

**Medicinal Cannabis Industry Australia**  
**Code of Conduct**

**Technical Guideline Document No. 1**  
**Complaints Handling Guidelines**

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## 1.0 Introduction

### 1.1 Purpose

The Complaint Handling Guidelines are intended to ensure that MCIA handle complaints fairly, efficiently and effectively.

The complaint management guidelines in relation to the MCIA Code of Conduct (The Code) are intended to:

- enable MCIA to respond to issues raised in a timely and cost-effective way
- boost industry confidence in the MCIA Code of Conduct, and
- provide information that can be used by MCIA to deliver improvements in the quality of industry processes.

### 1.2 Scope

These guidelines apply to complaints from MCIA members, industry participants and other stakeholders regarding matters arising under the MCIA Code of Conduct.

The guidelines do not apply to commercial or contractual disputes.

## 2.0 Guiding principles

### 2.1 Facilitate resolution of complaints

MCIA will receive feedback and complaints about services, practices, procedures and products with respect to the MCIA Code of Conduct.

Any concerns raised in feedback or complaints will be dealt with within a reasonable time frame.

People making complaints will be:

- provided with information about the MCIA complaint handling guidelines
- provided with accessible ways to make complaints
- listened to, treated with respect and actively involved in the complaint process where possible and appropriate
- provided with reasons for any decision and/or options for redress or review

MCIA will take all reasonable steps to ensure that people making complaints are not adversely affected because a complaint has been made by them or on their behalf.

MCIA will ensure that its systems to manage complaints are easily understood and accessible.

If a person prefers or needs another person or organisation to assist or represent them in the making and/ or resolution of their complaint, MCIA will communicate with them through their representative.

Anyone may represent a person wishing to make a complaint with their consent (e.g. advocate, legal or community representative, another organisation).

### 2.2 Respond to complaints

#### *Responsiveness*

MCIA will promptly acknowledge receipt of complaints.

MCIA will assess and prioritise complaints in accordance with the urgency and/or seriousness of the issues raised.

MCIA is committed to managing people's expectations, and will inform them as soon as possible, of the:

- complaints process;
- expected time frames for response;
- progress of the complaint and reasons for any delay ;
- likely involvement in the process, and
- possible or likely outcome of their complaint.

MCIA will advise people as soon as possible when it is unable to deal with any part of their complaint and provide advice about where such issues and/or complaints may be directed (if known and appropriate).

MCIA will also advise people as soon as possible when it is unable to meet targeted time frames for responding to their complaint and the reason for such delay.

#### *Objectivity and fairness*

MCIA will address each complaint with integrity and in an equitable, objective and unbiased manner.

Conflicts of interests, whether actual or perceived, will be managed responsibly.

#### *Confidentiality*

MCIA's view is that natural justice is usually best served, and complaints best solved when the complainant makes a complaint directly to the other party. However, MCIA notes there may be occasions where confidentiality may be required in the interests of resolving a complaint.

In such circumstances, MCIA will protect the identity of people making complaints where this is practical and appropriate.

Personal or sensitive information that identifies individuals will only be disclosed or used by MCIA as permitted under the relevant privacy laws, secrecy provisions and any relevant confidentiality obligations.

### 3.0 Complaint management system

When responding to complaints, MCIA will act in accordance with the complaint handling guidelines and The Code. The staged approach to handling complaints is based on step 1 acknowledging, verifying and assessing the complaint. An investigation will be undertaken if the complaint is valid and cannot be resolved between the parties.

The four stages in MCIA's complaint management guidelines are:

1. Receive, assess and resolve, or escalate to step 2
2. Investigate and report
3. Close complaint, or escalate to Code Complaints Committee
4. Code Complaints Committee for redress and close complaint

#### 1. Receipt, assessment and resolve or escalate

MCIA will receive complaints about the conduct of members. These will be dealt with by the MCIA Compliance Officer.

The record of the complaint will document:

- The contact information of the person making the complaint
- Issues raised by the person making the complaint and the outcome they are seeking
- Any other relevant information

Initial assessment of the complaint will involve:

- discussing with the Complainant his or her options for the resolution of the complaint and ascertaining whether the complaint properly and appropriately falls under The Code
- encouraging the Complainant to discuss and if possible resolve the issue prior to lodging a formal complaint to MCIA. It is acknowledged that there may be situations where this is not appropriate.

