

BMA

BMA code of conduct

Effective May 2018



British Medical Association
bma.org.uk

Introduction

Our code of conduct provides guidance on expected behaviour and sets out the standards of conduct that support our values in the work that we do.

The BMA welcomes open debate and free exchange of ideas. We are committed to creating a culture that is inclusive of all members. We want every member to feel able to contribute, knowing that their points of view will be valued and differences of opinion will be respected. We need to build a sustainable future for the BMA. We want to attract and retain members who reflect and represent our membership.

We are a trade union governed by company law and trade union law. Our code applies to all members of the BMA. Members must conduct themselves so as to promote the success of the BMA and maintain the individual and collective reputation of the Association and its members. They must also, at all times, comply with relevant trade union laws. This code of conduct incorporates and supersedes existing BMA council and board approved codes of conduct.

The code ensures that there is parity between staff and members, with each being held to an equitable standard of conduct. Every BMA member is bound by this code of conduct when conducting BMA Business.

The code is reviewed annually. Last reviewed and updated in May 2018.

Definitions

“BMA Business” includes BMA listservers, BMA meetings, BMA events, BMA premises, BMA accounts on social media, representing the BMA at external events; it does not include comments made in a personal capacity, on personal social media accounts or elsewhere.

“Member” includes all BMA members, BMA directors and representatives, observers, visitors and lay members on BMA committees/councils/boards/groups.

Our behaviour principles

It is our responsibility as BMA members to role model and promote positive behaviours and to challenge poor behaviours.

Our behaviour principles are:



No set of guidance can cover all eventualities, but to aid understanding, we have described some examples of these principles in practice which have been identified by BMA members – examples of positive and poor behaviours are in [Appendix 1](#).

Our policies and guidance

As well as defining expected principles of behaviour, BMA policies and guidance inform how we do things, outline expectations and describe processes and procedures that must be followed.

This code brings together all existing BMA policies and guidance that apply to our members.

These BMA policies and supporting guidance can be found on the [BMA website](#) or copies can be obtained by contacting the relevant committee secretary. The key principles of each are outlined below.

1. Responsibilities of the BMA towards members

- 1.1 The BMA recognises that it has a reciprocal duty of care towards members.
- 1.2 This code of conduct will not be applied unreasonably or disproportionately.
- 1.3 The BMA will support members and staff who challenge poor conduct and behaviours.
- 1.4 The BMA offers pastoral support to all parties to a complaint as appropriate. This support will be provided through, for example, access to the [BMA doctors for doctors](#) service and [DocHealth](#). If pastoral support is needed, please inform Nicky Jayesinghe, the BMA director of corporate development, at njayesinghe@bma.org.uk.

2. Responsibilities as a member

- 2.1 **BMA memorandum and articles of the association and bye-laws of the BMA:** Members are required to familiarise themselves with the BMA's constitution as set out in the memorandum and articles of association and bye-laws of the Association. A brief guide to the BMA constitution can be found [here](#).
 - 2.1.1 Members must act within the memorandum and articles of the Association and bye-laws of the BMA and promote the success of the Association for the benefit of its members, and exercise reasonable care, skill and diligence in all their duties.
- 2.2 **Attendance:** Members should be able to allocate sufficient time to the Association to enable them to discharge their responsibilities effectively. Member role profiles provide further detail.
- 2.3 **Personal conduct:** Members are expected to maintain a high standard of personal conduct and to treat staff and other members with respect. In particular, members are required to promote and role model the behaviour principles outlined in this code of conduct. Doctors should display the same duty of care towards one another as they would towards patients and in the workplace.

Bullying and harassment, including sexual harassment, will not be tolerated and cases will be taken extremely seriously. Bullying includes behaviour that is intimidating, malicious, offensive or insulting. It may be an abuse or misuse of power and it may be unwarranted and unwelcome. Harassment is against the law. In the Equality Act 2010, it is defined as conduct that is related to one of the protected characteristics (age, race, religion or belief, gender reassignment, disability, sex, or sexual orientation). It is unwanted by the recipient and it has the purpose or the effect of violating their dignity or creating a hostile, intimidating, offensive, degrading or humiliating environment for them. Sexual harassment is separately defined in the Equality Act 2010 as unwanted conduct of a sexual nature which has the same purpose or effect.

