

Royal Society Te Apārangi: *The Listener* Letter Complaints Process – Q & A

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To: Ngā Ahurei a Te Apārangi Royal Society Fellows

Context

These notes have been prepared to answer questions posed to the Society in relation to complaints following the publication of *The Listener* letter in July 2021, particularly those raised at an extraordinary meeting of the Academy on 13 April 2022.

“Complainants” refers to individuals who laid complaints. “Respondents” refers to those against whom complaints were made.

What is the Complaints Procedure?

The Society’s Act provides for the Society’s Council to make rules for certain purposes prescribed in the Act – including rules for the regulation, management and advantage of the Society, for furthering the object of the Society, and for any other purposes as may be necessary or expedient for duly carrying out the work of the Council or any committee of the Council. The Complaints Procedures are part of these rules. The Society could be legally challenged by judicial review if it failed to follow its rules.

The rules provide that anyone can make a complaint about a member of the Society. Complaints about alleged breaches can be in relation to:

- The membership obligation - to act in line with the Society’s object and functions under [its Act](#)
- The professional and ethical obligation - to act in accordance with the [Code of Professional Standards and Ethics \(Code\)](#)
- The Good Character obligation – to be a fit and proper person.

[The Complaints Procedures](#) were last updated in April 2017.

How often does the Society get complaints?

The Society gets complaints from time to time, usually in relation to breaches of the Code. The Society respects confidentiality between the parties involved for privacy and to avoid external influence and harassment.

What is the Code of Professional Standards and Ethics?

The Society is required under its Act to have a Code of Professional Standards and Ethics for its members and to make it available to the public. Part 3 of the Code contains the obligations that are binding on members. Other parts of the Code provide guidance and interpretation related to the obligations in Part 3 of the Code.

[The Code](#) was last updated in January 2019 following extensive review and consultation.

What complaints about The Listener letter did the Society receive?

The Chief Executive received formal complaints from thirteen individuals, twelve of whom were non-members, in the days and weeks following publication of *The Listener* letter. Between them, the complaints alleged breaches of all three of the obligations covered in the Complaints Procedures and were directed at the authors who signed *The Listener* letter as Fellows of the Society.

None of the initial complaints met the information requirements under the Complaints Procedures. The Chief Executive is required by the Complaints Procedures to request information from complainants to meet the information requirements. Eight of the initial complainants did not subsequently provide that information within the 30-day period allowed for in the Complaints Procedures. Three of the remaining five complainants' complaints subsequently lapsed when they did not respond to the Society's request for their permission to provide their names to the respondents.

The complaints from the remaining two complainants that supplied the necessary information were subsequently considered by an Initial Investigation Panel.

Did the Society initiate any complaints against the Fellows?

The Society did not itself make any complaints about *The Listener* letter article or use the powers in the Complaints Procedures to initiate an inquiry.

Why were the complaints accepted in the first place?

The Chief Executive accepted the complaints on the basis that they met the minimum information requirements for a valid complaint as set out in the Complaints Procedures.

What was the role of the Initial Investigation Panel?

The Panel's role was to decide whether the complaints should proceed to a Complaints Determination Committee. It was not the Panel's role to consider the merits of the views expressed in *The Listener* letter.

How was the Initial Investigation Panel formed?

The Complaints Procedures require the Initial Investigation Panel to comprise two or three Fellows or Companions of the Society.

The Chief Executive approached a number of Fellows and Companions to serve on the Panel. Several declined the opportunity. Two of those who initially agreed to serve subsequently withdrew due to conflicts of interest (see below) and two replacements were found. The Deputy Chair of the Academy Executive Committee subsequently approved the final makeup of the Initial Investigation Committee consisting of two Fellows and one Companion. That was the only panel that met and considered the complaints.

How were conflicts of interest managed?

The Chief Executive adopted a standard approach to identifying conflicts of interest: (i) identification of Fellows and Companions with appropriate skills and knowledge and unlikely to have a close personal or working relationships with either the complainants or respondents; (ii) declarations from the Fellows and Companions approached; and (iii) an opportunity for comment by the respondents as required by the Complaints Procedures.

Two Fellows who initially agreed to serve on the panel withdrew when the Chief Executive became aware they were among 2000+ signatories to an open letter circulating on social media expressing views about *The Listener* letter following its publication.

Why is membership of the Initial Investigation Panel confidential?

It is important that panel members are not subject to external influence or harassment as a consequence of participating or offering to participate in a Complaints Procedure. Members may be dissuaded from serving on future panels if they perceive there is risk of public attention and potential harassment.

Why was a summary statement of the Initial Investigation Panel's decision published?

The Complaints Procedures require that the Chief Executive notify the Panel's decision and the reasons for it to the Society's Council, the Academy Executive Committee, respondents and complainants. The process and outcomes of complaints have historically remained confidential to those parties.

The Complaints Procedures allows for the Society to issue a summary of the Panel's decision for learning purposes. In this case, the Society viewed it a useful opportunity to provide some context for the Panel's decision.

How was the summary statement prepared?

The Society prepared a draft statement about the Panel's decision, drawing on the contents of the Panel's decision report. The draft statement was revised in response to comments received from the respondents, complainants and Panel before final publication.

Why did the complaints process take so long?

The length of time the process took to reach completion was not ideal, especially given that details of the complaints were in the public domain. However, it is not uncommon for complaints to take this long or longer if part of a legal process.

A number of factors influenced the timeline, including:

- The unprecedented number and nature of potential complaints first received
- The difficulty in finding members willing to serve on the Initial Investigation Panel
- The Complaints Procedures time allowances for receiving complaints, submissions and feedback
- The volume of submissions received by the Panel
- Time taken to explore mediation
- The Society's need for legal advice on a range of matters throughout.

Why were lawyers involved?

The Complaints Procedures can be subject to judicial review by both the complainants and respondents. The Respondents engaged legal counsel, who raised issues and questions about the process being followed in relation to the complaints against them that the Society required assistance to address.

Did the Society employ public relations consultants in the complaints process?

No public relations consultants were employed.

Will there be changes to the Complaints Procedures and Code?

The Council has approved a work programme to review the Complaints Procedures.

While the Society notes calls by some to review the Code of Professional Standards and Ethics, the Society's view is that reviewing the Complaints Procedures is a higher priority.

As part of the review, consideration will also be given to whether there should be alternative channels to address some complaints that would limit the use of the formal and often legal process.

Why has the Society not spoken out about the complaints more?

The Society is required to respect the confidentiality of those involved in the process while complaints are being considered. The Society has expressly sought to avoid a public debate on matters that are confidential to the complaints process. However, the Society cannot prevent complainants and respondents from publicising their involvement.

On what basis did the Society make a statement in response to The Listener letter?

The President has a right under the Council's governance charter to make a statement on behalf of the Council and to include the Chair of the Academy Executive Committee as a member of Council.

The issuing of the statement on 27 July 2021, and consideration of the complaints subsequently received, were separate, unrelated processes. The Society acknowledges that the external perceptions may have been different.

The Initial Investigation Committee subsequently considered the two complaints several months after the Society issued its statement on 27 July 2021.

Why was the Society's statement subsequently taken down?

Some of the Society's members, and the Society itself, became concerned that the statement was contributing to an environment that was not conducive to constructive dialogue.

Related links:

[Complaints Process](#)

[Code of Professional Standards and Ethics](#)

[Royal Society of New Zealand Act](#)