being referred to it to identify any real, potential or perceived conflict of interest associated with the determination of the Complaint.
- 19.3 When determining the existence of a conflict of interest, the Board must have regard to the substance and intent of the Conflict of Interest Policy.
- 19.4 If any real, potential or perceived conflict of interest is identified, then any and all effected Board members shall cease any and all involvement in the subject Complaint.

- 19.5 If, notwithstanding a failure to identify a conflict of interest, a Complainant or Subject notifies the Board in writing of an alleged conflict of interest on the Board, such an allegation shall be immediately determined in accordance with the Conflict of Interest Policy.
- 19.6 Within seven (7) days of any determination in accordance with **paragraph 19.5**, the Board shall reconvene, less any Directors found to be relevantly conflicted, to deal with the Complaint afresh.

20. BOARD PROCEDURE

- 20.1 The Board shall seek to determine all Complaints within two (2) months of the date of the referral to the Board. Where, in the reasonable opinion of the Board, the determination of the Complaint requires further time, the Board shall advise the Complainant and the Subject in writing.
- 20.2 Where the Board determines that the Complaint is urgent, the Board may abridge any and all relevant timeframes specified in this Policy provided always that procedural fairness and natural justice is maintained.
- 20.3 Subject to any delay occasioned by the management of a conflict of interest in accordance with **paragraph 19**, the Board shall by written notice within seven (7) days of referral of a Complaint to it:
- 20.3.1 notify the Complainant and the Subject that the Board has assumed conduct of the Complaint;
 - 20.3.2 provide the Subject with a copy of the:
 - 20.3.2.1 Complaint, the referral from the Complaints Officer to the Board and the Complaints Officer Material where the Complaint was referred to the Board pursuant to **paragraph 13.4**;
 - 20.3.2.2 Complaints Committee referral to the Board and the Committee Determination Material where the Complaint was referred to the Board pursuant to **paragraph 18.8.4**;
 - 20.3.3 invite the Subject to submit a written response to the material specified in **paragraph 20.3.2.1 or 20.3.2.2** as the case may be, within twenty-eight (28) days;
 - 20.3.4 inform the Subject, that the Board shall determine the Complaint on the basis of the Committee Determination Material if no response is provided strictly in accordance with **paragraph 20.3.3**.
- 20.4 Notwithstanding **paragraph 20.3.4**, the Board may, at its discretion, conduct Investigations to enable it to determine the Complaint.
- 20.5 Subject to any delay occasioned by the management of a conflict of interest in accordance with **paragraph 19**, within two (2) months of referral of a Complaint to the Board pursuant to **paragraphs 13.4 or 18.8.4**, the Board shall, having regard to the material in its possession, determine the Complaint and direct as it considers appropriate.
- 20.6 Without limiting the directions that the Board may make pursuant to **paragraph 20.5**, the Board may direct:
- 20.6.1 that no further action is required in respect of the Complaint;

- 20.6.2 that the Complaint is dismissed;
- 20.6.3 that the Subject be counselled;
- 20.6.4 that the Subject or Complaint be referred to the Council;
- 20.6.5 that the Complaint is to be referred to an External Agency given:
 - 20.6.5.1 the matters referred to in **paragraphs 13.5 and 13.6**;
 - 20.6.5.2 the information arising during the Board Investigation of the Complaint; and
 - 20.6.5.3 the jurisdiction of any External Agency to investigate and/or determine the Complaint.
- 20.7 The Board may, at its discretion, engage relevant external assistance and/or obtain advice or recommendations from other College Committees in the context of reaching its determination and formulating directions in relation to the Complaint. The Board shall not be bound to accept the recommendations or advice of any external assistance or any College Committee.
- 20.8 Within seven (7) days of the determination pursuant to **paragraph 20.5**, the Board shall by written notice, inform the Complainant and the Subject of its determination. The notice shall specify:
 - 20.8.1 the Board determination;
 - 20.8.2 any relevant direction made by the Board.
- 20.9 The Board shall not be obliged to give reasons for its determination and directions pursuant to **paragraph 20.6**. Its determination and directions shall be final and not subject to any form of Reassessment under the Appeals Policy.
- 20.10 Where the Board determines to refer the Complaint to the Council pursuant to **paragraph 20.6.4** it shall by written notice within seven (7) days of that determination:
 - 20.10.1 refer the Complaint to Council; and
 - 20.10.2 provide Council with the Complaint and all information in possession concerning the Complaint at the date of the direction given pursuant to **paragraph 20.5**.
- 20.11 Where the Board determines pursuant to **paragraph 20.6.5** that the Complaint is to be referred to an External Agency, the notice given pursuant to **paragraph 20.8** shall confirm that the Complaints Procedure shall:
 - 20.11.1 be stayed pending the outcome of the External Agency investigation; and
 - 20.11.2 not be recommenced until after the outcome of the relevant External Agency investigation (unless the Board determines, at its discretion, that the Complaints Procedure is to proceed).
- 20.12 The Board shall minute any and all of their meetings. Those minutes shall not be disclosed except in accordance with this Policy and the Law.
- 20.13 The Board may at its discretion give any written notice through the CEO or through one or more of the Directors.

