


## BYE-LAWS

This updated copy of the College Bye-Laws incorporates the amendments approved by the Board of Trustees on Thursday 3 April 2025



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## **Byelaws of The Royal College of Emergency Medicine**

### **1. Definitions and Interpretation**

- a. In the event of any inconsistency between the provisions of the Charter and the Ordinances and the provisions of these Byelaws the provisions of the Charter and the Ordinances shall prevail.
- b. In these Byelaws, unless the context otherwise requires, the expressions or words used in the Charter and the Ordinances shall have the meanings there defined.
- c. All words importing the masculine gender include the feminine and non-binary genders and vice versa and words in the singular include the plural and vice versa.
- d. In these Byelaws "the Ordinances" shall refer to the Ordinances of The College for the time being made under Article 13 of the Charter.
- e. In these Byelaws "constituency" shall mean the members of the College allocated to the geographical area of Scotland, Wales, Northern Ireland or a Region of England or group of College members who are entitled to elect the Chair of a National Board or a Region of England.
- f. In these Byelaws "working day" means any day apart from a Saturday, Sunday or statutory bank holiday in England and Wales.
- g. In these Byelaws "Certificate of Good Standing" means the certificate of good standing in the form required by the General Medical Council in respect of registrations with overseas medical regulatory authorities where the applicant for General Medical Council registration is based overseas.
- h. A member of the College is in good standing of or with the College provided that they:
  - i. have paid in full all subscriptions and other monies due to the College; and
  - ii. are not subject to any disciplinary proceedings which have not been completed pursuant to Byelaw 17; and

- iii. are not subject to one or more of the sanctions listed in Ordinance 14.3 or paragraph 28 of the Code of Conduct or they were subject to one of more of the sanctions listed in Ordinance 14.3 or paragraph 28 of the Code of Conduct and have complied with the conditions of the sanction or sanctions (for the avoidance of doubt the Council shall determine whether a person has complied with the conditions of a sanction); and
- iv. are on the register of the General Medical Council and have not been suspended from it.

Paragraph iv. applies only to a member of the College where being in good standing is an eligibility requirement for their candidacy as a Trustee or member of Council and where ceasing to be in good standing is a ground for vacating office as a Trustee or member of Council.

## **2. Appointment of Trustees**

- a. A candidate for appointment as a Trustee pursuant to Ordinance 6.1 (f) must be a member of the College practising Emergency Medicine in the United Kingdom. A candidate cannot be an Affiliate Member.
- b. The Designated Posts, whose holders thereof serve as Trustees pursuant to Ordinance 6.1(c), are the Vice President (Membership), the Vice President (Treasurer) and the Dean.

## **3. Term of office of Trustees**

- a. Each Trustee (apart from the President and the holder of a Designated Post) shall hold office for a term of three years from the date of their appointment, at the end of which they shall retire, but shall be eligible for re-appointment to the same office for one further term of three years from the date of their re-appointment.
- b. The President serves the term of office as set out in Ordinance 10.3.
- c. The holder of a Designated Post serves as a Trustee for their term of office as a Council Role Holder as set out in Byelaw 11 d.
- d. The provisions of Byelaw 3 a. are subject to Ordinance 11 and the first term of office of the Trustees below who take office when the new Ordinances take effect shall expire as follows:
  - i. of the Trustees appointed pursuant to Ordinance 6.1(e), one shall retire after 2 years and the other 2 after 3 years
  - ii. of the Trustees appointed pursuant to Ordinance 6.1(f), two shall retire after 2 years and the other 2 after 3 years

The Nominations and Appointments Committee shall determine the order in which these Trustees retire.

- e. Upon retirement from one office as a Trustee, a person may be eligible for appointment or election to another office as Trustee.

#### **4. Vacating office as a Trustee**

A Trustee must vacate the office of Trustee if:

