

# Procedure

## Reviewing and considering Board election complaints



### Purpose

The purpose of this document is to outline the established procedure for the Membership Conduct Committee (MCC) to handle complaints received by a College member regarding College Board elections. The MCC is committed to the implementation of reasonable, transparent and accountable decision making.

### Scope

This procedure describes how the College will manage complaints made by a College member and relates to the practices, actions and behaviours surrounding College Board elections and related regulations, policies and procedures.

In accordance with this procedure, a complaint will be interpreted as an expression of dissatisfaction with RANZCP policies, regulations and procedures relating to Board elections, an allegation of inappropriate conduct, or breach of RANZCP election documentation by candidates or electors.

All complaints received will be documented in a complaints register by Legal Services, who in consultation with the Company Secretary and Chief Executive Officer, will be responsible for the operational management of the complaint from receipt through to resolution. The College holds full discretion on its interpretation of this Procedure and which tier of complaint (as below) any matter falls within.

### Procedure

Complaints relating to College Board elections are managed using a two-tiered review structure as outlined below:

1. Any matter or concerns in relation to the College Board elections should be addressed to the Company Secretary, in writing.
2. The complaint must clearly set out the allegation(s) made in relation to the conduct and include any relevant information and supporting evidence.
3. The Chief Executive Officer and Company Secretary, in conjunction with Legal Services, may inquire or seek to obtain any other information, records or reports from any person, body or institution relevant to the complaint and concerns as he or she thinks appropriate to compile a confidential brief in relation to the allegations.
4. Within four (4) days of receiving any complaint, the Company Secretary and the Chair MCC in consultation with Legal Services, will review the documentation and determine which of the two tiers is the most appropriate approach for managing the complaint:

Tier 1 - Frontline Complaint Handling - for minor matters which can be resolved in an informal and timely manner; and/or

Tier 2 - Internal Review or Investigation - to be referred to the MCC for investigation by the CEO and MCC Chair or if Tier 1 has been unsuccessful in the resolution of the complaint.

#### Tier 1 - Frontline Complaint Handling- resolution of the complaint at first contact

5. Within five (5) days of receiving the complaint the College member concerned, the complainant and Board election candidates will be advised that the complaint will be reviewed by the Chair MCC in the first instance.

6. For minor complaints and breaches of the College election regulations, policies and procedures, the MCC Chair will review all documentation provided and propose a resolution between the parties and make a recommendation(s) to the Board to resolve the matter. Wherever possible, complaints will be resolved informally.
7. Within ten (10) days of receiving the complaint, the complainant and College member will be advised of the outcome and any relevant recommendations.
8. If the matter is not resolved and/or the recommendations are not complied with within fourteen (14) days of the complaint being received, the complaint may be escalated to the second tier of 'Internal review or investigation', if requested by the complainant or referred directly by the College.

## **Tier 2 - Internal Review or Investigation**

9. If it is determined that an internal review or investigation is to occur, within five (5) days of receiving the complaint the College member concerned, the complainant and Board election candidates will be advised that the complaint will be referred to the MCC for consideration.
10. Within nine (9) days of receiving the complaint the Company Secretary and/or Legal Services will compile a confidential brief of all information to be presented to the MCC Chair as detailed below.
11. To ensure that the MCC is informed, the brief must contain clear and concise background information regarding the said matter, and should include, but be not limited to:
  - a) The reason(s) for the complaint and description of the events, circumstances or actions and supporting evidence e.g. emails, letters, extracts from publications etc.
  - b) The details of the College documentation or the nature of the offence to which the complaint relates.
  - c) Requested action – e.g. Please review the said correspondence and recommend to the Board, for discussion at its meeting on xxx, appropriate action(s) to be undertaken.
12. Upon receipt of the brief, the Chair, MCC is to forward the documentation via Legal Services (in confidence) to the other members of the MCC and convene an initial meeting of the MCC (by teleconference), within three (3) days of receipt of the brief to finalise the process and dates to be followed to consider the matter (as determined by this Procedure).
13. Within five (5) days of the receipt of the brief, the College member concerned, is to be advised in writing under the signature of the Chair, MCC, that the matter is being considered by the MCC and give details of the complaint and the conduct under consideration. The Chair will also request a formal submission in writing from the College member, in response to the conduct under review.  
 The MCC will advise the College member that the written submission must be received no later than seven (7) days after the request for the submission has been sent by the Chair, MCC.  
 In the correspondence, the College member may be advised of the potential for the matter to be referred to the Board and the powers of the Board in accordance with the RANZCP Constitution to deal with the matter if it involves unbecoming conduct or conduct which is prejudicial to the interests of the College, and which may lead to termination, warning, counseling or censure.
14. Once the written submission has been received, the MCC will consider whether it wishes for the member to also make a submission in person or via teleconference, or whether it wishes to simply proceed on the basis of documentation provided by the College and the written submission provided by the member concerned. If the MCC determines to simply proceed on the basis of documentation received, the MCC will convene a second meeting, within five (5) days of the receipt of the submission from the member, to consider the matter.
15. If the MCC determines that they wish for the College member to attend to make a submission in person or via teleconference, the MCC will advise the member, as soon as practicable. This meeting should be held within five (5) days of the receipt of the submission from the member. The member may bring a support person at the discretion of the Chair, MCC. Support persons do not take an active role in the meeting and are not able to make submissions or representations on behalf of the member.

