



## **YORLMC Ltd ANTI HARASSMENT, BULLYING AND DISCRIMINATION**

### **APPENDIX 1: CODE OF CONDUCT**

YOR Local Medical Committee Limited (YORLMC Ltd) is the brand name for Bradford & Airedale and North Yorkshire LMCs. It is the professional voice for all NHS GPs and practice teams across the areas of North Yorkshire & York and Bradford, Airedale, Wharfedale & Craven. YORLMC Ltd is a gateway to pastoral care and provides personal and totally confidential support for GPs and practices in difficulty or experiencing major change. It also provides personal advice and support for practices on a wide range of issues.

#### **INTRODUCTION:**

This 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.

It applies equally to:

- YORLMC Ltd Bradford & Airedale
- YORLMC Ltd North Yorkshire
- Employees based within the Corporate Affairs Team, YORLMC Ltd

YORLMC welcomes open debate and free exchange of ideas. It is committed to creating a culture that is inclusive of all members and employed staff. It is important that every member and all staff feel able to contribute, knowing that their points of view will be valued, and differences of opinion will be respected.

It is important to build a sustainable future for YORLMC Ltd.

It is important to attract and retain staff and members who reflect and represent the values of YORLMC Ltd and this code applies to all staff and members of YORLMC Ltd.

Staff and Members must conduct themselves so as to promote the success of YORLMC and maintain the individual and collective reputation of YORLMC Ltd, its staff and members.

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

The code will be reviewed annually.

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YOR Local Medical Committee Limited (YORLMC Ltd)

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Registered as a Company limited by Guarantee. Registered in England No. 6349731.

*Chief Executive: Mrs Angela Foulston*

*Medical Secretary: Dr. Brian. McGregor*

## **DEFINITIONS:**

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

“Member” includes all LMC members including Officers/Directors

“Staff” includes all individuals employed within the Corporate Affairs Team including Directors

## **OUR BEHAVIOUR PRINCIPLES:**

There is a responsibility as a member or employee to promote positive behaviours and to challenge poor behaviours.

YORLMC’s behaviour principles are:

- Respect others
- Be professional
- Be accountable
- Be representative
- Be kind

No set of guidance can cover all eventualities, but to aid understanding, the BMA has described some examples of these principles in practice. Examples of positive and poor behaviours are included at **Appendix 2**.

## **OUR POLICIES AND GUIDANCE:**

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

This code brings together all existing YORLMC policies and guidance that apply to members and staff employed within the Corporate Affairs Team.

These YORLMC policies can be found on the YORLMC website or copies can be obtained by contacting the Corporate Affairs Team: [info@yorlmc.co.uk](mailto:info@yorlmc.co.uk)

The key principles of each are outlined below.

### **1. Responsibilities of YORLMC towards members**

1.1 YORLMC recognises that it has a reciprocal duty of care towards members and staff.

1.2 This code of conduct will not be applied unreasonably or disproportionately.

1.3 YORLMC will support members and staff who challenge poor conduct and behaviours.

1.4 YORLMC has a comprehensive pastoral care team with many years’ experience. This team is led by YORLMC’s Chief Executive who can be contacted in the first instance through any member of the Corporate Affairs Team. Contact details are:

Email: [info@yorlmcld.co.uk](mailto:info@yorlmcld.co.uk)

Phone: 01423 879922

Mail: 1st Floor 87-89 Leeds Road, Harrogate, North Yorkshire, HG2 8BE

## 2. Responsibilities as a member

### 2.1 Constitution and Articles of the Association:

Members are required to familiarise themselves with their LMC's Constitution and YORLMC Ltd's Articles of Association

2.1.1 Members must act within the constitution and promote the success of the organisation for the benefit of its Constituents, and exercise reasonable care, skill and diligence in all their duties.

2.2 **Attendance:** Members should be able to allocate sufficient time to YORLMC to enable them to discharge their responsibilities effectively. Member role & responsibility 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:** YORLMC 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 YORLMC 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. Further guidance on what might constitute a conflict of interest and the process for recording such conflicts is set out in YORLMC's conflicts of interest policy.