- a. (if membership of the College was an eligibility requirement for election or appointment as a Trustee) they cease to be a member of the College or cease to be a member in good standing of the College or cease to practise Emergency Medicine in the United Kingdom;
- b. they cease to be the President or a holder of a Designated Post;
- c. they die or become subject to a bankruptcy order or interim order or they make any arrangement or composition with their creditors;
- d. they are suffering from mental disorder and either are admitted to hospital in pursuance of an application for admission for treatment under any statute for the time being in force relating to mental disorder or an order is made in relation to their personal welfare or property and affairs under legislation relating to mental health or mental capacity;
- e. a registered medical practitioner who is treating that person gives a written opinion to the College stating that that person has become physically incapable of acting as a Trustee and may remain so for more than three months;
- f. by notice in writing to the College they resign their office (but only if the number of Trustees necessary for a quorum at a meeting of the Board of Trustees will remain in office when the notice of resignation is to take effect);
- g. they are disqualified from acting as a charity trustee under any statute or cease to hold office by virtue of any provision of the Companies Act 2006 or are prohibited by law from holding office;
- h. (being a Trustee appointed pursuant to Ordinances 6.1 (e) or (f)) on the expiry of 6 months from the date of their first appointment as a Trustee if the President so directs;
- i. (being a member of Council appointed a Trustee pursuant to Ordinance 6.1 (f) on the expiry of 12 months after they cease to be a member of the Council;
- j. they fail to attend three consecutive meetings of the Board of Trustees, without good reason, and the Board of Trustees resolves that they should cease to be a Trustee;
- k. (excluding in the case of the President or a holder of a Designated Post) at a meeting of the Board of Trustees at which at least half the Trustees are present a resolution is passed that they be removed from office as a Trustee. Such a resolution shall not be passed unless the individual and the other Trustees have been given at least 14 days' notice that the resolution is to be proposed,

specifying the circumstances alleged to justify the removal from office, and the individual has been afforded a reasonable opportunity of being heard or making written representations to the Board of Trustees.

## **5. Proceedings of the Board of Trustees**

- a. Questions arising at any meeting of the Board of Trustees shall be decided by a majority of votes. In the case of an equality of votes, the chair of the meeting shall have a second or casting vote.
- b. The Chair shall be entitled to preside as chair at all meetings of the Board of Trustees. If there shall be no Chair or if at any meeting they are unwilling to do so or are not present within five minutes after the time appointed for holding the meeting, the President, if willing and present, shall preside as chair, and otherwise the Trustees present shall choose one of their number to be chair of the meeting.
- c. Trustees may participate in a meeting of the Board of Trustees when they can each communicate to the others any information or opinions they have on any particular item of the business of the meeting. In determining whether Trustees are participating in a meeting of the Board of Trustees, it is irrelevant where any Trustee is or how they communicate with each other. If all the Trustees participating in a meeting are not in the same place, the Board of Trustees may decide that the meeting is to be treated as taking place wherever any of them are.
- d. A resolution in writing signed or approved in electronic form by a simple majority of the Trustees (of whom one must be a holder of one of the Designated Posts and two must be other College members) entitled to vote on the resolution shall be as valid and effectual as if it had been passed at a meeting of the Board of Trustees duly convened and held provided each of the following conditions is satisfied:
  - i. the written resolution must be circulated to all Trustees which shall specify the date and time by which the College must receive any notifications of approval ("Closing Time");
  - ii. a proposed written resolution lapses if it is not approved by the requisite majority before the end of the Closing Time;
  - iii. a Trustee gives their approval to a proposed written resolution when the College receives from them a copy of the resolution signed by them or their indication of their approval of it given by electronic means.
- e. The Board of Trustees may act notwithstanding any vacancies in its numbers but if at any time the number of Trustees is reduced below six Trustees, the Board of Trustees shall act only for the purpose of requesting the Nominations and Appointments Committee to fill up vacancies among the Trustees.

- f. All acts bona fide done by any meeting of the Board of Trustees, or of any committees of the Board of Trustees, or by any person acting as a Trustee, shall be valid notwithstanding the participation in any vote of a Trustee:
  - i. who was disqualified from holding office;
  - ii. who had previously retired or who had been obliged by these Byelaws to vacate office;
  - iii. who was not entitled to vote on the matter, whether by reason of a conflict of interests or otherwise

if without the vote of that Trustee and that Trustee being counted in the quorum, the decision has been made by a majority of the Trustees at a quorate meeting.
- g. The Chief Executive Officer and Deputy Chief Executive Officer of the College shall be invited to attend, and participate in discussion at, meetings of the Board of Trustees but shall not vote at them. They are not Trustees.

