

# Complaints Procedure

## 1. Purpose and application

- 1.1 The purpose of this Complaints Procedure is to establish the process by which Australia and New Zealand College of Perfusion (ANZCP) can receive and effectively respond to complaints about Clinical Perfusionists that relate to alleged breaches of ANZCP's codes, standards and policies relating to ethical and professional conduct, and in accordance with referral requirements of the National Code of Conduct for Health Care Workers.
- 1.2 This Procedure complements the procedure described in Division 2 & 3 of the Rules which applies to grievances and disciplinary action arising in relation to the Rules and made by ANZCP members about: members; the executive; or the ANZCP. Those grievances do not relate to ANZCP's codes, standards and policies relating to ethical and professional conduct.

## 2. Definitions

- 2.1 In this Complaints Procedure, the following terms have the meanings set out below:

**ANZCP** means the Australian and New Zealand College of Perfusion (ABN 59 896 655 656) also known as the Australian and New Zealand College of Perfusionists;

**Appeal Panel** means an independent panel convened by the Executive Committee under Clause 12.1 of this Complaints Procedure;

**Business Day** means a day which is not a Saturday, Sunday or public holiday in the state of Victoria, in Australia;

**Certification** means certification under the Certification Policy;

**Certified Clinical Perfusionist** means a perfusionist certified by the ANZCP in accordance with the Rules;

**Certification Policy** means the ANZCP policy of the same name;

**Clinical Perfusionist** means:

- (a) a Certified Clinical Perfusionist whether or not they were Certified at the time that the issue or incident which is the subject of the complaint occurred or arose; or
- (b) a Provisional Clinical Perfusionist or a Trainee Clinical Perfusionist, whether or not they were a Provisional Clinical Perfusionist or a Trainee Clinical Perfusionist (as the case may be) at the time that the issue or incident which is the subject of the complaint occurred or arose
- (c) a person who is not a Certified Clinical Perfusionist, Provisional Clinical Perfusionist or Trainee Clinical Perfusionist at the time of the complaint but was at the time the issue or incident which is the subject of the complaint occurred or arose;

**Complainant** means a person who makes a complaint to the ANZCP about the ethical or professional conduct of a Clinical Perfusionist and, for the purposes of a matter referred under Clause 3.3, is the referring body;

**Complaint** means a formal expression of dissatisfaction raised about a Clinical Perfusionist in accordance with this Complaints Procedure and, for Clauses 9 onwards includes a referral by the ANZCP or any board or committee of or established by the ANZCP as referred to under Clause 3.3;

**Complaints Committee** means an independent committee convened under Clause 9.1(a) of this Complaints Procedure to consider a Complaint;

**Disciplinary Action** means a disciplinary measure applied under Clause 11.5(d)-(i) against a Respondent under this Complaints Procedure or the Rules which, if appealed by the Respondent, was upheld on appeal;

**Executive Committee** means the executive committee of that name which manages the business of the College, as described in Part 5 of the Rules;

**Provisional Clinical Perfusionist** means a perfusionist who is provisionally certified by the ANZCP;

**Registration Board** means the board of that name established by the Executive Committee in accordance with Rule 80.1 of the Rules;

**Respondent** means a Clinical Perfusionist about whom a Complaint has been made and/or as defined under 'Clinical Perfusionist';

**Rules** means the Rules of the Australian and New Zealand College of Perfusionists Incorporated dated 7 December 2022, and any subsequent amendment or replacement of that document;

**Registrar** means the ANZCP registrar, who is a member of the Executive Committee (Rule 44(h) of the Rules); and

**Trainee Clinical Perfusionist** means a clinical perfusionist undergoing a traineeship of a type covered by the Certification Policy.

### 3. Complaints Covered by this Complaints Procedure

3.1 Any person, including a member of the public, may lodge a complaint against a Clinical Perfusionist alleging that the Clinical Perfusionist has:

(a) Failed to comply with ANZCP's:

- i. Code of Ethical Practice and Professional Conduct;
- ii. Competency Standards; or
- iii. Mandatory Declarations; or

(b) Refused or neglected to comply with a decision on Disciplinary Action.