21. REFERRAL TO EXTERNAL AGENCY

- 21.1 Where a determination has been made pursuant to this Policy to refer a Complaint to an External Agency, the CEO shall as soon as practicable:
- 21.1.1 notify the relevant External Agency; and
 - 21.1.2 provide all relevant assistance and information reasonably required by the External Agency to investigate the Complaint.

22. BREACH OF LAW

- 22.1 Notwithstanding the content of this Policy, if, in the context of Investigation of a Complaint, a breach of the Law is alleged or appears to have been committed:
- 22.1.1 the Complaints Procedure shall be immediately stayed;
 - 22.1.2 the Complaint shall be immediately referred to the Board; and
 - 22.1.3 the Board shall immediately convene to determine whether, in all relevant circumstances, the Complaint shall be referred to an External Agency.
- 22.2 The Board may take advice and inform itself as it considers necessary in order to consider the appropriateness of a referral under **paragraph 22.1.3**.
- 22.3 If the Board determines pursuant to **paragraph 22.1.3**, that the Complaint shall not be referred to an External Agency, the stay of the Complaints Process pursuant to **paragraph 22.1.1** shall be deemed lifted by the Board and the Board shall direct that the Complaints Proceedings is to recommence and continue in accordance with this Policy.
- 22.4 If the Board determine pursuant to **paragraph 22.1.3** that the Complaint shall be referred to an External Agency:
- 22.4.1 the Board shall direct the CEO to immediately:
 - 22.4.1.1 notify the relevant External Agency; and
 - 22.4.1.2 provide all relevant assistance and information reasonably required by the External Agency to investigate the Complaint;
 - 22.4.2 the Complaints Procedure shall:
 - 22.4.2.1 remain stayed pursuant to **paragraph 22.1.1**, pending the outcome of the External Agency investigation and any associated Litigation or prosecution as the case may be; and
 - 22.4.2.2 not be recommenced until after the outcome of the relevant External Agency investigation and any associated Litigation or prosecution unless the Board determines, at its discretion, that the Complaints Process is to proceed.
 - 22.4.3 the CEO shall, within seven (7) days of the referral unless otherwise directed by the External Agency, advise the Complainant and the Subject in writing that the Board has determined that the Complaint be referred to the External Agency for investigation and that the Complaint is stayed until further notice.

23. DECISION MAKING

- 23.1 Matters to which Complaints Managers may have regard when reaching a determination pursuant to this Policy are exhaustive unless expressly specified otherwise in this Policy.
- 23.2 Any view expressed by the Complaints Committee concerning a possible breach of the Code of Conduct is not a settled view of the Complaints Committee or a statement as to the veracity of any such view. The Complaints Committee does not have jurisdiction to determine alleged breaches of the Code of Conduct and must refer all relevant Complaints to the Code of Conduct Committee for its determination in accordance with relevant College policy.

24. USER FEEDBACK

- 24.1 This Policy recognises that user feedback assists Policy evaluation and development.
- 24.2 The Complaints Managers shall assist Policy evaluation by notifying the CEO in writing of any substantive:
- 24.2.1 Complainant feedback received concerning the implementation and effectiveness of this Policy; and
 - 24.2.2 observations concerning the implementation and effectiveness of this Policy.
- 24.3 The CEO shall record any feedback and observations received pursuant to **paragraph 24.2.1 and 24.2.2** respectively in the Complaints Register.

25. LIMITS TO POLICY

- 25.1 To the fullest extent permitted by Law, this Policy does not oblige the College to take any steps which are not in its interest.

26. PRIORITY

- 26.1 To the extent of any inconsistency, between this Policy and the Constitution, the Constitution shall have priority.
- 26.2 This Policy is also a Bylaw for the purpose of the Constitution.

27. DEFINED TERMS

- 27.1 In this Policy
- 27.1.1 Capitalised words defined in the text of this Policy have their defined meaning;
 - 27.1.2 undefined words shall have their normal meaning; and
 - 27.1.3 the following Capitalised words have the following meaning unless otherwise specified in the text of this Policy:

“**Annual Complaints Report**” means a written, de-identified report prepared by the CEO based on the information contained in the Complaints Register dealing with the issues specified in **Schedule 1** for the last year.

