

Procedure

Discrimination, Bullying and Harassment Complaint Resolution



Authorising Committee/Department:	Board
Responsible Committee/Department:	Office of the Chief Executive Officer
Document Code:	PRC OPCEO Discrimination, Bullying and Harassment Complaint Resolution Procedure

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1. PURPOSE

The purpose of this document is to set out the procedure for addressing a complaint made to the Royal Australian and New Zealand College of Psychiatrists (the RANZCP) in line with the RANZCP's Discrimination, Bullying and Harassment Policy (the Policy).

2. BACKGROUND

The RANZCP is committed to equality of opportunity and ensuring that the RANZCP environment is free from discrimination, bullying and harassment.

The Policy and this procedure aim to ensure that all persons involved in RANZCP activities, including work and training environments, are treated in a fair and equitable manner. It also aims to delineate responsibilities of employers and the RANZCP in responding to discrimination, bullying and harassment and in resolving complaints in relation to those issues.

As per the Discrimination Bullying and Harassment Policy, 'all persons involved in RANZCP activities' does not include RANZCP employees. Complaints by RANZCP employees are managed by separate human resources policies and procedures.

3. PRINCIPLES FOR RESOLVING COMPLAINTS

The RANZCP recognises that there can be considerable stress associated with experiencing bullying, harassment and discrimination. There may also significant stress associated with making a complaint or being the subject of a complaint, including in relation to how a complaint might affect employment or associations with the RANZCP or peers.

In line with best practice in managing complaints, complaints made under the Policy and this procedure will be managed:

- sensitively and confidentially
- in an objective and non-prejudicial way
- in an efficient and timely way
- transparently and in accordance with the principles of natural justice.

Complainants and respondents will not experience any unfair disadvantages in their associations with the RANZCP as a result of engaging with this process and can access support through the RANZCP at any time. If the RANZCP identifies that a member is experiencing an unfair disadvantage, the matter may be referred to the RANZCP Membership Conduct Committee in accordance with the [Referral of Matters to the Membership Conduct Committee Procedure](#), as the RANZCP has a zero tolerance policy in this regard.

In addition, the RANZCP will also aim to ensure that complainants are informed about the progress of their complaint as appropriate and are able to express the views and opinions that they hold in relation to the complaint in a frank and honest manner without fear of victimisation. Complainants will made in good faith and not in a deliberately false, misleading or vexatious way and maintain confidentiality throughout the complaints process.

The RANZCP will aim to ensure that respondents are not subjected to unfair, unduly harsh or unreasonable consequences in the course of the complaint's resolution and has a zero tolerance for any such unfair, unduly harsh or unreasonable consequences. The RANZCP expects that respondents are honest and maintain confidentiality throughout the complaints management process and that they do not victimise the complainant or other persons involved in the complaint. Where a member is subjected to unfair, unduly harsh or unreasonable consequences, the matter may be referred to the Membership Conduct Committee.

The RANZCP is aware that, in some circumstances, there will be a significant power imbalance between the parties to the complaint. In these circumstances, the RANZCP will manage the complaint by the

RANZCP with particular sensitivity, having regard to this power imbalance and the effects that it may have on complaint investigations and outcomes.

4. MANAGING A COMPLAINT

4.1 Making a complaint

- 4.1.1 Referring to the Discrimination, Bullying and Harassment Policy, the complainant should consider whether the complaint relates to an employment matter or a RANZCP activity.
- 4.1.2 If the complaint relates to an employment matter, the complainant should lodge the complaint with their employer's human resources department or other appropriate complaint handling bodies. The complainant can contact the RANZCP if they require support with this process.
- 4.1.3 If the complaint relates to a RANZCP activity, the complainant may lodge the complaint with the RANZCP using the RANZCP's Discrimination, Bullying and Harassment Complaint Form ('the Complaint Form'), which should be submitted to RANZCP's Chief Executive Officer (CEO) at legalservices@ranzcp.org. The complainant can elect to make a complaint in a way which identifies themselves or anonymously.
- 4.1.4 The completed Complaint Form should include the personal details of the complainant, the name of the subject of the complaint ('the respondent'), details of the issues from which the complaint has arisen and preferred resolution of the complaint.