3.2 If a Complaint is made on behalf of an adult or child who received services or otherwise experienced the issue or incident which is the subject of the complaint, the Complainant may be required to provide evidence that they have the authority of that person to lodge the Complaint.

*Note: This is intended to prevent any distress to that person as, depending on the circumstances, they may need to be involved in the complaints process if it proceeds.*

3.3 The ANZCP and any board or committee established by the ANZCP may refer matters regarding the conduct of a Clinical Perfusionist, or their compliance with ANZCP requirements, for consideration under this Complaints Procedure. Matters referred in this manner will be dealt with as Complaints for the purposes of Clause 9 onwards. The following Clauses do not apply to a Complaint which is a referral under this Clause:

- (a) Clause 9.2(a)(ii);
- (b) Clause 11.1(c); and
- (c) Clause 11.5(a)-(b).

#### **4. Making a Complaint**

4.1 Subject to Clause 4.2, a Complaint must be made to the ANZCP in writing using the form provided on the ANZCP website, setting out all matters giving rise to the Complaint (including by providing additional documentation, where appropriate), and must be sent:

(a) By email to [complaints@anzcp.org](mailto:complaints@anzcp.org); or

(b) By post to:

Registrar  
ANZCP  
PO Box 921  
Parkville, VIC. 3052 Australia

*Note: email is preferred and we recommend that if sending the Complaint by post, you register the correspondence so you know it is received by ANZCP.*

4.2 If the Complainant is unable to put the Complaint in writing, the Complainant may contact the Registrar to discuss.

#### **5. Withdrawing a Complaint**

5.1 A Complainant may withdraw a Complaint at any time during the Complaints process by notifying the Registrar in writing. Upon withdrawal of the Complaint, ANZCP may:

(a) Close the Complaint;

(b) Progress the Complaint, if it is deemed by the President to be of a nature or seriousness that it requires investigation; or

(c) Refer the Complaint to a more appropriate entity with jurisdiction or interest in the matter.

5.2 If the Complaint is to be progressed under Clause 5.1(b), the Registrar will advise the Complainant within 5 Business Days of the decision to progress the Complaint that:

(a) The Complaint will be progressed under these Complaints Procedures;

(b) Details of the Complaint will be provided to the Respondent, from which the Complainant may be reasonably identifiable; and

(c) The Complainant may be requested to provide further information at a later date.

#### **6. Initial Handling**

6.1 The Registrar will, within 10 Business Days of receiving the Complaint:

(a) Review and advise the President of the Complaint; and

(b) Contact the Complainant to acknowledge receipt of the Complaint:

i. Providing a copy of this Complaints Procedure and any other appropriate ANZCP supporting documents;

ii. Advising that details of the Complaint will ordinarily be provided to the Respondent and that, even if the Complaint is de-identified, the Complainant is likely to be reasonably identifiable from the details of the Complaint;

iii. Advising that, even if the Complainant decides to withdraw the Complaint, ANZCP may be obliged to investigate it under this Complaints Procedure if it is deemed to be of a nature or seriousness that warrants that;

iv. Advising that the Complainant has the right to pursue other avenues for resolution of the Complaint in addition to, or as an alternative to, investigation under this