“Appeals Policy” means the Reconsideration, Review and Appeals Policy of the College as adopted and revised by the Board from time-to-time.

“Associate” means any Trainee, Practice Manager, Orthoptist, Ordinary and International Associate of the College.

“Board” means the Board of Directors of the College.

“Board Chair” means the chair of the Board as appointed from time-to-time.

“CEO” means the Chief Executive Officer of the College as appointed by the Board from time-to-time.

“Code of Conduct” means the Professional Code of Conduct adopted by the College from time-to-time.

“Code of Conduct Committee” means the Code of Conduct Committee of the College. **“College”** means *The Royal Australian and New Zealand College of Ophthalmologists* being an Australian public company limited by guarantee established under the *Corporations Act* (ACN 000 644 404)

“College Complaints Line” means (02) 9690 1001 or other phone number published on the College Website from time-to-time.

“College Website” means www.ranzco.edu or other website maintained by the College from time-to-time.

“Committee” means a Committee of the College.

“Company Secretary” means the Company Secretary of the College as appointed by the Board from time-to-time.

“Complainant” means the person or entity lodging the Complaint.

“Complaint” means a Complaint as specified in **paragraph 7.2**.

“Complaints Committee” means the Complaints Committee of the College.

“Complaints Email Address” means complaints@ranzco.edu or other email address published on the College Website from time-to-time.

“Complaints Form” means the Complaints Form contained and lodged through the College Website.

“Complaints Manager” means each of the Complaints Officer, the CEO, the Complaints Committee, the Board Chair or the Board when charged with managing a Complaint pursuant to this Policy.

“Complaints Officer” means any one of the not less than two Complaints Officers of the College including the CEO, the College Secretary and any other Complaints Officer appointed by the CEO from time-to-time.

“Complaints Path” means one of the following paths:

- (i) Referral to the Complaints Committee for determination;
- (ii) Referral to the Board for determination; or
- (iii) Referral to External Agency.

“Complaints Procedures” means the procedures specified in this Policy for dealing with Complaints.

“Complaints Register” means a written complaints register maintained by the CEO for each Complaint received by the College including all information specified in **Schedule 2**

“Conflict of Interest Policy” means the Conflict of Interest Policy of the College as adopted and revised by the Board from time-to-time.

“Constitution” means the Constitution of the College as amended from time-to-time.

“Council” means the Council of the College.

“Director” means a director on the Board as appointed from time-to-time.

“Exceptional Circumstances” means circumstances which, having regard to the facts matters and issues of the Complaint, justify referral to the Board including, but not limited to, a Serious Issue.

“External Agency” means any government agency including, but not limited to, regulatory agencies and police forces.

“Fellow” means any person admitted to membership of the College from time-to-time.

“Human Resources Policy” means any and all human resource policy of the College as adopted and revised by the Board from time-to-time.

“Initial Consideration” means the initial consideration of the Complaint by the Complaints Officer pursuant to **paragraph 13**.

“Investigate/ion” means to direct enquires to the Complainant and Subject. Investigations do not include directing enquiries to persons or entities other than the Complainant or Subject unless the enquiry is solely required to permit the Complaints Manager to understand the Complaint.

“Law” means any and all statute, regulation and common law enacted and otherwise applicable within the jurisdiction of the Commonwealth of Australia, its states and territories and New Zealand.

“Litigation” means any proceedings or prosecution commenced in any Court or Tribunal within Australia and/or New Zealand.

“Policy” means this *Complaints Resolution Policy* as amended by the Board from time-to-time. This Policy is identified in other ways in other College policy including the *Protocol for Handling Complaints*, the *Complaints Protocol*, the *Protocol for Dealing with Complaints*, and the *Complaints Procedure*. For the avoidance of doubt, any and all complaints made to the college are subject to this Policy.

“Privacy Policy” means the privacy policy of the College as adopted and revised by the Board from time-to-time.

“Serious Issue” means issues containing serious allegations against the College, Fellows, Associates or issues which may impact on the governance, reputation and liability of the College, Fellows or Associates. Without limiting the definition, Serious Issue shall include any allegation of discrimination, bullying, and sexual harassment.

“Staff” means any and all staff employed by the College from time-to-time

“Subject” means the person who is the subject of the Complaint.

“Trivial” means petty or of little significance as reasonably determined by the Complaints Manager having regard to the College objects as expressed in the Constitution.

“Vexatious” means Complaint, as reasonably determined by the Complaints Manager, to have been made, regardless of its merits, solely to harass or subdue a Subject

Version Control

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Schedule 1

“Annual Complaints Report”

All Annual Complaints Reports are to be de-identified.