## **6. The Council**

- a. The Council shall consist of:
  - i. President
  - ii. President-Elect
  - iii. Immediate Past President (who have completed their full term as President pursuant to Ordinance 10.3)
  - iv. Dean
  - v. Five Vice Presidents, of whom one shall be the Vice President (Membership) and one shall be the Vice President (Treasurer)
  - vi. Three devolved nation Vice Presidents, of whom one shall be the Vice President (Scotland), one the Vice President (Wales) and one the Vice President (Northern Ireland) being respectively the Chair of each of the Scottish, Welsh and Northern Ireland Boards elected in accordance with Byelaw 10 ("Vice-Presidents (Devolved Nations)")
  - vii. Chairs of the English Regions elected in accordance with Byelaw 10
  - viii. the Chair of Emergency Medicine Trainees' Association who has been elected in accordance with its Terms of Reference
  - ix. the Chair of Forum for Associate Specialist and Staff Grade Doctors in Emergency Medicine who has been elected in accordance with its Terms of Reference

- x. the Chair of the Advanced Clinical Practitioners Forum who has been elected in accordance with its Terms of Reference
- xi. the Chair of the Lay Group of the College
- xii. the Chairs of such other committees, or of faculties, of the College as determined by Council.

The Vice Presidents and Dean are Council Role Holders

- b. The Council delegates to each of the Council Role Holders such functions, powers or discretions as are set out in Role Descriptions given to each Council Role Holder.
- c. Other than with the express consent of the Council, the President, a Council Role Holder or other member of the Council may not occupy more than one post simultaneously on Council. Where such consent is granted, it shall not run for more than one year.
- d. The Chief Executive Officer and Deputy Chief Executive Officer of the College shall be invited to attend, and participate in discussion at, meetings of the Council but shall not vote at them.

## **7. Provisions applicable to all elections to Council**

- a. All candidates for election to an office on Council shall be required to abide by the Charter, Ordinances, Byelaws and any Guidance governing elections issued by Council. A candidate must inform the College if at any stage during the election process they are in breach of this Byelaw 7a. or they cease to be a member of the College or they cease to be a member in good standing with the College pursuant to paragraphs ii, iii and iv in the definition in Byelaw 1 or otherwise eligible for election. In the event of the Vice President (Membership) determining that a breach of this Byelaw 7a. has occurred or that the candidate has ceased to be a member of the College or has ceased to be a member in good standing with the College pursuant to paragraphs ii, iii and iv in the definition in Byelaw 1 or eligible for election, the Vice President (Membership) may direct that a candidate's nomination should be withdrawn or that the result of the election should be set aside and a new election held. A person who is subject to such a direction cannot stand again for election to that office where the commencement date would be less than three years (or in the case of standing for the President would be prior to the third Annual General Meeting of the College) from the date on which they would have taken office if elected.
- b. The Vice President (Membership) shall direct that a candidate's nomination is withdrawn if they are in arrears with their subscription or other monies due to the College as at the date specified in the invitation for nominations for such amounts to be fully paid up.

- c. The accidental omission to send a circular, notice or ballot communication to any person entitled to receive these or the non-receipt by any such person shall not invalidate an election.
- d. Elections to an office on Council, where there is more than one candidate, shall be conducted using the Single Transferable Vote system.
- e. The number of votes cast for individual candidates whether successful or unsuccessful shall not be divulged except on the specific instruction of the Council in exceptional circumstances.

## **8. Election of the President**

- a. The President shall be nominated by one Fellow practising Emergency Medicine in the United Kingdom, and who must be a member in good standing, at the time of nomination.
- b. The Vice President (Membership) shall send a circular of the vacancy in the President's role to all members in good standing, who are entitled to vote in the election of the President. The circular shall invite nominations and specify the time within which any such nominations must be returned to the Vice President (Membership).
- c. Nominations for the office of President shall be in writing and must bear the signature of the proposer and the written assent by the nominee of their willingness and ability to serve if elected. Any nomination which is not completed in accordance with the instructions in the circular or returned by the time specified therein shall not be accepted for inclusion in the election.
- d. If only one candidate be so nominated their name shall be laid before the Council for approval and if approved shall be announced at the Annual General Meeting. If the candidate is not approved a new election shall be held.
- e. If more than one candidate be so nominated the President shall be elected by Fellows, Associate Fellows and Members who must at the time of the election be a member in good standing and:
  - i. practise Emergency Medicine in the United Kingdom; or
  - ii. hold a substantive position in the United Kingdom if on military deployment overseas; or
  - iii. be normally resident in the United Kingdom if deployed on overseas aid projects

Honorary Fellows, Associate Members, Overseas Members, Overseas Fellows and Affiliates shall not be entitled to vote in the election. A ballot shall be held so that a result may be announced at the Annual General Meeting.

- f. In the event the office of President becomes vacant prior to the expiry of their full term pursuant to Ordinance 10.3, the President-Elect (if elected) shall



immediately assume office as President until the close of the fourth Annual General Meeting of the College thereafter. In the event that there is no President-Elect, the Immediate Past President shall assume the office of President, until such time as a new President is elected and agreement reached by Council over the date on which the new President shall take up office (which may exclude first serving as President-Elect).