- Complaints Procedure aligning with Clause 15 of this document; and
- v. Asking for further information if the Registrar considers that necessary.
- 6.2 Within a further 20 Business Days of receiving the Complaint, or 10 Business Days of receiving further information from the Complainant if requested under Clause 5.1(b)(v), the Registrar will decide whether:
- (a) the Complaint falls outside the scope of this Complaints Procedure;
  - (b) the Complaint relates to a matter which has been dealt with or resolved under this Complaints Procedure;
  - (c) insufficient information is available on the Complaint to warrant investigation; and
  - (d) in the Registrar's opinion, the Complaint is frivolous or vexatious.
- 6.3 Within 10 Business Days of making the decision described in Clause 6.2, the Registrar will notify the Complainant:
- (a) for a Complaint falling within one of the categories described in Clause 6.2(a)-(d) - that the Registrar is declining to progress the Complaint and the reasons for their decision; or
  - (b) for any other Complaint, whether the Registrar has decided it will be progressed:
    - i. informally under Clause 7 of this Complaints Procedure and, if so, the mechanism proposed for informal resolution; or
    - ii. by an investigation by the Registrar under Clause 8 of this Complaints Procedure
- Note: if the Complaint does not relate to a Clinical Perfusionist but does relate to another perfusionist, the Registrar will provide the Complainant with any options the Complainant may have to raise the issue with a regulator or oversight body in the appropriate Australian or New Zealand jurisdiction.*
- 6.4 The Registrar may consult with the President in making a decision under Clause 6.2 of this Complaints Procedure.
- 6.5 The Registrar must consult with the Registration Board in making a decision under Clause 6.3(b) of this Complaints Procedure.
- 6.6 Decisions by the Registrar under Clauses 6.2 and 6.3(b) of this Complaints Procedure are not reviewable decisions.
- 7. Informal Resolution**
- Note: some Complaints are more suited to informal rather than formal resolution. For example, where there is another body more suited to receive and consider the complaint or the Registrar believes that the Complainant and Respondent will be able to amicably resolve the Complaint.*
- 7.1 A Complaint may be resolved informally with or without the involvement of the Respondent.
- 7.2 There are no limitations on the options for informal resolution which the Registrar may progress which include but are not limited to:
- (a) referral of the Complaint to another, more appropriate entity for dealing with the Complaint;
  - (b) informal conciliation, for example facilitated by the Registrar; or
  - (c) external mediation.
- 7.3 The Registrar may consult any person from the Executive Committee or the Registration Board when informally resolving a Complaint.

- 7.4 If the Respondent is to be involved in the informal resolution process under Clause 7, the Registrar will provide the Respondent:
- (a) notice of and a copy of the Complaint and any relevant further information obtained from the Complainant under Clause 6.1(b)(v);
  - (b) a copy of this Complaints Procedure; and
  - (c) a copy of the relevant ANZCP Code or Standards (see Clause 3.1(a)) to which conduct outlined in the Complaint relates.
- 7.5 If a Complaint is resolved informally, the Registrar will:
- (a) inform the Complainant in writing within 10 Business Days of resolution how the Complaint was resolved and that the matter will not progress to the Complaints Committee;
  - (b) if the Respondent had been involved in the informal resolution process, or advised of the Complaint through that process, the Registrar will also inform the Respondent;
  - (c) record the details of the Complaint and the outcome in the Complaints Register; and
  - (d) inform the Registration Board of the Complaint and its outcome.
8. **Investigation by the Registrar**
- 8.1 If:
- (a) the Complaint is not resolved informally under Clause 7, or is not resolved within 60 Business Days of the decision under Clause 6.3(b)(i); or
  - (b) the Registrar has decided to investigate the Complaint under Clause 6.3(b)(ii),
- the Registrar must investigate the Complaint, in any such manner the Registrar deems appropriate, including seeking further information from the Complainant, Respondent or any third party.
- 8.2 If there was no attempt at informal resolution under Clause 7, or such attempt did not involve the Complainant directly so they have not received the documents described in Clause 7.4, the Registrar will provide the Complainant:
- (a) notice of and a copy of the Complaint and any relevant further information obtained from the Complainant under Clause 6.1(b)(v);
  - (b) a copy of this Complaints Procedure; and
  - (c) a copy of the relevant ANZCP Code or Standards (see Clause 3.1(a)) to which conduct outlined in the Complaint relates.
- 8.3 The Registrar's investigation under Clause 8.1 must take no longer than 30 Business Days after which the Registrar must decide whether to:
- (a) close the Complaint, on the basis that it is without substance, frivolous or vexatious;
  - (b) if appropriate, attempt to resolve the Complaint with the Complainant and the Respondent informally and, in so doing, may use any means including, but not limited to, informal settlement conference and mediation; or
  - (c) refer the Complaint to the Complaints Committee.
- 8.4 If the Registrar decides to close the Complaint under Clause 8.2(a), the Registrar will, within 10 Business Days of making that decision, notify the Complainant and Respondent that the Registrar is declining to progress the Complaint and the reasons for their decision.