1. Complaints Period

1.1 Description of the relevant period covered by the Report.

2. Headline Information

- 2.1 Total number of Complaints received;
- 2.2 Total number of Complaints withdrawn;
- 2.3 Total number of Complaints managed in accordance with the Policy;
- 2.4 Breakdown of Complainant categories (see paragraph 5 of the Policy);
- 2.5 Breakdown of modes of receipt of Complaints (see paragraph 6 of the Policy);
- 2.6 Breakdown of general subject matter categories of all Complaints.

3. Board Chair Process (Complaints against CEO/Company Secretary)

- 3.1 Number of received Complaints ceasing/withdrawn prior to determination by the Board Chair;
- 3.2 Breakdown of general subject matter categories of Complaints ceasing/withdrawn prior to determination by the Board Chair;
- 3.3 Number of Complaints reaching determination by the Board Chair;
- 3.4 Breakdown of general subject matter categories of Complaints reaching determination by the Board Chair;
- 3.5 Breakdown of directions made by the Board Chair;
- 3.6 Referral to External Agency

4. CEO Process (Complaints against Staff)

- 4.1 Number of received Complaints ceasing/withdrawn prior to determination by the CEO;
- 4.2 Breakdown of general subject matter categories of Complaints ceasing/withdrawn prior to determination by the CEO;
- 4.3 Number of Complaints reaching determination by the CEO;
- 4.4 Breakdown of general subject matter categories of Complaints reaching determination by the CEO;
- 4.5 Breakdown of directions made by the CEO;
- 4.6 Referral to External Agency.

5. Complaints Officer Process (All other Complaints)

- 5.1 Number of received Complaints ceasing/withdrawn prior to Initial Determination by Complaint Officers;
- 5.2 Breakdown of general subject matter categories of Complaints ceasing/withdrawn prior to Initial Determination by Complaint Officer;
- 5.3 Number of Complaints reaching Initial Determination by Complaint Officer;
- 5.4 Breakdown of general subject matter categories of Complaints reaching Initial Determination by Complaint Officer;
- 5.5 Breakdown of directions made by Complaint Officer;
- 5.6 Number of Complaints referred to the Complaints Committee by the Complaint Officer;
- 5.7 Number of Complaints referred to the Board by Complaint Officer;
- 5.8 Referral to External Agency.

6. Complaints Committee Process

- 6.1 Number of Complaints referred to the Complaints Committee;
- 6.2 Breakdown of general subject matter categories of Complaints ceasing/withdrawal prior to determination by Complaints Committee;
- 6.3 Number of Complaints reaching determination by Complaints Committee;
- 6.4 Breakdown of general subject matter categories of Complaints reaching determination by Complaints Committee;
- 6.5 Breakdown of directions made by Complaint Committee;
- 6.6 Number of Complaints referred to the Board by Complaint Officer;
- 6.7 Referral to External Agency.

7. Board Process

- 7.1 Number of Complaints referred to the Board;
- 7.2 Breakdown of general subject matter categories of Complaints ceasing/withdrawn prior to determination by the Board;
- 7.3 Number of Complaints reaching determination by the Board;
- 7.4 Breakdown of general subject matter categories of Complaints reaching determination by the Board;
- 7.5 Breakdown of directions made by the Board;
- 7.5.1 Referral to External Agency.

8. Trends and Overview

- 8.1 Complaints Trends
- 8.2 Complaint Feedback Overview

9. CEO Recommendations for further improvement of Policy.

Schedule 2

“Complaints Register”

The Following items to be recorded for each Complaint

1. Unique Complaint Number [Include date and unique number e.g. 2016/001]
2. Date of receipt of Complaint by Complaint Officer
3. Mode of receipt
4. Name of Complainant (if known)
5. Occupation of Complainant (if known)
6. Contact Details of Complainant [Address, Phone, Email] (if known)
7. Name of the person the subject of Complaint (if known)
8. General subject category of Complaint e.g. discrimination, bullying etc.
9. Brief description of Complaint
10. CEO determination Yes/No
11. Date of CEO determination
12. CEO direction given
13. Board Chair determination Yes/No
14. Date of Board Chair Determination
15. Board Chair direction given
16. Complaint Officer Initial Determination Yes/No
17. Date of Complaint Officer Initial Determination
18. Complaint Officer direction given
19. Complaints Committee determination Yes/No
20. Date of Complaints Committee determination
21. Complaint Committee direction given
22. Board determination Yes/No
23. Date of Board determination
24. Board determination given
25. Estimated time dealing with the Complaint
26. Complainant feedback
27. Other Comments