If the complaint cannot be resolved at the outset, MCIA will record the complaint and its supporting information. This will include the assignment of a unique identifier to the complaint file.

If the MCIA Compliance Officer believes that the complaint properly falls under The Code, and that the complaint should be escalated, the Complainant will be requested to submit the complaint in writing.

All complaints should be substantiated with evidence for the subject matter of the complaint. Additional information can be requested if required.

The information contained in the written complaint document will be utilised to complete the initial assessment by the MCIA Compliance Officer.

At the completion of the initial assessment the MCIA Compliance Officer may, if the circumstances warrant, escalate the complaint.

#### 2. Investigate and report

If escalated to investigation, information will be sent to the relevant member who will be invited to respond to the matters raised.

The Member will be provided a reasonable period of time to respond to the request to provide their version of the issue in written format to the Compliance Officer.

The Compliance Officer will review the submission from the Member and determine if the response adequately responds to the complaint. Further information will be sought if required to enable a full review of the issue

Once all information is available, the Compliance Officer will utilise this information to support discussion and decision making between the parties.

#### 3. Close complaint or escalate

If, after the completion of the gathering of information and discussion between the parties, the matter cannot be resolved, it will be escalated to the Code Complaints Committee comprising independent representatives.

The Code Complaints Committee will comprise of at least 3 MCIA appointed members drawn from:

- Legal sector, specifically trade practices law
- GP/Healthcare practitioner sector
- Consumer/patient sector
- Member companies

A member of the Code Complaints Committee must not have a conflict of interest with the complainant, member company or therapeutic area subject to complaint.

After deliberation the Code Complaints Committee may engage with the participants or recommend dealing with the matter either through a Code Complaints Committee hearing or mediation.

#### 4. Code Complaints Committee or mediation

The Code Complaints Committee may conduct itself as it deems fit, at all times in accordance with procedural fairness and natural justice.

The Code Complaints Committee may convene a hearing to inquire into the complaint.

At the completion of the hearing that Code Complaints Committee may report to the MCIA Board recommending that:

- The complaint be dismissed; or
- The member be requested to undertake corrective (MCIA to work with the member as appropriate); and/or
- The member's membership of MCIA be suspended or cancelled; and/or
- The matter be referred to the relevant authorities.

An appeal may be lodged by either the Complainant or member company. This must be notified within 5 days of the Committee's decision. If an appeal is requested, an Appeals Committee will be convened.

The result of any such inquiry and recommended actions may be published on the MCIA website at the Board's discretion. The Board shall also retain discretion as to publication of names and may redact pertinent or commercial in confidence information.

## **4.0 Record keeping, redress and review**

### **4.1 Record keeping**

MCIA will keep records about:

- How it managed the complaint
- The outcome/s of the complaint, including whether it or any aspect of it was substantiated
- Any recommendations made to address problems identified
- Any decisions made on those recommendations
- Any outstanding actions that need to be followed up

MCIA will ensure that outcomes are properly implemented, monitored and reported to the complaint handling manager and/or senior management.

### **4.2 Alternative avenues for dealing with complaints**

During the complaints process, MCIA will inform people who make complaints to or about member about any external review options available to them. In the event of complaints progressing to alternative external review options MCIA reserves the right to engage legal counsel where it proves to be necessary/required.

### **4.3 Continuous improvement**

MCIA is committed to improving the effectiveness and efficiency of the complaint management guidelines. To this end, MCIA will:

- Support the making and appropriate resolution of complaints
- Implement best practices in complaint handling
- Regularly review the complaints management guidelines and complaint data, and in particular assess its effectiveness. These include:
  - prevalence of the issues raised in complaints
  - issues raised in complaints
  - whether The Code or associated technical documents provide industry with sufficient information and guidance
  - potential improvements from other industries

These reviews will be formal process and the results will be used to update this document.

## **Acknowledgements**

The development of the guidelines has been informed by the following:

- Australian and New Zealand Standard Guidelines for Complaint Handling in Organizations AS/NZS 10002:2014
- NSW Ombudsman Effective Complaint Handling Guidelines, 3rd Edition, February 2017