8.5 The Registrar may consult with any person from the Executive Committee or Registration Board in making a decision under Clause 8.3.

8.6 The Registrar's decision under Clause 8.3 is not subject to an appeal.

## **FORMAL RESOLUTION**

### **9. Referral to the Complaints Committee**

9.1 If the Complaint is referred for formal resolution, within 30 Business Days of referral under Clause 8.3(c):

(a) the Executive Committee must convene a Complaints Committee made up of no less than three members who must:

- i. must be independent of the Executive Committee; and
- ii. must not have had prior involvement in the Complaint,

and which must include:

- A. an ANZCP Fellow;
- B. another health professional, which may or may not be a member of the ANZCP; and
- C. a community representative.

*Note: the Executive Committee will endeavour to establish a Complaints Committee comprised of members with no prior knowledge of the subject matter of the Complaint, and who do not know the Respondent. However, given the small size of the perfusion profession in Australia and New Zealand, this may not be possible.*

(b) the Executive Committee must nominate a Chair of the Complaints Committee;

(c) the Registrar must notify the Complainant that the Complaint will be referred to the Complaints Committee; and

(d) provide the Respondent the opportunity to provide the Complaints Committee a response to the Complaint within 20 Business Days, or a later deadline that may be specified by the Registrar in the notice.

9.2 Within 10 Business Days of receipt of the Respondent's response under Clause 8.1(c), or the expiry of the deadline for the response, the Registrar must:

(a) refer the Complaint to the Chair of the Complaints Committee, providing:

- i. all details of the Complaint;
- ii. the results of the Registrar's investigation; and
- iii. if applicable, the Respondent's response to the Complaint; and

(b) if the Respondent has provided a response to the Complaint, provide the Complainant with a copy of that response and offer the Complainant an opportunity to provide a response to it, by submission to the Registrar, which will be communicated to the Complaints Committee and the Respondent.

### **10. Review by the Complaints Committee**

10.1 The Complaints Committee is subject to terms of reference established by the Executive Committee.

10.2 The Complaints Committee must set a time, as soon as practicable, to review the Complaint, and may refer the Complaint to the Registrar to undertake or arrange for further investigation

on behalf of the Complaints Committee with such results to be provided to the Complaints Committee no less than 5 Business Days before its meeting.

- 10.3 The Registrar will notify the Complainant and the Respondent of the time and date at which the Complaints Committee will review the Complaint.
- 10.4 The parties must inform the Registrar at least ten Business Days prior to the date scheduled for the review whether they intend to attend the review and, if so, if they wish to have legal representation present which they may do, at their own cost. A party's decisions under this Clause 10.4 will be conveyed to the other party by the Registrar.
- 10.5 Parties may attend the review in person or via telephone link or such other means as may be available and approved (for example, by video link) by the Registrar.
- 10.6 The Complainant and the Respondent may also be invited or directed by the Complaints Committee to produce documents and provide witness statements relevant to the Complaint. A party producing documents to the Complaints Committee must provide copies of those documents to the other party.
- 10.7 The Complaints Committee may ask either party questions in the review. The Complaints Committee may allow a Complainant and/or the Respondent to ask the other party questions in the review.
- 10.8 The review is not subject to formal rules of evidence and a transcript will not be made of the review.
- 10.9 The Complaints Committee may, at its discretion, allow one or more of the parties to apply to adjourn the review of the Complaint to a later date.