- 2.4 **Election behaviour:** The BMA can only function with the contributions of those members who seek election as representatives. In order that elected representatives work together effectively, on standing for election, members agree to uphold the principles outlined in this code of conduct. Candidates will abide by [electoral by-laws, including the BMA canvassing guidelines](#), and respect other candidates. Members will not put undue pressure on other members or staff to favour a particular candidate.
- 2.5 **Conflicts of interest:** A conflict of interest is the risk that an individual's ability to apply judgement could be influenced by a secondary interest. Members are required to complete and regularly update a form registering their interests. Members must also declare any relevant conflict of interest before a debate or a decision is made. Where a potential conflict of interest exists, this may limit their participation in debate and/or decision-making.
- In May 2017 the BMA board of directors agreed that members who are members of another union are required to complete a form recording this information and giving explicit consent for this data to be processed before being admitted to the committee.
- Further guidance on what might constitute a conflict of interest and the process for recording such conflicts is set out in the [BMA conflicts of interest policy](#), to which members are required to agree prior to taking up their role.
- 2.6 **Confidentiality:** Information about, or held by the BMA, that is not expressly put into the public domain by the Association, may only be given to others if they are entitled to receive it and must not be used except for the benefit of the Association. Members are required to observe the [BMA confidentiality policy](#).
- Members should take all reasonable steps to seek and follow the advice of the relevant chairs of committees and councils and their relevant communications leads before accepting, in a BMA capacity,¹ meetings, interviews or requests for information from the media or members of UK parliaments or assemblies. For UK-wide issues, this will be the chair of council and director of engagement & communications.
- 2.7 **Information technology:** Members must observe agreed guidance for the use of listservers and other means of electronic communications, as set out in the [BMA email guidelines](#), and [BMA technology terms and conditions and GDPR guidelines](#).
- 2.8 **BMA social media policy:** Members must observe the [BMA social media policy](#) for the use of social media when acting in a BMA capacity. The BMA is not responsible for any content not owned or published by the BMA.
- 2.9 **BMA staff:** Members must respect and support staff who assist them in their work, in any interaction with staff, and should be aware of the BMA 'Dignity at Work' staff policy.
- 2.10 **BMA resources:** Members must take good care of, and return on demitting office, any BMA equipment that is made available to them. The BMA is funded in part by member subscriptions. Members should ensure that they are making best use of funds by being mindful of expenses, travel costs and staff time, as well as making a contribution to the meetings that they attend.
- 2.11 **Training and development:** In order for members to fully appreciate the extent of their responsibilities and to equip them to perform their role, all members are required to undertake appropriate training and development, as set out in their role profile. These programmes are designed to support members in their roles at the BMA.
- 2.12 **Health and safety:** Members must comply with BMA health and safety policies and procedures.

¹ Members are deemed to be speaking in a BMA capacity when any comments they make are done so using their BMA position, role or title.

- 2.13 **Payments:** Members must comply with current policy and procedures on expenses, honoraria or other remuneration.
- 2.14 **Suspension and exclusion:** When an elected member becomes aware of allegations made against them that may result in disciplinary or regulatory action by third parties (including but not limited to, being excluded from employment or suspended from medical practice by the GMC), they must notify Nicky Jayesinghe, the BMA director of corporate development, at njayesinghe@bma.org.uk, who will be able to advise on the different ways the BMA may be able to support. You can also have a confidential conversation with Nicky about whether it may impact on your BMA role.
- 2.15 **Extended sick leave:** Where an elected member is on extended sick leave (lasting more than four consecutive weeks), and where this may impact on their BMA role, we can provide support and/or make any reasonable adjustments. Please contact Nicky Jayesinghe, the BMA director of corporate development, at njayesinghe@bma.org.uk. All contacts will be treated in the strictest of confidence.
- 2.16 **BMA trademarks:** The BMA owns a number of trademarks including branding and logos. Trademarks enhance and protect the value of our brand. Anyone wishing to use BMA trademarks is required to comply with the [BMA trademark policy](#). For advice on the use of BMA branding and logos, or when it is appropriate to use a BMA title, please contact Jason Penn, the BMA brand and production manager at jpenn@bma.org.uk.