2.6 **Confidentiality:** Information about, or held by YORLMC, that is not expressly put into the public domain by YORLMC, may only be given to others if they are entitled to receive it and must not be used except for the benefit of YORLMC. Members are required to observe the YORLMC confidentiality and data security policy.

In the event a Member is approached by the media for comment they should in the first instance seek the advice of a Board member or the Corporate Affairs Team.

**2.7 Information technology:** Members must observe agreed guidance for the use of listservers and other means of electronic communications, as set out in YORLMC email guidelines, YORLMC Confidentiality and Data Security policy and GDPR guidelines.

**2.8 YORLMC social media policy:** Members must observe the [BMA's social media guidance](#) for doctors and the [GMC's Good Medical Practice for the use of social media](#) when acting in a YORLMC capacity. YORLMC is not responsible for any content not owned or published by YORLMC.

YORLMC's staff handbook includes an email and internet policy. This sets out standards of acceptable and unacceptable use and includes use of social networking sites.

**2.9 YORLMC staff:** Staff must respect and support colleagues and members who assist them in their work and should be aware of the provisions set out in the staff handbook in any interaction with colleagues and Members.

**2.10 YORLMC resources:** Members and staff must take good care of, and return on leaving office or employment, any YORLMC equipment that is made available to them. YORLMC is funded through contributions from GP practices in the form of levies. Members and staff should ensure that they are making best use of funds by being mindful of expenses, travel costs and time, as well as making contributions to the meetings that they attend.

**2.11 Training and development:** In order for staff to fully appreciate the extent of their responsibilities and to equip them to perform their role, all staff 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 YORLMC.

**2.12 Health and safety:** Staff must comply with YORLMC health and safety policies and procedures.

**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 the Chief Executive. This is because allegations can cause or potentially cause damage to the reputation of YORLMC Ltd. The member may be asked to answer any allegations or issues and/or submit any evidence or any other relevant documentation. YORLMC's Chief Executive will have absolute discretion and authority to decide on any course of action in respect of the member in question. The Chief Executive will also be able to advise on the different ways YORLMC may be able to support them. A member will have the right to lodge an appeal. The appeal process is set out in YORLMC's Dispute Resolution Policy.

### **3. Shared responsibility**

3.1 To protect the reputation and integrity of YORLMC, members and staff have a responsibility to contribute constructively to debate and demonstrate cohesion. In the interests of its members, and for the benefit of YORLMC more generally, YORLMC'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 YORLMC may make coherent decisions. The ability to act effectively on the basis of such a decision requires that constituent bodies, functions and members of YORLMC work in a coordinated fashion towards the agreed end, with members and staff taking shared responsibility for the decision.

3.3 Within decision-making bodies of YORLMC, 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 members or staff do not undermine it.

3.5 This does not mean that no dissent can be expressed. The key issue is that a YORLMC role must not be used to further conflicting interests, members should not repeatedly or polemically attack YORLMC 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 a member or a staff member within the Corporate Affairs Team from properly revisiting a decision, where there is a substantive reason to do so – for example should additional relevant information arise. In the case of a Member, decisions should be revisited by raising the issue at a subsequent committee meeting. In the case of an employee within the Corporate Affairs Team decisions should be revisited by raising the issue with their line manager.

3.7 If a member or an employee within the Corporate Affairs Team is not sure what they can say publicly or feed back to their colleagues they should speak to their committee chair or line manager.

3.8 **Appendix 3** presents guidelines exploring how different ways of handling situations lie on one or the other side of the line of what is acceptable.

### **Relationships with third parties**

4.1 Members and staff 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 and staff are required to disclose any acceptance of gifts or hospitality given by third parties in circumstances that could be seen as relevant to YORLMC business.

4.3 Any offers of third-party sponsorship and co-branding of activities and events must be consistent with YORLMC's sponsorship policy

### **5. How to raise a complaint about a member**

5.1 Wherever possible, YORLMC's preference is to promote positive behaviours, and prevent issues from happening in the first place. YORLMC is, above all, an organisation that supports doctors and their practice teams.

5.2 YORLMC recognises the importance of challenging poor behaviours.

5.3 YORLMC's 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 or a colleague, and are unable or unwilling to deal with the matter informally, the LMC constitution, roles and responsibilities (members) and staff handbook set 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 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 line manager. Concerns must not be raised in an open forum.