## **11. Findings and Outcome**

- 11.1 In, or within a reasonable time being no more than 15 Business Days of the hearing described in Clause 15, the Complaints Committee must decide, by majority vote, whether to:
  - (a) dismiss the Complaint;
  - (b) uphold the Complaint; or
  - (c) require the parties to the Complaint to engage in conciliation or mediation which, if unsuccessful or if it does not lead to an outcome within 30 Business Days, will lead to the Complaints Committee making a decision under Clause 11.1(a) or 11.1(b) of this Complaints Procedure.
- 11.2 Where the Complaints Committee decides the Complaint has been upheld, the Chair will provide the President a report within 10 Business Days:
  - (a) documenting the process undertaken, including details provided by the Registrar as to process prior to the referral to the Complaints Committee;
  - (b) documenting the Complaints Committee's decision, identifying the breach it has decided occurred and its reasons for the decision; and
  - (c) providing recommendations regarding any action the Respondent must undertake and/or on any Disciplinary Action that the Executive Committee should impose.
- 11.3 The President must review the Chair's report to confirm that the Complaint was processed with natural justice, procedural fairness and due process under this Complaints Procedure, then:
  - (a) prepare a report for the Registration Board, incorporating the Complaints Committee's report, if those requirements have been complied with; or

- (b) if they have not, work with the Executive Committee to convene a new Complaints Committee to review the Complaint in a manner which is compliant with this Complaints Procedure.
- 11.4 Upon receipt by the Registration Board of the Chair and the President's reports under Clause 11.3(a) and makes decision on Disciplinary Action and any other outcome from the Complaint.
- 11.5 The Registration Board may impose on the Respondent any directions, requirements and/or Disciplinary Action it deems appropriate including but not limited to the following:
- (a) directing the Respondent and the Complainant to resolve the dispute between themselves;
  - (b) directing the Respondent and the Complainant to participate in mediation or conciliation supported by the ANZCP;
  - (c) directing the Respondent of specific continued professional development;
  - (d) specifying a period of practice for the Respondent under the supervision or mentoring of an experienced practitioner;
  - (e) for a Certified Clinical Perfusionist, terminating Certification and imposing Provisional Clinical Perfusionist status;
  - (f) terminating the Respondent's membership of the ANZCP, Certification or Trainee Clinical Perfusionist or Provisional Clinical Perfusionist status;
  - (g) terminating the Respondent's membership of the ANZCP, Certification, or Trainee Clinical Perfusionist or Provisional Clinical Perfusionist status, with no right to reapply;
  - (h) suspending the Respondent's membership of the ANZCP, Certification or Trainee Clinical Perfusionist or Provisional Clinical Perfusionist status for a specified period; or
  - (i) otherwise disciplining the Respondent.
- 11.6 The Registration Board must take into account the Respondent's complaints history, as recorded in the Complaints Register, in making its decision under Clause 11.5. If the Registration Board is aware of a prohibition order or other sanction imposed on the Respondent by another body authorised to make findings against the Respondent with respect to ethical or professional standards, the Registration Board may also take into account the circumstances of the conduct giving rise to the sanction and the nature of the sanction imposed, in its decision under Clause 11.5.
- Note: the Respondent's history is taken into account because, for example, a pattern of relatively minor conduct in a particular realm of ethics or professional conduct may reflect a habitual disregard for professional and ethical standards, or a need for further professional development.*
- 11.7 The Chair of the Registration Board must notify the Complainant and the Respondent in writing of the decision under Clause 11.5 within five Business Days.
- 11.8 Notice under Clause 11.7 to the Respondent must include information about the Respondent's right of appeal under Clause 13.
- 11.9 The Registration Board must monitor compliance by a Respondent with any Disciplinary Action, directions or requirements imposed on the Respondent.
- 11.10 In the event that the Respondent fails to comply with Disciplinary Action, direction or requirement made by the Registration Board, the Registration Board may make additional a decision to impose further Disciplinary Action, requirements and/or directions including, but

not limited to, those requirements and/or directions listed in Clause 11.5.