- g. In the event that there is no Immediate Past President or they are unable or unwilling to assume the position of President, the Council shall appoint one of the Council Role Holders to become President until such time as a new President is elected and agreement reached by Council over the date on which the new President shall take up office (which may exclude first serving as President-Elect).
- h. In the event of the prolonged illness of the President, the Council shall appoint one of the Council Role Holders to become President until such time as a new President is elected and agreement reached by Council over the date on which the new President shall take up office (which may exclude first serving as President-Elect).

## **9. Appointment of Council Role Holders**

- a. The Nominations and Appointments Committee shall approve the person to be appointed to each office of a Council Role Holder (with the exception of the Vice-Presidents (Devolved Nations) who shall be appointed in accordance with Bye-Law 10) and shall verify that the recruitment process for Council Role Holders ("Recruitment Process") set out in rules made by the Council has been complied with in respect of that person. The Council shall ratify and appoint such person to that office of Council Role Holder, unless the Council determines that the Recruitment Process has not been complied with in respect of that person. The Council may not decline to make an appointment on any other grounds.
- b. A candidate for a Council Role Holder must be a Fellow on the Specialist Register for Emergency Medicine practising Emergency Medicine in a substantive consultant position in the United Kingdom, who is nominated by one Fellow practising Emergency Medicine in the United Kingdom at the time of nomination.

## **10. Election of Chairs of National Boards and Regions**

- a. If a vacancy arises, or a vacancy is anticipated due to the forthcoming expiry of a term of office, of the Chair of a Scottish, Welsh or Northern Ireland Board or a Region the Vice President (Membership) shall send a circular of the vacancy or vacancies to all members in good standing, who are entitled to vote in the election of the Chair for their constituency. The circular shall describe the vacancies, invite nominations and specify the time within which any such nominations must be returned to the Vice President (Membership).

- b. No person may be a candidate for election as Chair of a Scottish, Welsh or Northern Ireland Board or Region unless they are a member in good standing with the College pursuant to paragraphs ii, iii and iv in the definition in Byelaw 1 and a Fellow on the Specialist Register for Emergency Medicine practising Emergency Medicine in a substantive consultant position in the National constituency or the Region they would represent. It is the responsibility of the individual to inform the College if they cease, at any stage during the election or afterwards, to satisfy any of those eligibility requirements. The Council may withdraw a nomination if the candidate subsequently ceases to satisfy any of those eligibility requirements. The Vice President (Membership) shall direct that a candidate's nomination is withdrawn if they are in arrears with their subscription or other monies due to the College as at the date specified in the invitation for nominations for such amounts to be fully paid up.
- c. Two eligible persons may stand for election as Co -Chairs of a constituency which shall be treated as a single nomination and candidacy.
- d. Each nomination must be signed by a Fellow who is practising Emergency Medicine in the constituency for which the election is held and who must be a member in good standing. Each nominee must signify their willingness to be nominated and serve if elected. Any nomination which is not completed in accordance with the instructions in the circular or returned by the time specified therein shall not be accepted for inclusion in the election.
- e. The Chair of a constituency shall be elected by Fellows, Associate Fellows and Members who must at the time of the election be a member in good standing and:
  - i. practise Emergency Medicine in that constituency; or
  - ii. hold a substantive position in that constituency if on military deployment overseas; or
  - iii. be normally resident in that constituency if deployed on overseas aid projects

Honorary Fellows, Associate Members, Overseas Members, Overseas Fellows and Affiliates shall not be entitled to vote in the election.
- f. If more than one candidate is nominated in a particular constituency then the candidate shall be elected by ballot which shall be conducted in accordance with instructions issued to each member entitled to vote which shall indicate the date for return to the Vice President (Membership). If two (but no more) candidates tie in an election, if they are willing, they will hold office as Co-Chairs.
- g. The Vice President (Membership) shall appoint scrutineers to count the votes cast upon each ballot and they shall report to the Vice President (Membership).

- h. If a ballot is required the names of candidates who are elected in the ballot shall be announced by the Vice President (Membership) at the next Annual General Meeting.
- i. If only one eligible candidate is nominated in a particular constituency, a ballot of the members is not required and the candidate shall be deemed to be elected if approved by a resolution of Council. The members of that constituency who would have been entitled to vote in the election of the Chair for their constituency shall be notified that there was only one eligible candidate and whether that person was approved by Council.
- j. If the President is elected or Council Role Holders are appointed from among Chairs of Scottish, Welsh or Northern Ireland Boards or Regions, the vacancy so created shall be filled by further election at the earliest opportunity.
- k. A Member's geographical and other voting qualifications shall be decided on the basis of the most recent information supplied by them to the College.

