

# BOA Code of Conduct

## Complaint and Resolution Process

### 1. Reporting Inappropriate Behaviours and How to Raise a Complaint

#### 1.1. Overview

The BOA complaint and resolution process sets out how to raise a complaint and details the investigation, decision-making and appeals process together with potential sanctions.

#### 1.2. Legal Advice

The Association may seek independent legal advice at any stage of the complaints process where necessary to ensure due process, legal compliance, or clarification on complex issues.

### Raising a complaint

#### 1.3. Initial Reporting

Individuals who have witnessed or experienced inappropriate behaviour by a BOA member or employee should report this to the Chief Operating Officer (COO).

If the concern relates to the COO, it should be raised with the President. All complaints will be handled in strict confidence.

If the behaviour relates to an employee, relevant HR policies will also apply. Employees should also refer to the HR policies available on the BOA HR system (BreatheHR) site.

#### 1.4. Inappropriate Forums

Complaints must not be raised in open forum such as via social media or in a meeting.

#### 1.5. No formal Complaint

The Association reserves the right to initiate action even in the absence of a formal complaint, if it becomes aware of potential misconduct or behaviour that may bring the Association into disrepute.

This includes conduct witnessed by trustees, members, officers, or staff—such as behaviour observed at events or in professional contexts.

In such instances, the Chief Operating Officer (COO), in consultation with the Honorary Secretary, may commence a preliminary review and gather relevant information.

If deemed appropriate, the matter shall be referred to the Conduct Committee for formal consideration. The affected member will be informed and given an opportunity to respond in accordance with the Association's complaints and disciplinary procedures

## Preliminary Process

### 1.6. Minimum Requirements

Complaints should include:

- Complainant's full name and contact details
- Name of the member involved
- Description of the incident or behaviour
- Any supporting documents or evidence

### 1.7. COO Responsibilities

Upon receiving a complaint, the COO will:

- Log the complaint in a secure register
- Acknowledge receipt within 5 working days
- Assess whether the complaint is within the Association's remit

### 1.8. Referral to Honorary Secretary

If within the Association's remit, the complaint will be referred to the Honorary Secretary for:

- Initial Review:** to determine whether the complaint meets the threshold for investigation.
- Evidence Gathering:** additional information may be requested from the complainant, respondent, or witnesses.

This stage should be completed within **25 working days**, or as soon as reasonably practicable.

### 1.9. Preliminary Report

- The Honorary Secretary, after reviewing all available evidence, prepares a Preliminary Report that includes:
  - Summary of the complaint
  - Evidence received
  - Recommendation:
    - Dismissal (e.g. vexatious, outside scope)

- No further action
- Referral to the Conduct Committee

If the complaint is not pursued, the complainant will be informed in writing with a brief rationale.

## **Formal Investigation**

### **1.10. Referral to the Conduct Committee**

If escalation is recommended, the Preliminary Report and supporting documents are referred to the Conduct Committee.

The Conduct Committee will:

- Review all documentation independently
- Request further clarification or hold interviews if needed
- Makes a determination on the case and decides appropriate outcomes:
  - Dismissal of complaint
  - Resolve informally (e.g. apology, mentoring)
  - Apply formal sanctions (warning, suspension, expulsion)

### **1.11. Committee Composition**

The Conduct Committee will be drawn from

- The five Immediate Past Presidents,
- Three members of the BOA Council nominated to this role from the start of the calendar year
- The COO or senior Secretariat member

Diversity on the panel will be achieved, where necessary by co-opting additional council members to sit on the Conduct Committee. The Committee will require five members to be quorate. If a member of the Secretariat is involved in the complaint, an HR representative will be engaged as a substitute.

### **1.12. Decision-Making Considerations**

In reaching decisions the Conduct committee will consider:

- The specific context of the case
- Any MPTS/GMC decisions
- The impact on the reputation of the profession and the BOA

### **1.13. GMC Investigation in Progress**

If the GMC is conducting an investigation, BOA action will be deferred until the outcome is known. The complainant will be informed of this deferral.

#### **1.14. Sanctions**

The Conduct Committee have a range of sanctions available to them. The sanctions should be proportionate to the particular conduct and could include:

##### **Informal Measures**

- An explanation of why the witnessed behaviour was unacceptable, with an opportunity for a written apology.

##### **Formal Sanctions**

- Formal letter notifying member of the breach and warning that future infringements could result in withdrawal of BOA membership.
- Loss of place on Council, officer role, committee chair or committee member position
- Suspension or withdrawal of BOA membership.
- Referral to the GMC or relevant professional regulator
- Notification to the individual's employer
- For employees - sanctions as laid out in Employees handbook

### **Appeals Process**

#### **1.15. Notification and Appeal**

Both the complainant and respondent will be notified in writing of the decision and outcome of the hearing, including the right to appeal.

#### **1.16. Right of Appeal**

Respondents may appeal the decision on the following grounds:

- a. Procedural irregularity
- b. Disproportionate sanction
- c. New evidence not previously available.

#### **1.17. Appeal Process**

- Appeals must be submitted in writing to the COO within 28 days of the original decision.
- Appeals will be heard by an Appeal Panel, independent of the original reviewers.

#### **1.18. Appeal Panel Composition**

The panel will consist of:

- The President (or nominee) as Chair
- Three Trustees appointed by the Board, including at least one lay Trustee.

The Appeal Panel will:

- Review the original case file and appeal submission
- Consider any new written statements
- Follow the same procedural framework as the Conduct Committee

**1.19. Finality of Outcome**

The Appeal Panel's decision is final. The case may not be reopened.

**2. Limitations of the Complaints Process**

- 2.1.** As a professional membership association, the BOA does not have regulatory authority and is not responsible for assessing or investigating matters relating to a surgeon's clinical competence or fitness to practise. Concerns of this nature must be directed to the surgeon's employer (e.g. NHS Trust or private hospital) or to the General Medical Council (GMC), which holds statutory responsibility for professional regulation and clinical performance.
- 2.2.** The BOA will redirect any clinical performance concerns it receives to the relevant regulatory body or employer, and the complainant will be informed accordingly.