- 11.11 A resolution by the Registration Board to impose Disciplinary Action on the Respondent under Clause 11.5(d)-(i) does not take effect:
- (a) until the expiration of the period within which the Respondent is entitled to appeal against the resolution where the Respondent does not exercise the right of appeal within that period; and
  - (b) where, within that period, the Respondent exercises the right of appeal, unless and until the Appeal Panel confirms the decision to impose Disciplinary Action.

## 12. Appeal Panel

- 12.1 Should a Respondent appeal a decision in accordance with Clause 13.1, the Executive Committee will establish an independent Appeal Panel to hear the appeal, which:
- (a) will be comprised of three experts (who are all different from the members of the Complaints Committee); and
  - (b) must include a legal expert who, if remunerated for their role on the Appeal Panel, will be paid by the ANZCP, and
- nominate a chair of the Appeal Panel from its members.

## 13. Right of Appeal of Disciplined Respondents

- 13.1 A Respondent who:
- (a) has been the subject of a decision to impose Disciplinary Action; or
  - (b) believes that natural justice and procedural fairness have not been complied with, as required by this Complaints Procedure,
- may appeal the decision.

*Note: appeals are only allowed on Complaints involving Disciplinary Action under Clause 11.5(d)-(h), as these affect the Respondent's rights to practise or membership rights, and in matters where the Respondent believes due process has not been followed. The Appeal Panel considers whether the Complaint is upheld and does not consider the appropriateness of the Disciplinary Action or other directions or requirements made by the Registration Board, which has access to the Complaints Register (which may contain other complaints upheld against the Respondent) and ensures consistency in approach across decisions made under Clause 11.5, which an independent panel convened on an ad hoc basis would not be able to provide.*

- 13.2 Written notice of such an appeal must be lodged with the Registrar, per the contact details in Clause 4, within five Business Days of service of the notice required under Clause 11.7. The notice must state the grounds on which the appeal is made.
- 13.3 Within thirty-five Business Days after receipt of a notice of appeal from the Respondent under clause 13.2, the Appeal Panel must convene a meeting to review the grounds of appeal, Complaint and decision to impose Disciplinary Action.
- 13.4 The Appeal Panel may, in its review:
- (a) choose to make its decision based on the documents provided to it, which will include:
    - i. all information provided to the Complaints Committee; and
    - ii. the Complaints Committee's and the President's reports made under Clause 11;
  - (b) invite the Respondent through the Registrar, to provide further submissions in writing or in

- person to its meeting convened under Clause 13.3; and/or
- (c) seek advice from any relevant source.
- 13.5 The Appeal Panel's meeting is not subject to formal rules of evidence and a transcript will not be made.
- 13.6 If invited to attend the Appeal Panel's meeting under Clause 13.4(b), the parties must inform the Registrar at least ten Business Days prior to the date scheduled for the review whether they intend to attend the review and, if so, if they wish to have legal representation present which they may do, at their own cost. A party's decisions under this Clause 13.6 will be conveyed to the other party by the Registrar.
- 13.7 The Appeal Panel must make a decision within five Business Days of the meeting referred to in Clause 13.3 to either uphold the appeal or dismiss the appeal.
- 13.8 Where the Appeal Panel finds that the Complaints procedure did not comply with procedural fairness and natural requirements, the Appeal Panel may substitute its decision on the Complaint for the Complaints Committee's decision under Clause 11.1.
- 13.9 The Appeal Panel does not make a finding regarding the appropriateness of a decision by the Registration Board to impose Disciplinary Action, only whether the Complaint has been upheld. If it is upheld under Clause 13.7 or 13.8, the Registration Board's decision under Clause 11.5 will stand.
- 13.10 The chair of the Appeal Panel will notify the Respondent, the President, the Chair of Complaints Committee and the Registrar of the decision of the Appeal Panel under Clause 13.7 (and Clause 13.8, if relevant) including any reasons for its decision.
- 13.11 The Appeal Panel's decisions under Clauses 13.7 and 13.8 are final. The Respondent is not entitled to appeal the Appeal Panel's decision.