16. Once all the information has been collected, and the respective College member has had sufficient opportunity to make a submission, the MCC will consider the information having regard to the RANZCP Code of Ethics and Code of Conduct, the RANZCP Constitution, MCC Regulations, election regulations, policies and procedures, and any other relevant College documents or policies.
17. The MCC, in reviewing the matter, will consider all evidence provided to them, and may –
  - a) reach a decision based on the evidence provided, and recommend to the Board, in writing addressed to the Company Secretary, appropriate actions to be undertaken.
  - b) wish to obtain further information from third parties (witnesses etc). If so, the MCC will need to determine a process by which that information is collected and ensure that any such information is supplied to the College member under consideration, and for them to make further submissions in relation to that information.
18. Minutes of all meetings of the MCC shall be kept by Legal Services, and in the case of a member presenting a submission in person or by teleconference, the meeting must be recorded (audio).
19. Once all the information has been collected, and the respective College member has had sufficient opportunity to make a submission, the MCC will consider the information having regard to the RANZCP documents and policies and prepare advice and recommendations for the Board, within two (2) days of the meeting. The MCC reserves the right to make any recommendations to the Board, which may extend beyond the scope of the Board elections.
20. The Board will consider the recommendation(s) of the MCC and approve appropriate actions to be undertaken, within two (2) days of receiving the MCC's recommendations.
21. The College member concerned will be notified of the outcome of the matter in writing, within two (2) days, under the signature of the Chief Executive Officer.
22. Following the above, the complainant and Board election candidates will be advised of the outcome of the complaint, in confidence.
23. The MCC retains the right to an extension of time within which to undertake the Procedure outlined above. The College member will be advised in writing, as soon as practicable, of the extension required.
24. This procedure will be reviewed and updated as required.

### **Privacy and Confidentiality**

25. The College will ensure that any complaint received under this procedure is treated in a confidential manner and is handled in accordance with the relevant legislation and policies.
26. The privacy of the complainant and College member concerned will be respected. The College reserves the right to withhold the identity of the complainant or College member concerned as required.
27. Anonymous complaints may be accepted at the discretion of the Chief Executive Officer or Company Secretary depending on the seriousness of the matter and whether sufficient information has been provided to make enquires.

### **Complaint review or Appeal**

28. The complainant or College member concerned, shall have the right to Appeal the decision of the MCC, within three (3) months of notice of such decision, in accordance with the College's Appeals process.

## Associated Documents:

- Board Election Regulations, Policies and Procedures
- Membership Conduct Committee Regulations
- RANZCP Appeals Process and Appeals Committee Regulations
- RANZCP Constitution
- RANZCP Code of Ethics and Code of Conduct
- RANZCP Whistleblower Policy

## Revision Record

<b>Contact:</b>	<b>Company Secretary</b>		
<b>Authorising Body:</b>	Board		
<b>Responsible Committee:</b>	Corporate Governance and Risk Committee		
<b>Document Code:</b>	PRC OPCEO Procedure for reviewing Board election complaints		
<b>Date</b>	<b>Version</b>	<b>Approver</b>	<b>Description</b>
30/08/2014	1.0	B2014/5 R4	New Document
19 November 2024	1.1	B2024/OOS 76	Reviewed ahead of 2025 Board elections.

<b>Summary of procedure to review and consider Board election complaints</b>			
<b>Time</b>	<b>Description of process</b>	<b>Days since complaint</b>	
Within four (4) days of receipt of the complaint	MCC Chair in consultation with the Company Secretary will review the documentation and determine which of the two tiers is the most appropriate approach for managing the complaint	4	
<b>Frontline complaint handling</b>			
Within five (5) days of receiving the complaint	College member concerned and the complainant will be advised that the complaint will be reviewed by the MCC Chair	5	
Within ten (10) days of receiving the complaint	MCC Chair will review all documentation provided and propose a resolution between the parties and make a recommendation(s) to the Board, to resolve the matter.	10	
Within ten (10) days of receiving the complaint	The complainant and College member will be advised of the outcome and any relevant recommendations	10	
Within fourteen (14) days of receiving the complaint	If the matter is not resolved and/or the recommendations are not complied with the complaint may be escalated to the second tier of 'Internal review or investigation' by complainant, if requested, or directly by the College	14	
<b>MCC process for an Internal review or investigation of a complaint relating to Board elections</b>			
<b>Time</b>	<b>Description of process</b>	<b>Days since complaint*</b>	<b>Days since Tier 1*</b>
Within nine (9) days of receipt of the complaint	Company Secretary and/or Legal Services will compile a confidential brief of all information to be presented to the MCC Chair	9	18
Within three (3) days of receipt of the brief	MCC Chair is to forward the documentation (in confidence) to the other members of the MCC, and to convene an initial meeting of the Committee (by teleconference), to finalise the process and dates to be followed to consider the matter	12	21
Within five (5) days of the receipt of the brief	MCC Chair to advise in writing the College member concerned, that the matter referred to the MCC is being considered and give details of the conduct under consideration. The Chair to request a formal submission in writing from the College member, in response to the conduct under review.	14	26
Within seven (7) days of request for the submission	College member will forward written submission to MCC	21	33
Within five (5) days of the receipt of the submission	MCC will consider whether it wishes for the member to make a submission in person or teleconference, or whether it wishes to simply proceed on the basis of documentation provided by the College and the written submission provided by the member concerned.  Hold meeting accordingly.	25	38
Within two (2) days of MCC meeting	MCC will prepare advice and recommendations for the Board	27	40
Within two (2) days of receiving MCC recommendations	The Board will consider the recommendations of the MCC and approve as required.	29	42
Within two (2) days of the outcome	The College member concerned will be notified in writing of the outcome, by the Chief Executive Officer.	32	44
Within three (3) months of the outcome	The College member concerned shall have the right to Appeal the decision of the MCC, in accordance with the College's Appeals process.		

\* Please note that this is an estimation of time and is subject to change