3. Shared responsibility

- 3.1 To protect the reputation and integrity of the Association, members have a responsibility to demonstrate cohesion and to contribute constructively to debate. In the interests of its members, and for the benefit of the Association more generally, the BMA's influence with external stakeholders should be maximised by ensuring, whenever possible, that it presents a clear and unequivocal position externally.
- 3.2 Shared responsibility is adopted to allow determination of issues by consensus or by majority voting. It is necessary to have such an agreement so that the Association may make coherent decisions. The ability to act effectively on the basis of such a decision requires that constituent bodies, functions and members of the BMA work in a coordinated fashion towards the agreed end, with members taking shared responsibility for the decision.
- 3.3 Within decision-making bodies of the Association, members are encouraged to debate and challenge whilst focusing on the issues at hand, rather than the person presenting them.
- 3.4 When a democratic decision has been made it is important that representatives do not undermine it.
- 3.5 This does not mean that no dissent can be expressed. The key issue is that a BMA role must not be used to further conflicting interests, members should not repeatedly or polemically attack BMA decisions or mount sustained campaigns to undermine them, or fail to carry out their duties in accordance with their mandate.
- 3.6 For the avoidance of doubt, this does not prevent members from properly revisiting a decision taken by committee, where there is a substantive reason to do so – for example should additional relevant information arise. Decisions should be revisited by raising the issue at a subsequent committee meeting.
- 3.7 If you are not sure what you can say publicly or feed back to the colleagues you represent please speak to your committee chair or committee secretary.
- 3.8 [Appendix 2](#) presents guidelines exploring how different ways of handling situations lie on one or the other side of the line of what is acceptable.

4. Relationships with third parties

- 4.1 Members may come into contact with a wide range of suppliers of goods and services including professional advisers and business consultants. Suppliers must be treated with courtesy and fairness at all times.
- 4.2 Members are required to familiarise themselves with the [BMA anti-bribery and corruption policy](#) which incorporates the requirements of the Bribery Act 2010. Members are required to disclose any acceptance of gifts or hospitality given by third parties in circumstances that could be seen as relevant to BMA business.
- 4.3 Any offers of third-party sponsorship and co-branding of activities and events must be referred to Jason Penn the BMA brand and production manager at jpenn@bma.org.uk for prior approval.

5. How to raise a complaint about a member

- 5.1 Wherever possible, the BMA's preference is to promote positive behaviours, and prevent issues from happening in the first place. The BMA is, above all, an organisation that supports doctors.
- 5.2 The BMA recognises the importance of challenging poor behaviours.
- 5.3 Our preferred approach is to address poor behaviour informally through support, training and feedback.
- 5.4 Where staff or members have a concern about the conduct of a member, and are unable or unwilling to deal with the matter informally, the **BMA resolution process** sets out how to raise a complaint and details the investigation, decision-making and appeals process together with potential sanctions.
- 5.5 Member complaints must not be raised in an open forum.
- 5.6 The resolution process also provides guidance on tackling poor behaviours informally as well as information about the support that is available to members who are the subject of, or are impacted by, complaints.
- 5.7 Concerns may be raised by the individual affected by the complaint or by staff or members who have witnessed poor behaviour.

6. How to raise a complaint about a member of staff

- 6.1 Concerns about staff must be raised directly with the relevant staff director or in writing to the BMA chief executive. Concerns must not be raised in an open forum.