## **OTHER REQUIREMENTS OF THIS COMPLAINTS PROCEDURE**

### **14. Natural Justice**

- 14.1 Natural justice will be applied during every disciplinary process under this Complaints Procedure, requiring the Registrar, the Complaints Committee, Registration Board, President and Appeal Committee to act fairly, in good faith and without bias or conflict of interest when making its decision, including giving the Respondent a right of reply to the Complaint as outlined in Clauses 9.1(e) and 10.3 if the Complaint is to be considered by the Complaints Committee.

### **15. Suspension and Referral of Complaints**

- 15.1 Complaints which relate to matters which are the subject of pending legal proceedings, or investigation by another complaints or regulatory entity, may not be processed under this Complaints Procedure until those proceedings have concluded and a decision, determination or ruling has been made in respect of those matters.
- 15.2 If, at any time, the ANZCP reasonably deduces that there has been a breach of criminal law, the ANZCP will refer the matter to the appropriate authorities and may cease processing the Complaint under there is an outcome, per Clause 15.1.

### **16. No Liability**

- 16.1 Each Respondent who is the subject of a determination by the Registrar, Complaints Committee, Registration Board, President or the Appeal Panel (**Decision Makers**):
- (a) agrees to abide by the decisions of the Decision Maker; and

(b) acknowledges that it will not be entitled to bring any action or suit against the:

- i. ANZCP;
- ii. ANZCP Executive Committee and its members;
- iii. Registrar;
- iv. members of the Complaints Committee, Registration Board or Appeal Committee; or
- v. as a consequence of or arising out of any decision, determination or action of a Decision Maker; and

(c) hereby releases the ANZCP, the parties described in this Clause 16.1(b) from any such liability.

## 17. Respondents Ceasing to be Clinical Perfusionists

17.1 The ANZCP and its Decision Makers can continue to:

- (a) investigate, review and make decisions on a Complaint;
- (b) exercise any powers; and
- (c) make any determination or decision,

set out in this Complaints Procedure notwithstanding the fact that a Respondent ceases to be a Clinical Perfusionist before the outcome of the Complaint has been determined, for any reason.

## 18. Confidentiality and Privacy

18.1 The ANZCP and its Decision Makers will not, except as required and to the extent necessary to perform their responsibilities, powers or functions under this Complaints Procedure or as authorised or required by law, record, disclose, communicate or use confidential or personal information received in the performance of duties under this Complaints Procedure.

*Note: it may be necessary in investigating, hearing or deciding a Complaint under this Complaints Procedure to seek further information from third parties and it may not be possible or practicable to do that without disclosing the identity of the Complainant and/or Respondent, or the circumstances giving rise to the Complaint.*

18.2 Members of the Complaints Committee and Appeal Panel will be required to sign a deed of confidentiality regarding their roles under this Complaints Procedure, before being provided confidential or personal information regarding a Complaint.

18.3 Notwithstanding Clause 18.1, each Respondent acknowledges that the ANZCP is at liberty to publicly publish details of any matters heard by the Complaints Committee or the Appeal Panel, including the:

- (a) name of the Respondent who is the subject of the matter being heard; and
- (b) reasons for any decisions made by the Complaints Committee or the Appeal Panel,

and that if the outcome of Disciplinary Action imposed under this Complaints Procedure includes suspension or termination of the Respondent's ANZCP membership or certification, the Registrar will ensure that details of the outcome are published on the ANZCP's website or by another mechanism easily accessible to the public within 5 Business Days after expiration of the appeal period or, if a decision is upheld on appeal, that decision.

18.4 Notwithstanding Clause 18.1, where there are arrangements in place for an external agency to use ANZCP membership or certification to determine eligibility to work, suspensions and

terminations of membership or certification will also be reported to that agency within 5 Business Days after expiration of the appeal period or, if a decision is upheld on appeal, that decision.

- 18.5 Notwithstanding Clause 18.1 the ANZCP may at any time, for the protection of the public as believed reasonably necessary by the ANZCP, share details of a Complaint and/or its outcome with any organisation, hospital or service at which the Clinical Perfusionist is or was employed, or is or was undergoing a Clinical Perfusion traineeship (in the case of a Trainee Clinical Perfusionist), regardless of whether the conduct complained about arose in connection with the employment or trainee relationship the Clinical Perfusionist has or had with the notified organisation, hospital or service.

