



## 4. Independent External Reviewer

### 4.1. Role

The key role of the Reviewer is to manage complaints or disclosures submitted or referred to them, provide independent oversight of the College's handling of complaints, including Bullying, Discrimination and Sexual Harassment (BDSH) and whistleblower disclosure made under the Whistleblower Policy. The role does not replace the expectation that a complainant will, ordinarily, have utilised existing College mechanisms, such as reconsideration, review and appeal, and complaints handling processes. The Reviewer is an independent external person who College members, trainees and others can approach if, they are not confident in utilising established College processes for fear of repercussions, reprisal or bias.

When a complaint is received by the Reviewer, they will determine whether there are grounds for those concerns. If not, the matter will be referred to the President or the Chief Executive Officer to be handled according to the relevant College policy and procedure. If the Reviewer determines that there are grounds, they will assume a role in assisting with handling the complaint to ensure it is dealt with appropriately.

The role does not circumvent usual College processes for the reconsideration, review or appeal of a College decision or the reporting and handling of a complaint.

Should a complaint relate to the College President, Board member(s) or the CEO the matter will be referred in the first instance to the Reviewer.

The Reviewer shall also receive disclosures made under the Whistleblower Policy's provisions where such disclosures relate to the President, Board member and/or the Chief Executive Officer or where disclosures are referred to the Reviewer.

### 4.2. Powers

- a) The Reviewer shall provide independent oversight of the operation of the College's Complaint processes and provide annual reports to the RANZCOG Board for its information and consideration, including the making of recommendations to the Board if applicable.
- b) The Reviewer shall not participate in the reconsideration, review or appeal of any College decision; rather, upon Board request may review the conduct of these processes and provide annual reports to the RANZCOG Board for its information and consideration, including the making of recommendations to the Board if applicable.
- c) Where the Reviewer is approached by

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processes, they shall liaise with the Chief Executive Officer or President as applicable, to establish an alternative way, within the overarching framework of the applicable College policy(ies) and/or procedures, in which the matter is to be handled.

- d) Where the Reviewer receives a complaint under the provisions of the Whistleblower Policy and 3.2(c) (above), they may assume the role of the Chief Executive Officer in facilitating the complaint or report of wrongdoing made under that policy.
- e) In assessing a complaint or concern, the Reviewer shall ensure that the College and any other relevant parties are accorded natural justice and fairness and with appropriate opportunity to consider the issues and respond.
- f) The Reviewer may, for good reason, refuse to assess or investigate a matter where it is appropriate to do so, and will provide the complainant with written reasons for that decision.
- g) The Reviewer shall provide the Board with an independent, validated report on an annual basis or otherwise, as requested, in relation to the College's handling of complaint matters.
- h) The Reviewer shall provide the Board upon its request recommendations on the processes relating to reconsideration, review and appeal of College decisions.

#### 4.3. Limitations on Powers

- a) The Reviewer cannot override a decision of the College, nor issue directions to the College or its staff.
- b) The Reviewer cannot impose a decision on the College and cannot make a decision as between a complainant and the College where that would override any previous decision by the College.
- c) The Reviewer does not review the merits of a College decision and the process is not an opportunity for further 'appeal' of a College decision(s) regardless of whether an appeal has been previously lodged and/or an appeal decision made.
- d) The Reviewer does not consider or review basic management and/or operational decisions of the College in relation to matters such as fees or general College activities.
- e) The reference of a complaint or concern to the Reviewer does not take away from any complainant their rights otherwise available at law or otherwise available through College processes.

#### 4.4. College Assistance

The College will provide such assistance to the Reviewer as the Reviewer reasonably requires. /R.n.302(ee)10.011(n)TJO Tc 016)5

