Royal Australasian College
of Dental Surgeons

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COMPLAINTS POLICY

APRIL 2023

Document Information

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Approved	Board
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Purpose

The purpose of this policy is to provide a process to address and resolve matters or complaints against any member of the Royal Australasian College of Dental Surgeons (College) made by other members, colleagues, or other sources where the complaint relates to:

- the professional or ethical standards of conduct of a member;
- the conduct of a member which affects the honour, good reputation, interests, or work of the College.

Clause 5.8 of the Constitution also applies where any matter or complaint under this policy may result in termination of membership of a 'member' of the College.

Definitions

The College	the Royal Australasian College of Dental Surgeons
Unless the context otherwise implies, '**member'** means	Fellow, Member, Honorary Fellow or Member, Life Fellow or Member, Associate, Affiliate, Trainees and Registrars of the College, and includes any external person serving on the Board of Directors (the Board), on a committee or other entity of the Board or as a College representative.
College Complaints Officer (CCO)	is a person nominated by the College who will receive and assess the complaint initially. The CCO is engaged only for the complaint initial assessment and may deal with multiple complaints or a single complaint.

Policy Statement

1. GENERAL PRINCIPLES

1.1. 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. The College does not, however, guarantee anonymity of those making complaints.

1.2. Any member against whom a matter or complaint is made is entitled to receive sufficient details of the nature and circumstances of the allegations as will allow him or her to fully respond to the allegations and as the rules of procedural fairness and

natural justice may require. This may necessitate the disclosure of the identity of the complainant.

1.3. The member is also entitled to respond to all allegations by making written submissions to the Complaints Committee (Committee) and/or by making oral submissions at the Committee meeting or hearing at which the matter is considered.

1.4. Any member involved in a complaints process, regardless of their role, will be offered access to College-funded external counselling support.

2. COMPLAINTS PROCESS

2.1. No matter or complaint shall be considered unless it is:

a) made in accordance with clause 1.1, or

b) notified under clause 1.3 in the name of the Chief Executive Officer (CEO).

2.2. Lodging a Complaint

2.2.1. Any complaint made by a person against a member of the College must:

a) be made in writing on the College Complaint Template

b) not exceed 10 x A4 pages

c) de-identify parties where possible

d) include the name and address of the complainant or complainants, and

e) be lodged with the CEO at the College office by email.

2.2.2. The CEO is not a member of the College. Complaints against the CEO are outside the scope of this policy and should be directed to the President. If the complaint involves the President, the CEO will ensure that the President is excluded from process of the complaint.

2.2.3. Receipt of the complaint shall be acknowledged by the CEO in writing.

2.3. College Complaints Officer (CCO)

2.3.1. The College shall appoint a College Complaints Officer to initially assess and review all complaints.

2.3.2. Initial Assessment or review of a matter or complaint shall be dealt with as expeditiously as the circumstances permit.

2.3.3. Prior to making any decision regarding the disposition of a matter or complaint, the CCO shall consider whether the matter or complaint:

a) falls within the scope of this policy

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

c) would be better dealt with by any other appropriate and reasonable pathway that the College Complaints Officer sees fit in order to obtain a just, effective and timely resolution of the complaint;

2.3.4. Following the initial review, the CCO in consultation with the CEO, may determine to:

a) in consultation with the complainant resolve the matter informally evidenced by way of a withdrawal of complaint by the complainant; or

b) refer the matter to mediation where appropriate; or

c) notify the complainant that the matter should be directed to a more appropriate Authority; or

d) 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 an Authority (as appropriate, based on the location of the conduct); or

e) take no further action if, in the reasonable opinion of the CCO and the CEO, the complaint has insufficient grounds to proceed or is likely to be unsuccessful; or

f) take no further action if, in the reasonable opinion of the CCO and the CEO, the complaint is vexatious or trifling in nature.

2.3.5. The CEO shall keep the Board fully apprised of all such matters and complaints notified, including the decision made based on the initial review.

2.4. Mediation of the Complaint

2.4.1. If the complaint is not directed to a more appropriate Authority or if it is considered that the conduct that is the subject of the matter or complaint may not be of such a serious nature that it may constitute serious professional misconduct, and the CCO and CEO have not referred the complaint to an Authority the complaint may be referred to mediation.

2.4.2. The College will seek a mediator nomination from the Resolution Institute, or similar professional mediation organisation, whereby;

a) the College will bear the cost of the mediator only

b) the result of the mediation of the complaint will be provided to the CCO

c) the CCO will report to the CEO as to the complaint.

2.4.3. If the complainant and/or respondents will not participate in mediation, then the CCO will report to the CEO and the CEO and the President may decide to:

a) take no further action; or

b) refer to a Complaints Committee.

3. REFERRAL TO COMPLAINTS COMMITTEE

3.1. If the complaint has not been resolved by the CCO and CEO, and reasonable attempts have been made in relation to mediation, then the CEO must refer the matter to a Complaints Committee.

