

What did Professor MacLennan do to warrant action under a member conduct process?

Last year, the society received formal grievances against Professor MacLennan from several individuals citing allegations of bullying. Mindful of our responsibility to employees and other members, we commissioned two independent, external investigations led by HR consultants, which upheld these allegations. The findings of the external investigations, together with other complaints, formed the evidence for the member conduct process. This is the correct process when there are allegations of breaches of the society's member conduct rules, regardless of the status of the member who is the subject of the complaint.

It is important to stress that multiple informal attempts by the trustees of the society to obtain resolution by highlighting to Professor MacLennan the impact of his behaviour on individuals' wellbeing were not successful.

How did the member conduct process work?

A member conduct panel was established under our member conduct rules. It was formed of some of our most senior, experienced members. The expert panel assessed the evidence to determine whether the member conduct rules had been breached.

Despite repeated requests, Professor MacLennan declined to comment on the evidence before the panel. Nonetheless, in order to ensure procedural fairness, the panel reviewed emails, reports and transcripts of interviews with Professor MacLennan that might offer mitigation for the behaviour complained of.

The panel's recommendation was then considered by the chair of the society's Ethics Committee, who took on the role of Responsible Person - this is the individual delegated to assess the recommendation of the member conduct panel and decide whether any sanction is appropriate.

Our member conduct process was scrupulously followed in this case. Assessment of the evidence and the decision on sanction were made independently of the trustees and employees of the society.

What was the outcome of the member conduct process?

The outcome of the process was that member conduct rules 1 and 5 were determined to have been breached repeatedly. As a result, Professor MacLennan was expelled from membership of the BPS with immediate effect. This means he also ceased to be a trustee and will not become President of the BPS at our next AGM.

Who made the decision to expel Professor MacLennan? Was it trustees and/or employees?

The decision was made independently of the trustees and employees of the society by a panel of our most senior and experienced members. The matter was conducted with strict regard for the society's member conduct process, which applies to all members, regardless of their status in the society. The process was also conducted throughout with the benefit of independent legal advice to give additional assurance that it was being carried out with propriety and fairness.

How do we know the sanction imposed was proportionate?

The member conduct process involved a careful review of sanctions applied in other similar cases and in relation to the conduct that might reasonably be expected of a member of this standing and experience.

Is there an appeal process about the decision to expel Professor MacLennan?

Professor MacLennan may appeal this decision within 21 days if he believes that there are exceptional circumstances to justify this and/or that there were procedural failings. Any appeal can uphold the first decision, substitute any one of the three outcomes (reprimand, suspend or expel), or decide that the first decision should be set aside and that no further action is necessary. A member who has been expelled from the society may apply to rejoin the society provided that not less than three years have elapsed since the decision to expel and that they meet the reinstatement criteria in place at the time of application.

Is it fair to publish the outcome of the member conduct process?

In previous cases involving members, we have not communicated the details of the member conduct process. In this case, as the individual was a trustee and President Elect, transparency and accountability require us to act differently and to provide a summary of the conclusions of the process (and the reasons for them). While we understand that there is a need to balance Professor MacLennan's rights in any decision to publish details about this outcome, the findings against him were serious and he held a very senior role, and it is therefore important that our members understand the reasons for his expulsion.

Why have you decided to release details of the outcome of the process while the appeal 'window' is still open?

The decision taken under the member conduct process is effective immediately. It is subject to appeal if Professor MacLennan believes there are exceptional circumstances to justify this and/or that there were procedural failings, but the decision to expel stands unless and until it is overturned on appeal. However, there may be no appeal; or an appeal may be unsuccessful. Accordingly, it is entirely appropriate to inform members of the outcome now.

Why didn't you tell members earlier that this process was underway?

Throughout this entire matter, the trustees have been very mindful of the requirement to respect the confidentiality of the process and of those who have made grievances. The requirement for confidentiality while the process was ongoing outweighed our normal desire to be completely transparent and open about how the society is being run.

Have you taken action against Professor MacLennan because he was critical of the society?

Absolutely not. All our members, regardless of their status in the society, must abide by our member conduct rules. The society is extremely conscious of the seriousness of removing an elected official from membership and therefore from office. The trustees are also very mindful of their duty to act fairly to the member and in the best interests of the society, its members and staff. This matter was the subject of two independent, external investigations and the ultimate decision to expel Professor MacLennan was made independently of the trustees. As a society, it is important that we all live the values set out in our Code of Ethics and Conduct, regardless of our position in the organisation.

Can Professor MacLennan be reinstated as President Elect or President if he successfully appeals the decision to expel him?

If Professor MacLennan has his membership reinstated on appeal, he would not automatically reassume his role as trustee and President Elect, although he would be eligible for re-election to the Board in line with its usual procedures. The BPS constitution provides mechanisms for filling vacancies on the board and these must be followed. These procedures do not include an option for the board to choose to reinstate Professor MacLennan (as President or President Elect) if his appeal is successful.

What is the process for filling the now vacant role of President for 2021-2022?

The process to fill the vacant presidency is set out in our statutes. Statute 18(7) (b) states that only current trustees or members of the Senate may be nominated for the position of

President in circumstances where the President Elect has not been able to take up the office. The nominations for President for 2021-2022 will therefore be opening soon. Once nominations are confirmed, a vote of the entire membership will commence, with the expectation that the successful candidate will take up their presidency at our AGM on 26 July 2021.

There are now vacancies across all three presidential roles. Who is running the society in their absence?

The President Elect, President and Vice President are important governance roles in the BPS. However, these roles do not deliver the operational management of the BPS, which is delegated by the Board of Trustees to the society's senior managers. We have an Interim Chair of the Board of Trustees; our board is comfortably quorate, board meetings are held frequently and we continue to deliver on our transformation programme. We are proud of the work the society has managed to achieve over the past year, despite the immense challenges of a global pandemic. Full details of the trustees and senior management team are available on our [website](#).

Is the society being investigated by the Charity Commission?

Several months ago, we responded to a request for information from the Charity Commission, which we provided. We are continuing to correspond with the Charity Commission; however, it is important to state that the BPS is not subject to a statutory inquiry by the Charity Commission. The Commission has also confirmed this.

The BPS is not perfect and there is always room for improvement in any organisation. Which is why we've committed significant funds to our three-year transformation programme. As part of our far-reaching programme of improvements, it is clear to us that stronger governance processes will be required for the society, and this work is well underway.