## Appendix 2

Examples of positive and poor behaviours

These are verbatim comments from BMA Members

	<b>Positive behaviours</b>	<b>Poor behaviours</b>
Respect others	<ul style="list-style-type: none"> <li>• Everyone has the right to contribute and should be encouraged to do so</li> <li>• Every contribution is valued</li> <li>• Listen to one another – do not interrupt</li> <li>• Be open to others' ideas and opinions</li> <li>• Try to see things from the point of view of others</li> <li>• Be prepared to change your mind</li> </ul>	<ul style="list-style-type: none"> <li>• Ignore the input or value of others' contributions</li> <li>• Alienate others</li> <li>• Interrupt one another</li> <li>• Not listen to one another</li> <li>• Refuse to consider alternative points of view</li> <li>• Undermine, humiliate or degrade others</li> </ul>
Be professional	<ul style="list-style-type: none"> <li>• Remember you are a doctor with expected professional behaviours</li> <li>• Prepare for meetings – read papers</li> <li>• Flag controversial issues with the chair beforehand to allow for extra time or debate</li> <li>• Attend and actively participate in meetings</li> <li>• Mentor and support new members</li> </ul>	<ul style="list-style-type: none"> <li>• Behave in a way unbecoming of a doctor</li> <li>• Persistent non-attendance at meetings without good reason</li> <li>• Attend meetings without reading papers</li> <li>• Do not participate fully across the agenda</li> <li>• Fail to support less experienced members</li> </ul>
Be accountable	<ul style="list-style-type: none"> <li>• State your case with clarity and brevity</li> <li>• Explain your decisions and actions to your constituents</li> <li>• Debate in private but support democratic decisions in public</li> <li>• Maintain confidentiality</li> <li>• Challenge constructively – consider the time, place and impact on</li> </ul>	<ul style="list-style-type: none"> <li>• Dominate conversations and restate the same argument</li> <li>• Do not explain decisions and actions to constituents</li> <li>• Undermine democratic decisions in public</li> <li>• Breach confidentiality</li> <li>• Raise vexatious complaints</li> </ul>

	others	
Be representative	<ul style="list-style-type: none"> <li>• Where possible, seek the views of those you represent on the issues that affect them</li> <li>• Where possible, share relevant information and feed back any outcomes which are not confidential to your constituents</li> <li>• Represent constituents' views at meetings and when voting</li> <li>• Act in the best interests of members</li> </ul>	<ul style="list-style-type: none"> <li>• Assume the views of others without asking or testing assumptions</li> <li>• Represent personal views in opposition to the views of constituents</li> <li>• Do not communicate relevant information to constituents/colleagues in a timely manner</li> <li>• Do not explain to constituents why decisions were taken</li> <li>• Fail to disclose or manage conflicts of interest</li> </ul>
Be kind	<ul style="list-style-type: none"> <li>• Be welcoming</li> <li>• Criticise ideas, not people</li> <li>• Recognise positive behaviours</li> <li>• Challenge disrespectful behaviours</li> </ul>	<ul style="list-style-type: none"> <li>• Do not welcome others</li> <li>• Form cliques and exclude others</li> <li>• Blame and mistrust others</li> <li>• Criticise people, rather than ideas</li> <li>• Do not praise positive behaviours</li> <li>• Do not challenge poor behaviours</li> <li>• Be aggressive and impatient</li> </ul>

## Appendix 3

### 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 YORLMC 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 YORLMC platform and resources to further your personal ideas without having obtained democratic support.

Make sure your personal views are not perceived as YORLMC 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 YORLMC is not mentioned, sometimes a formal disclaimer may be needed, and sometimes further steps discussed in advance with YORLMC will be needed. Within their areas of responsibility, elected members in representative capacities (committee officers) should not normally express a personal opinion outside YORLMC 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 YORLMC.

You should carry out your duties, including implementing decisions, when it is your duty to do so. Sometimes, for example if you are a Director, Chair or Liaison Officer, 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 YORLMC's 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 Angela Foulston, Chief Executive at [angela.foulston@yormcltd.co.uk](mailto:angela.foulston@yormcltd.co.uk)

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