3.2. On receipt of a matter or complaint, the Committee shall decide whether or not there is a prima facie case to answer. If it is so decided, the Committee shall, at least 21 days prior to the meeting at which the matter or complaint will be considered, give the member written notice of:

a) the intention of the Committee to consider the matter

b) the time, date, and place of the meeting

c) the particulars on the nature of the matter or complaint under consideration as specified in section 2, and

d) advice that the member may attend and give oral submissions at that meeting in respect of the matter; and is entitled 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 Committee.

3.3. Complaints Panel and Committee

3.3.1. The College will appoint a Complaints Panel, consisting of:

a) two (2) College ex-office holder Fellows or Members, who are no longer members of the Board

b) two (2) other Fellows or Members who are not and have not been Board Members

c) two (2) other persons who are not members of the College.

3.3.2. The appointment of the Complaints Panel will be for a period of two (2) years and members may be re-appointed, as is consistent with other College committees.

3.3.3. When required to consider matters or complaints made in accordance with the terms of this policy, the CEO will convene, from amongst the Complaints Panel, a Complaints Committee, which will consist of a minimum of three (3) members, comprising:

a) a College ex-office holder Fellow or Member, who is no longer a member of the Board, that the Board shall determine;

b) one other Fellow or Member who is not and has not been a Board Member as the Board shall determine; and

c) one person who is not a member of the College, as the Board shall determine.

3.3.4. 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 member and complainant concerned.

3.3.5. The CEO shall attend meetings of the Committee as an observer and to act as secretary to the Committee.

3.4. Conduct of Meetings

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

3.4.2. The Committee is entitled if it considers it appropriate:

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.

3.4.3. The Committee may meet in person or by telephone or other electronic means, or by correspondence for the purpose of the members of the Committee carrying out their functions.

3.4.4. The member shall be given an opportunity to be heard, and the Committee shall give due consideration to any written or oral submissions made by the member.

3.4.5. The member is entitled to and 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 Committee.

3.4.6. The Committee shall keep appropriate minutes of meetings, including details of any decisions made in relation to any matter or complaint before it. Minutes of hearings of the Committee may be confirmed to a report of the decision made by the Committee.

3.5. Outcome of Hearing

3.5.1. After consideration of a complaint or matter, the Committee may:

a) take no action

b) dismiss the matter or complaint and exonerate the member

c) caution the member and/or require him or her to participate in any relevant College recommended program or activity

d) where the member is a Fellow or Member, refer the matter or complaint to the Board for consideration (if the Committee believes the matter or complaint is sufficiently serious as to merit possible suspension or termination of the membership, or removal of any College award or dignity); and/or

e) refer the matter or complaint to an appropriate Authority.

3.5.2. The committee may decide to refer the matter or complaint to an appropriate Authority at any time after receipt of the matter or complaint.

3.6. Notification of Outcome

3.6.1. Subject to section 1, meetings and proceedings of the Committee 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 decision and reasons to the Board

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.

3.6.2. The Committee shall report on its decision, including a summary of the reasons for the decision to the Board at the next meeting of the Board following the decision made by the Committee.

3.6.3. At the conclusion of the proceedings, the complainant (where appropriate) and the member shall be notified in writing of the outcome.

4. REFERRAL TO THE BOARD

4.1. Where a matter or complaint is referred to the Board by the Committee pursuant to clause 3.5.1(d) and except where otherwise provided, the Board shall consider the matter or complaint afresh. Following such consideration, the Board may decide to:

a) take no action

b) dismiss the matter or complaint and exonerate the member

c) caution, counsel or censure the member and/or require the member to participate in any relevant College program or activity

d) suspend the membership of the member

e) terminate the membership of the member

f) refer the matter to any appropriate Authority

g) remove any College award or dignity held by the member

h) undertake any other action that it deems reasonable.

4.2. 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 Committee.

Appendix

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NOTICE OF COMPLAINT This document is to be used for complaints submitted to the Royal Australasian College of Dental Surgeons (the College) in relation to the College Policy on Bullying, Harassment and Discrimination and the College Complaints Policy.	
Person Making Complaint	
Is this a bullying or harassment complaint?	YES/NO
Briefly outline what the complaint is about?	(Attach a Separate document if necessary)
Who are the persons who are the subject of the complaint ("The Respondent(s)")?	• • • • • •

Have you read the relevant College Policies?	YES/NO
What do you seek as an outcome from this complaint?	(Attach a Separate document if necessary)
Do you understand and do you accept that as a matter of procedural fairness, the Respondent will be made aware of the complaint?	YES/NO
The College has a Whistleblower Policy that protects the identity of a complainant. Do you wish to seek Whistleblower protection in relation to the complaint/s?	YES/NO

Please set out the allegations that you make in relation to each person or the group of persons as set out below.

For each person or group of persons, please use the following format:

RESPONDENT(S) Person(s) about whom complaint is made

Full Name of Person

Allegation(s)

(e.g. Person did not act professionally)

1.
2.
3.
4.

Particulars of Allegation

(on DATE Person said/wrote to me …)

A.
B.
C.
…….

Evidence of Allegation

(Email, correspondence etc found as an attachment "A")

Attachment A

Attachment B

…….