

NFTHD #59: How accessible is our complaints system for individuals?

Our complaints process is accessible, responsive and transparent. But how accessible is accessible and what does this actually mean?

As an individual wanting to make a complaint about the behaviour of a pharmaceutical company, you might imagine the task intimidating and the Code potentially overwhelming. To counter this, our “Guidance on How to Make a Complaint” explains the process for anyone outside the pharmaceutical industry as well as individuals, such as a healthcare professional, or a member of the general public.

Supplementing this, assistance is offered to individuals who are ready to lodge a complaint by putting them in contact with an Independent Facilitator. This service (to a maximum of 2 hours) is provided free of charge.

The Independent Facilitators have experience in consumer interests, pharmacology, the pharmaceutical industry and the Code of Conduct and can help identify the relevant sections of the Code as applicable to the complaint, and assist with the formation of the complaint. They can also assist by contacting the pharmaceutical company on their behalf to discuss the complaint and seek an explanation – acting as an intermediary in a roughly equivalent version to inter-company dialogue. This is optional though and would only take place if the individual wants this to happen. Intercompany dialogue is not a pre-requisite for complaints made by individuals outside industry.

A key barrier to making a complaint from an individual’s perspective is the need to remain anonymous to the pharmaceutical company, especially when the individual is a healthcare professional. Where anonymity by a healthcare professional or member of the general public has been requested, this will always be respected. Medicines Australia will never disclose the name of a non-industry Complainant in any reports on the outcomes of Code complaints.

So, all in all, there are a number of effective and customised ways individuals are supported in making a complaint under our Code. The key asset is really the Independent Facilitator who de-mystifies the process and gives that individual the personalised approach they may need.

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One important element to remember though is that we don't take anonymous complaints. There is a difference between anonymity and de-identification. If a person calls up and makes a complaint but doesn't want to leave their contact details, and wants us to investigate on behalf of them, this does not trigger a formal Code complaint process with the usual bells and whistles of independence, transparency and accountability. In the absence of a formal complaint, we may bring it to the attention of the company/s concerned and follow up on the appropriate course of action - it will depend on the context.

While relatively rare, the lean number of complaints deriving from individuals is not due to inaccessibility. The reasons for this could be a conflation of factors; maturity of our industry, a high-performing and compliant membership base, or possibly a careful and conservative approach to activities where companies impose an even stricter standard on themselves that the Code requires.

What we know is that at any given time, there are usually one or more complaints being debated across our membership through intensive intercompany dialogue – a pre-requisite for complaints being accelerated to the Code Committee. Intercompany dialogue is a vital component of the complaint process, with meaningful dialogue and a willingness from both companies to consider each other's concerns and with the intention of resolution. This has been articulated in a revised Intercompany Dialogue Standards, which accompany Code Edition 20.

Guidance and the ICD Standards are located in the Code Resource Toolkit as well as the [webpage "How to Make a Complaint"](#).

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