## **11. Terms of office of members of Council**

- a. The term of office of the President and the President-Elect is set out in the Ordinances.
- b. The Immediate Past President shall serve for 6 months after completing their full term as President pursuant to Ordinance 10.3.
- c. Each member of Council in the following posts shall hold office for a term of three years from the date of their appointment, at the end of which they shall retire, but shall be eligible for re-appointment to the same post for one further term of three years from the date of their re-appointment
  - i. Chair of the Lay Group of the College;
  - ii. Chairs of other committees
- d. With the exception of the Vice-Presidents (Devolved Nations) (who shall hold office for the term specified in Bye-law 11 e), the length of term of office for each of the Vice Presidents and the Dean shall be determined by Council and shall not exceed four years (such term of office is usually expected to be three years), at the end of which they shall retire, but they shall be eligible for re-appointment to the same post for one further term of up to four years (the length of such term of office shall be determined by Council) from the date of their re-appointment.
- e. Each Chair of a Scottish, Welsh or Northern Ireland Board and a Region shall hold office for a term of three years from the date of their election at the end of which they shall not be eligible for re-election to that post.

## **12. Vacating office as a member of Council**

- a. A member of the Council shall vacate office if:
  - i. they are suffering from mental disorder and either are admitted to hospital in pursuance of an application for admission for treatment under any statute for the time being in force relating to mental disorder or an order is made in relation to their personal welfare or property and affairs under legislation relating to mental health or mental capacity;
  - ii. a registered medical practitioner who is treating that person gives a written opinion to the College stating that that person has become physically incapable of acting as a Trustee and may remain so for more than three months;
  - iii. they are disqualified from acting as a charity trustee under any statute or cease to hold office by virtue of any provision of the Companies Act 2006 or are prohibited by law from holding office;
  - iv. they resign from the Council by notice in writing to the College;
  - v. they cease to be a member of the College;
  - vi. they cease to be a member in good standing of the College;
  - vii. they cease to practise Emergency Medicine in the substantive position or in the constituency required for them to be eligible to be elected or appointed to their office as a member of Council or they cease to satisfy any other eligibility requirements for such election or appointment;
  - viii. they fail to attend three consecutive Council meetings, without good reason, and the Council consequently resolves that they should cease to be a member of Council;
  - ix. the College in General Meeting resolves that they shall be removed from office, provided the meeting has invited the views of the individual concerned and considered the matter in the light of such views;
  - x. at a meeting of the Council at which at least half the members are present, a resolution is passed that they be removed from office. Such a resolution shall not be passed unless the individual and the Council has been given at least 14 days' notice that the resolution is to be proposed, specifying the circumstances alleged to justify the removal from office and the individual has been afforded a reasonable opportunity of being heard or making written representations to the Council. A representative on behalf of the Board of Trustees shall be entitled to make representations either in person or by writing where the individual is the President or a holder of a Designated Post;
  - xi. a sanction is imposed on them pursuant to Ordinance 14.3.

- b. If a member of the Council vacates office pursuant to Bye-Law 12a. vii., they shall vacate office at the Council meeting following their change of status.
- c. The Executive Committee, following an annual review by them, may remove from office the Chair of an English Region if they consider the Chair has not satisfactorily discharged their role and responsibilities in that office.
- d. Notwithstanding the provisions of Bye-Law 12a. vii., a person who was a Chair of an English Region as at 1 August 2021 shall not vacate that office solely by virtue of ceasing to hold a substantive consultant position.

