

# BSGAR Management of Complaints & Escalation Policy

The BSGAR leadership acknowledges the importance of an effective and efficient process for the management of complaints and concerns.

This policy sets out how the BSGAR leadership handles complaints and the standards we will follow.

Please note that the BSGAR leadership are unable to accept any complaints or concerns about the professional practice of one of our members: these should be directed to the GMC. You may also wish to speak to the relevant employing organisation about your concerns. BSGAR cannot investigate or comment on these matters.

The BSGAR leadership comprises the BSGAR Trustee Board, the BSGAR Executive Committee and BSGAR Subcommittees.

## **Who can make a complaint?**

Any Member may make a complaint. A Member may also make a complaint if they are affected or likely to be affected by any action, inaction or decision by BSGAR.

## **Equality and diversity statement**

BSGAR is committed to promoting equality and diversity. This Policy will be implemented in accordance with this commitment.

## **Confidentiality of complaints**

Complaints will be handled by correspondence, discussion and investigation by the BSGAR leadership. The BSGAR leadership will maintain confidentiality and protect the privacy of Members in accordance with UK General Protection Data Regulation and Data Protection Act 2018.

## **Process**

We encourage Members to discuss any issues they have with our Executive Committee, as we may be able to sort the issue out to their satisfaction promptly and without the need to escalate to a formal complaint.

We recognise that the Executive Committee will not always be able to resolve all issues on an informal basis and that sometimes a Member will wish to make a formal complaint.

A formal complaint is a written expression of dissatisfaction that requires a response from the BSGAR leadership.

A complaint may be about an act, omission or decision which BSGAR has made, or a Member acting on behalf of BSGAR has made.

A Member may want to provide feedback instead of making a formal complaint.

Feedback may be an expression of dissatisfaction (as well as positive feedback) but is normally given without wanting to receive a response or make a formal complaint.

Members do not have to use the term 'complaint' when raising an issue.

The BSGAR leadership will use the language chosen by the Member when they describe the issue(s) they raise (for example 'issue', 'concern', 'complaint', 'tell you about'). The BSGAR leadership will always speak to people to understand the issue(s) they have raised and how they would like us to consider them.

If the BSGAR leadership consider that a complaint or concern (or any part of it) does not fall under this procedure we will explain the reasons for this. The BSGAR leadership will do this in writing to the Member raising the complaint or concern and provide any relevant signposting information.

Formal complaints must be made to the Executive Committee in writing.

The BSGAR leadership will consider all accessibility and reasonable adjustment requirements of Members who wish to make a complaint in an alternative way and will record any reasonable adjustments made.

## **Informal stage**

The BSGAR leadership will aim to resolve any issues raised by Members by acknowledging them promptly, and giving an indication of when the Member should receive a response which will depend on the nature of the issue raised.

The BSGAR leadership will endeavour to provide a response within one month.

If the Member is unhappy with the response received they may make a formal complaint.

### **Formal stage**

The Member must submit a formal complaint to the Executive Committee in writing

1. Clarifying the nature of the complaint.
2. Stating who has been involved so far.
3. Stating what has or has not been done.
4. Why the Member is not satisfied with the outcome.
5. How the Member would like to see the matter resolved.

### **Investigation of formal complaints**

A Complaint Handler, who will be a BSGAR Member, will be appointed by the Executive Committee.

The Complaint Handler will make sure the investigation addresses all the issues raised.

The Complaint Handler and BSGAR Members who carry out any investigation will give a clear explanation of what happened and will provide the BSGAR Executive committee with a clear explanation, and their assessment, of what happened.

The Complaint Handler will provide updates on progress of the investigation to the complainant(s) and Member(s) complained about.

As far as is feasible given the requirement to gather evidence, make enquiries and discuss the matter with the Executive Committee the Complaint Handler will maintain the confidentiality of the complainant and the Member being complained about.

Members whose comments are used in the written response will have an opportunity to see how their comments are used before the response is issued.

### **Written response to formal complaints**

As soon as practical after the investigation is finished, the Complaint Handler will co-ordinate a written response on behalf of the Executive Committee.

The response will include:

1. A summary of the issues investigated and the outcome sought
2. A description of how complaint was investigated



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the care of Abdominal Disease*

3. The relevant evidence that was considered
4. Their assessment of whether or not there was any wrongdoing considered legitimate grounds for complaint
5. A comment on the impact of any wrongdoing.
6. Suggestions of how any impact may be remedied for the Member(s) affected
7. Suggestions regarding who may be required to apologise to whom for any failings or improper behaviour, and what form any apology may make
8. A description of any wider learning
9. Confirmation that the end of the complaint procedure has been reached

### **Appeal stage for formal complaints**

If a Member wishes to appeal the process or the proposed resolution of their formal complaint they must put the grounds for their appeal in writing, setting out why they believe that relevant matters were not taken fully into consideration, or how the proposed resolution does not resolve the matter.

Any appeal will be reviewed by the Executive Committee who may respond, or who may escalate the appeal to the Trustee Board for their consideration and response.

The Trustee Board may direct the Executive Committee to make further investigations or actions to address the complaint and/or the proposed resolution of the complaint.

The Trustee Board may dismiss the appeal if they consider that the issues raised have been adequately investigated and the proposed resolution is appropriate.

An appeal is the final stage of the BSGAR Complaints & Escalation Policy process. The outcome of an appeal will be BSGAR's final decision.

### **Withdrawing a formal complaint**

A formal complaint may be withdrawn at any time in the process.

### **Persistent and/or unreasonable complainants**

The BSGAR leadership will endeavour to resolve concerns and complaints. However, it is recognised that some complainants may be considered to be persistent and/or unreasonable.

Complainants may be deemed persistent and/or unreasonable where previous or current contact with them demonstrates that they meet one or more of the following criteria;

The complainant makes changes to the substance of a complaint or seeks to prolong contact by continually raising further concerns upon receipt of a final response (note: any new issues which are significantly different from the original complaint should be addressed as a separate complaint).

The complainant is unwilling to accept documented evidence as being factual or does not accept that facts may be difficult to verify if a long time period has elapsed.

The complainant does not clearly and precisely identify the issue(s) they wish to be investigated, despite reasonable efforts by the Complaint Handler to assist the complainant to specify their concerns.

The complainant has recorded meetings or telephone conversations without the prior knowledge and consent of the other parties involved.

Any further correspondence received from a complainant who the BSGAR leadership consider to be a persistent and/or unreasonable complainant will be acknowledged, but no other correspondence will be entered into.

***Adopted by the BSGAR Executive Committee 18 September 2024***