4.2 Receiving a complaint

- 4.2.1 The CEO and/or delegate should log the complaint in the Complaints Log.
- 4.2.2 The CEO and/or delegate should send a written acknowledgement of receipt of the complaint and explain the complaint resolution process to the complainant, as well as options for available support.
- 4.2.3 The CEO and/or delegate should contact the respondent to advise them of the complaint and provide them with a de-identified copy of the original complaint, if the complainant has provided consent for the RANZCP to do so. If the complaint has been made anonymously, the complainant will be advised of the limitations of an anonymous complaint.
- 4.2.4 The Chief Executive Officer and/or delegate may seek to obtain any other information, records or reports from any relevant person, body or institution as appropriate, including the respondent, to allow the proper complaint pathway to be taken.
- 4.2.5 The CEO and/or delegate should record any actual or perceived conflicts of interest from relevant persons. Conflicts of interest should be disclosed in an ongoing way throughout the complaint process as necessary, in accordance with the RANZCP's Guideline for Declaring and Managing Conflicts of Interest.

4.4 Referring the complaint

- 4.4.3 The CEO and/or delegate should confidentially provide the complaint to relevant RANZCP Committees or the RANZCP Board as relevant for discussion with advice about how to proceed. The decision about which RANZCP Committee is appropriate will be made in consultation with the Executive Committee, having regard to relevant Committee Regulations and RANZCP governance structures.
- 4.4.4 If the complaint relates to a workplace issue, it will be recommended to the complainant that the matter be referred to their employer.
- 4.4.5 If the complaint relates to potential professional misconduct or an ethical issue, the CEO and/or delegate will refer the matter to the Membership Conduct Committee and/or relevant regulatory body.
- 4.4.6 If the complaint is in relation to other RANZCP business or activities, the CEO and/or delegate will refer the matter to an independent mediator or external legal representative for investigation and resolution as appropriate.

4.5 Resolving a complaint

- 4.5.1 In resolving the complaint, the relevant Committee will:
- 4.5.1.1 take a non-adversarial, resolution-focussed approach which aims to reach a satisfactory outcome for both the complainant and respondent insofar as possible
 - 4.5.1.2 provide natural justice to both the complainant and respondent by calling for both their accounts of relevant events and sensitively consider both perspectives in a non-prejudicial way
 - 4.5.1.3 be transparent with both the complainant and respondent and communicate with them as relevant throughout the complaint resolution process
 - 4.5.1.4 confidentially liaise with other RANZCP Committees as appropriate and
 - 4.5.1.5 appropriately manage any conflicts of interest in accordance with the RANZCP's Guideline for Declaring and Managing Conflicts of Interest.
- 4.5.2 The relevant Committee's proposed resolution of the complaint and recommended actions will be reported to its parent Committee and/or Board as appropriate for final decision.
- 4.5.3 Following the Committee and/or Board's decision for actions in relation to the complaint, the CEO and/or delegate will inform the complainant and respondent of the RANZCP's actions in relation to the complaint and offer support as appropriate.
- 4.5.4 Any actions decided by the Committee and/or Board will be implemented.

5. ACTIONS THAT CAN BE TAKEN BY THE RANZCP

As a result of a complaint resolution outcome, the RANZCP may take any appropriate actions, including in relation in relation to:

- a person's training status
- accreditation of training posts or positions
- accreditation of hospitals or institutions
- accreditation of supervisors
- referral to the RANZCP's Membership Conduct Committee for consideration
- referral to another body, including employer organisations, regulatory bodies such as the Medical Board of Australia or the Medical Council of New Zealand, or independent mediators.

Any actions will be taken in accordance with the RANZCP's policies and procedures.

The RANZCP may also provide support to members during the complaint resolution process, including through the Member Welfare Support Line.

6. CONFIDENTIALITY

Confidentiality is crucial in managing complaints in relation to discrimination, bullying and harassment, as it:

- encourages honest and frank conversations between the complainant, respondent and the RANZCP
- assists in preventing the complainant becoming the subject of victimisation as a result of making the complaint
- duly protects respondents to ensure that they are not unfairly or unreasonably treated.

All exchanges, documents and records in relation to any complaint lodged to the RANZCP must be kept confidential by the RANZCP Staff involved in managing the complaint, in accordance with the RANZCP's Privacy Policy.

7. ASSOCIATED DOCUMENTS

- RANZCP Discrimination, Bullying and Harassment Policy
- RANZCP Code of Conduct
- RANZCP Code of Ethics
- RANZCP Supervision Policy
- RANZCP Post Accreditation Standards
- RANZCP Training Program Accreditation Standards
- RANZCP Privacy Policy
- RANZCP Procedure for Referral of Matters to the Membership Conduct Committee Policy
- RANZCP Guideline for Declaring and Managing Conflicts of Interest

REVISION RECORD

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NEXT REVIEW