### **13. General Meetings**

- a. Any written requisition of the members to convene an Extraordinary General Meeting shall state the object of the meeting proposed and be signed by those petitioning for such a meeting. It shall be delivered to the principal office of the College and contain any materials relevant to the petition.
- b. The Board of Trustees must convene a meeting within forty-two days of receipt of the requisition. In the event of the Board of Trustees failing to proceed to convene a meeting within the timescale, the requisitioners may themselves convene a meeting provided it is within three months of delivery of the requisition. In this event the College will be liable for any reasonable costs incurred by the requisitioners in convening and conducting such a meeting.
- c. Each notice of a General Meeting shall specify the place (or if the meeting is to be held by electronic means), day and hour of the meeting and the general nature of the business to be transacted and shall be given to every member of the College. Where the notice contains a Special Resolution required by the Charter it shall notify the College members of their right to vote by postal or electronic ballot in accordance with instructions set out in the notice.
- d. The accidental omission to give notice of a General Meeting of the College to any person entitled to receive such notice shall not invalidate anything done at such meeting.
- e. The Board of Trustees may make whatever arrangements they consider appropriate for holding a General Meeting entirely by electronic means which allows all those participating to speak, hear the presentations and comments of others, and exercise their voting rights at the General Meeting. The College shall issue instructions in the notice of the General Meeting as to how to participate in, and vote at, such a meeting.
- f. Fellows, Associate Fellows, Members and Associate Members shall be entitled to attend, speak and vote at General Meetings of the College. All other members of the College (including Honorary Fellows and Affiliates) shall be entitled to receive notice of General Meetings and to attend and speak, but not vote, at them.

- g. A resolution put to the vote at the meeting shall be decided by a show of hands (except where a meeting is held by electronic means) of every member present who has the right to vote and, in the case of a Special Resolution, by the votes cast by postal or electronic ballot in accordance with the instructions set out in the notice of the General Meeting. (Except where a meeting is held by electronic means) in the event of a lack of a definite result from a show of hands, a formal count of hands shall take place. A simple majority of votes is required for all decisions (except where the Charter requires a higher majority) and voting by proxy shall not be allowed.
- h. A person otherwise entitled to vote who has not paid every subscription or other sum due and owing by him to the College shall not be entitled to vote.
- i. The business to be transacted at the Annual General Meeting of the College shall consist of:
  - i. The presentation of the annual report of the Trustees.
  - ii. The presentation of the audited accounts of the College for the last completed financial year.
  - iii. The appointment of the College's auditors.
  - iv. Motions to be introduced by members for discussion at the meeting which each must be signed by not less than 5% of the College members entitled to vote at the meeting and shall be submitted to the Vice President Membership by the date stipulated in the announcement of the meeting. The Chair of the Board of Trustees (if appointed) or otherwise the President may refuse to allow a motion to be considered if it is similar to one presented at any of the three preceding Annual General Meetings of the College.
  - v. Such other business as may be decided by the Chair of the Board of Trustees (if appointed) or otherwise by the President.
- j. The chair of the meeting shall determine which motions are in order and direct the arrangement of the agenda.
- k. If within half an hour after the time appointed for the meeting to commence a quorum is not present the meeting shall stand adjourned to such day (not being more than forty-two days thereafter) and at such hour and place as the chair of the meeting thereof shall determine. If at such an adjourned meeting, a quorum is not present those persons who are then and there present entitled to vote shall be a quorum and may transact the business for which the meeting was called.
- l. At any General Meeting a declaration by the chair of the meeting of such a meeting that a resolution has been carried or carried by a specific majority or lost or not carried by specific majority, and an entry to that effect in the Minute Books of the College, shall be conclusive evidence of the fact without proof of

the number or proportion of the votes recorded in favour of or against such resolution.

- m. The chair of the meeting may with the consent of the majority of persons present and entitled to vote, adjourn it from time to time and from place to place.
- n. Regulations made by the Board of Trustees may provide for the further conduct of the meeting.

#### **14. National Boards and Regions**

##### **a. National Boards**

- i. The College shall have the following National Boards:

- Scottish Board
- Welsh Board
- Northern Ireland Board

The Council may establish National Boards for countries outside the United Kingdom.

- ii. Each National Board is a part of the College and any assets used by it belong to the College.
- iii. Each National Board shall be governed by terms of reference made by the Council which shall determine its constitution, membership, any officers, purposes and functions. A National Board has no authority to act or incur liabilities in the name of the College unless authorised by its terms of reference or any directions of Council. If any College member causes a National Board to act outside its authority they will be deemed to be in breach of the Code of Conduct and the Council may require the College member to pay to the College the amount of any liability which they have caused to be incurred which was not authorised as above.
- iv. Each of the Scottish, Welsh and Northern Ireland Boards shall have a Chair who shall be elected in accordance with Byelaw 10.

##### **b. English Regions**

- i. The College shall have such Regions in England, with such geographical boundaries, as are determined, and may be varied, by the Council.
- ii. Each Region will have a Chair who shall be elected in accordance with Byelaw 10, who will constitute a Board subject to terms of reference to be approved by Council and which Council may amend at any time.