Appendix 1

Examples of positive and poor behaviours

These are verbatim comments from BMA members

	Positive behaviours	Poor behaviours
Respect others	<ul style="list-style-type: none"> – Everyone has the right to contribute and should be encouraged to do so – Every contribution is valued – Listen to one another – do not interrupt – Be open to others' ideas and opinions – Try to see things from the point of view of others – Be prepared to change your mind 	<ul style="list-style-type: none"> – Ignore the input or value of others' contributions – Alienate others – Interrupt one another – Not listen to one another – Refuse to consider alternative points of view – Undermine, humiliate or degrade others
Be professional	<ul style="list-style-type: none"> – Remember you are a doctor with expected professional behaviours – Prepare for meetings – read papers – Flag controversial issues with the chair beforehand to allow for extra time or debate – Attend and actively participate in meetings – Mentor and support new members 	<ul style="list-style-type: none"> – Behave in a way unbecoming of a doctor – Persistent non-attendance at meetings without good reason – Attend meetings without reading papers – Do not participate fully across the agenda – Fail to support less experienced members
Be accountable	<ul style="list-style-type: none"> – State your case with clarity and brevity – Explain your decisions and actions to your constituents – Debate in private but support democratic decisions in public – Maintain confidentiality – Challenge constructively – consider the time, place and impact on others 	<ul style="list-style-type: none"> – Dominate conversations and restate the same arguments – Do not explain decisions and actions to constituents – Undermine democratic decisions in public – Breach confidentiality – Raise vexatious complaints
Be representative	<ul style="list-style-type: none"> – Where possible, seek the views of those you represent on the issues that affect them – Where possible, share relevant information and feed back any outcomes which are not confidential to your constituents – Represent constituents' views at meetings and when voting – Act in the best interests of members 	<ul style="list-style-type: none"> – Assume the views of others without asking or testing assumptions – Represent personal views in opposition to the views of constituents – Do not communicate relevant information to constituents – Do not explain to constituents why decisions were taken – Fail to disclose or manage conflicts of interest
Be kind	<ul style="list-style-type: none"> – Be welcoming – Criticise ideas, not people – Recognise positive behaviours – Challenge disrespectful behaviours 	<ul style="list-style-type: none"> – Do not welcome others – form cliques and exclude others – Blame and mistrust others – Criticise people, rather than ideas – Do not praise positive behaviours – Do not challenge poor behaviours – Be aggressive and impatient

Appendix 2

Guidelines on shared responsibility

What if I have responsibilities to other organisations or roles?

This is an appropriate thing to do as long as you have declared the interest, but it is not appropriate to use your BMA role to further the conflicting interests of other organisations or roles.

You will have avoided taking on responsibilities that have ongoing major conflicts of interest. Where minor or temporary conflicts arise always understand in what capacity you are acting and make that clear. Individuals who are members of organisations that are in conflict usually try to resolve the conflict. This can be helpful but it should be overt and explicit.

Can I exercise my rights as a citizen?

Yes. You should not use the BMA platform and resources to further your personal ideas without having obtained democratic support.

Make sure your personal views are not perceived as BMA views. How much care you need to take on this may be affected by the issue and your personal role. The more prominent you are in the organisation and the more prominent the issue the more care you will need to take. Sometimes it will suffice to make sure the BMA is not mentioned, sometimes a formal disclaimer may be needed, and sometimes further steps discussed in advance with the BMA will be needed. Within their areas of responsibility, elected members in representative capacities (committee officers) should not normally express a personal opinion outside BMA processes.

Can I express dissent?

Yes. But do so respectfully, and if in public make it clear that your views are your personal views rather than the views of the BMA.

You should carry out your duties, including implementing decisions, when it is your duty to do so. Sometimes, for example if you are a chief officer or a negotiator, this may very severely curtail your freedom to express dissent without resigning. Sometimes, for example if the issue is an isolated one and an issue of conscience or conflict of interest is involved it may be possible to step aside and let somebody else carry out the specific task.

Can I try to change a decision I think is wrong?

Yes, but remember that internally expressed views may be externally reported so think about the guidelines about expressing dissent even if you are just taking something to a further stage in our democratic processes. It is not right to obstruct decisions or waste time by repeatedly raising the same issue unnecessarily. Instead, be proportionate.

Fundamentally, do not let honest disagreement hinder working relationships. Respect those who disagree with you.

For further guidance please contact Nicky Jayesinghe, BMA director of corporate development at njayesinghe@bma.org.uk.