*Note: The intent of Clause 18.5 is to support the protection of the public in cases where:*

- *The conduct complained about raises serious concerns about whether the Clinical Perfusionist is 'Fit to Practice' (see definition of Fitness to Practice in the Code of Ethical Practice and Professional Conduct), in circumstances that justify notifying the organisation, hospital or service of the Complaint notwithstanding that the outcome of the Complaints process has not been finalised; and/or*
- *the Complaints process has been finalised and, after all Appeal rights have been exhausted, or Appeal periods expired, has resulted in a finding, or the imposition of Disciplinary Action, that justifies notification to the organisation, hospital or service.*

## 19. **Complaints Register**

- 19.1 The Registrar must maintain a Complaints Register with details of all Complaints made to the ANZCP, which must include:
- (a) details of the Complainant and Respondent;
  - (b) a description of the Complaint;
  - (c) whether and how the Complaint was progressed, closed or dismissed, or resolved;
  - (d) key dates in handling of the Complaint; and
  - (e) details of any decisions made on the Complaint, including but not limited to whether the Complaint was resolved informally, upheld or dismissed, and any directions or Disciplinary Action imposed.
- 19.2 The Registrar will provide a copy of the Complaints Register, Complaints policies and procedures to the Registration Board no less than once a year.
- 19.3 The Registrar will provide the National Alliance of Self-Regulating Health Professions with a de-identified copy of the Complaints Register, Complaints policies and procedures every 12 months, if ANZCP is a member of NASRHP.

**SCHEDULE A – SUMMARY OF KEY ANZCP ROLES AND RESPONSIBILITIES UNDER THIS COMPLAINTS PROCEDURE**

| <b>Office Holder/Body</b>         | <b>High Level Summary of Role and Responsibility</b>  |
|-----------------------------------|---|
| Registrar                         | <p>Receives Complaints made to ANZCP under this Complaints Procedure</p> <p>Makes preliminary decisions on complaints under Clause 6.2 and whether to progress Complaints informally or by investigation and referral to the Complaints Committee</p> <p>Investigates Complaints, as appropriate</p> <p>Acts as the intermediary between the Complainant, Respondent and all ANZCP office holders and bodies mentioned in this Complaints Procedure</p> <p>Records Complaints and their outcomes in the Complaints Register</p> <p>Provides a copy of the Complaints Register annually to the Registration Board</p> <p>Provides de-identified copy to the NASRHP (if the ANZCP is a NASRHP member)</p> |
| President                         | <p>Determines whether a Complaint should be processed under this Procedure, notwithstanding it has been withdrawn by the Complainant</p> <p>May support the Registrar, if requested, in initially processing and investigating the Complaint</p> <p>Considers whether procedural fairness and natural justice requirements have been complied with, after the Complaints Committee makes a report on its decision on the Complaint, and provides a report to the Registration Board on that issue</p>   |
| Executive Committee               | <p>Convenes a Complaints Committee, when required by this Complaints Procedure, and nominates a chair</p> <p>Convenes an Appeals Panel, when required by this Complaints Procedure, and nominates a chair</p>   |
| Chair of the Complaints Committee | <p>Chairs the Complaints Committee</p> <p>Reports to the President on the Complaints Committee’s decision on the Complaint</p>  |
| Complaints Committee              | <p>Considers Complaints, which have been subject to investigation by the Registrar</p>  |
| Registration Board                | <p>Makes decisions on whether to impose Disciplinary Action, or any other direction or requirement, on a Respondent against whom the Complaints Committee has determined the Complaint is upheld</p>  |
| Appeal Panel                      | <p>Reviews decisions on Complaints involving Disciplinary Action, or for which a Respondent believes procedural fairness and natural justice were not complied with, and decides whether the Complaint is upheld</p>  |