- iii. In the absence of a Chair, four or more College members practising Emergency Medicine in a Region may apply to the Council to form a Board for their Region subject to terms of reference to be approved by Council and which Council may revoke at any time.
- iv. No College member may undertake any activities, or incur any expenditure, relating to a Region in the name of the College without prior written authorisation from the Council. Any College member in breach of this Byelaw will be deemed to be in breach of the Code of Conduct and the Council may require the College member to pay to the College the amount of any liability which they have caused to be incurred which was not authorised as above.

## **15. Committee Structure and Functions**

- a. There shall be the following Committees of the Board of Trustees:
  - i. Nominations and Appointments Committee
  - ii. Council
  - iii. Executive Committee

and such other Committees as the Board of Trustees shall from time to time establish pursuant to their authority to do so under the Ordinances.
- b. Council may from time to time establish such Committees as it determines pursuant to its authority to do so under the Ordinances.
- c. Each Committee will be governed by Terms of Reference which shall be approved by the Board of Trustees or the Council (as applicable) and define:
  - i. the constitution of the Committee;
  - ii. the roles and responsibilities of its members;
  - iii. the process for appointment or election of Chairs, Officers and members of the Committee, and their terms of office;
  - iv. to whom and in what manner the Committee must report on its activities and proceedings.
- d. A Committee may establish one or more sub-committees to undertake any function within the authority delegated to the committee. A sub-committee shall be governed by Terms of Reference approved by the Committee establishing it.
- e. Each sub-committee shall report to the Committee which established it.



- f. From time to time it may be necessary for members to be co-opted onto a Committee. In all cases the rationale should be clear and the term of office be defined.
- g. The Executive Committee shall be asked to approve the co-option of members onto any Committee of the Council; such approval shall not delay the timely work of such a Committee.
- h. Subject to its Terms of Reference and any instructions by the Board of Trustees or the Council establishing it, a Committee may meet for the dispatch of business and otherwise regulate its meetings as its Chair shall determine.
- i. The President, and the Chief Executive Officer and Deputy Chief Executive Officer, are entitled to attend a meeting of any Committee or sub-committee of the College.

## **16. Categories of Membership**

- a. All candidates for membership of the College shall be admitted as members of the College in accordance with the following provisions.
- b. Categories of Membership
  - i. Fellow

### **1. Fellowship by Examination**

Registered Medical Practitioners who have been successful in the Fellowship examination established by the College and who are in good standing with the College shall be admitted to Fellowship by Examination.

### **2. Fellowship by Election**

The Council may decide when or if to open this Fellowship category to applicants and set out the criteria associated with that in the future.

### **3. Fellowship ad eundem**

Registered Medical Practitioners who have been successful in examinations outside the United Kingdom and Republic of Ireland recognised by the College as equivalent to the Fellowship examination of the College or who have the Certificate of Eligibility of Specialist Registration in Emergency Medicine in the UK and who are in good standing with the College shall be admitted to Fellowship ad eundem.

#### **4. Honorary Fellowship**

On the decision of the Council, the College may bestow Honorary Fellowship on persons of eminence who have rendered exceptional services to the science or practice of Emergency Medicine. Honorary Fellows need not be medically qualified.

#### **5. Life Fellowship**

On retirement, existing Fellows of the College who are in good standing with the College will be eligible to apply to become Life Fellows of the College.

On retirement, existing Associate Fellows of the College who are in good standing with the College will be eligible to apply to become Life Fellows of the College.

#### **6. Associate Fellowship**

Registered Medical Practitioners working in a substantive post in Emergency Medicine in the United Kingdom or in a country recognised by the College as having a developed specialty of Emergency Medicine and who satisfy one of the following criteria:

- 6.1 have worked as a SAS Doctor grade in the United Kingdom for at least 6 years with United Kingdom postgraduate qualifications MRCP, MRCGP, FRCS, MRCS, FRCA or MRCPCH; or
- 6.2 have worked as a substantive SAS Doctor grade in the United Kingdom for at least 3 years with a recognised overseas postgraduate qualification in Emergency Medicine; or
- 6.3 have worked overseas for at least 6 years at a level equivalent to a SAS Doctor grade, and hold a recognised overseas postgraduate qualification in Emergency Medicine,

(for Medical Practitioners working less than full-time, the time requirements will be increased pro rata as defined by the Vice President (Membership))

and who are in good standing with the College shall be admitted as Associate Fellows and shall not be entitled to use the post nominals FRCM.

## **7. Overseas Fellowship**

is open to any person satisfying one of the categories of Fellowship but who lives and works overseas.

### **ii. Members**

#### **1. Membership by Examination**

Registered Medical Practitioners, who have been successful in the Membership examination established by the College, and who are in good standing with the College, shall be admitted to Membership by examination.

#### **2. Membership by Election**

There shall be the following categories of Members by Election who are working in a substantive post in Emergency Medicine and through application to the College satisfy the criteria in either paragraph 2.1 or 2.2:

2.1 For Specialist grade doctors, fulfil the specialist grade criteria as defined in the National SAS Doctors contract; and

- Shall have full registration and a Licence to Practice with the General Medical Council; and
- Shall have completed a minimum of 12 years' medical work (either continuous period or in aggregate) since obtaining a primary medical qualification of which a minimum of six years must have been in Emergency Medicine in a substantive SAS grade (including closed grades as Associate Specialist) in the UK. (for Medical Practitioners working less than full-time, the time requirements will be increased pro rata as defined by the Vice President (Membership)). Equivalent years' experience from other emergency medicine grades including from overseas will also be considered (as defined by the Vice President (Membership)); and
- Shall meet the criteria set out in the Specialist grade generic capabilities Framework.

2.2 For Advanced Clinical Practitioners (ACPs)

- Shall be a Credentialed Emergency Medicine ACP and have been working in UK Emergency Medicine as a Credentialed ACP for a minimum of 36 months (for such persons working less than full-time, the time requirements will be increased pro rata as defined by the Vice President (Membership))

who are in good standing with the College shall be admitted as Member by Election.

### **3. Associate Membership**

There shall be the following categories of Associate Membership

- 3.1 Registered Medical Practitioners being on a register with the GMC who do not fulfil the criteria for Membership or Associate Fellowship may apply for Associate Membership and shall be known as 'Associate Members'.
- 3.2 Associate Member (Advanced Clinical Practitioner): Nurses, paramedics, physiotherapists or pharmacists registered with the statutory regulator for their profession in the United Kingdom or the Republic of Ireland, living or working in the United Kingdom or the Republic of Ireland, who are working as an Advanced Clinical Practitioner, or who are training as an Advanced Clinical Practitioner in a programme recognised by the College, may apply for Associate Membership and shall be known as "Associate Members (Advanced Clinical Practitioner)".
- 3.3 Associate Member (Registered Healthcare Practitioner): Nurses, paramedics, physiotherapists, operating department practitioners, radiographers or pharmacists registered with the statutory regulator of their profession in the United Kingdom or the Republic of Ireland and who live or work in the United Kingdom or the Republic of Ireland may apply for Associate Membership and shall be known as "Associate Members (Registered Healthcare Practitioner)".
- 3.4 Associate Member (Physician Associate): Physician Associates registered on the voluntary register for their profession in the United Kingdom or the Republic of Ireland, who live or work in the United Kingdom or the Republic of Ireland, may apply for Associate Membership and shall be known as "Associate Members (Physician Associate)".
- 3.5 Associate Member Student: Students at a Medical School in the United Kingdom or the Republic of Ireland or internationally, who are studying medicine may apply for Associate Membership and shall be known as 'Associate Member Student'.

- 3.6 Associate Member (Training/ePortfolio): Registered Medical Practitioners who do not fulfil the criteria for Membership or Associate Fellowship and who require access to the College's ePortfolio platform may apply for Associate Membership and shall be known as 'Associate Member (Training/ePortfolio)'.
- 3.7 Associate Member (AOST): Registered Medical Practitioners enrolled on the relevant AOST training programme and who do not fulfil the criteria for Membership or Associate Fellowship may apply for Associate Membership and shall be known as 'Associate Members AOST'.
- 3.8 Associate Member (Foundation): Registered Medical Practitioners working in the United Kingdom at the grade of a Foundation doctor may apply for Associate Membership and shall be known as 'Associate Members (Foundation)'.

Applications for Associate Membership are determined by the Vice President Membership or by a deputy nominated by them.

#### **4. Overseas Membership**

is open to any person satisfying one of the categories of Membership but who lives and works overseas.

#### **5. Affiliate**

An individual who is not a healthcare professional who is interested in the practice of Emergency Medicine and who does not satisfy another category of membership may be admitted as an Affiliate Member.

- iii. The requirement for a candidate for membership to be in good standing with the College only applies if they are already a member of the College.
- iv. If during the application process for Membership or Fellowship (where registration with a regulatory body is a requirement for College membership) the applicant will be asked to sign a declaration that they are not suspended or erased from, and do not have any conditions or undertakings attached to their registration in, any register in any country maintained by a body responsible for the regulation of their clinical practice. The declaration will be confirmed by the Membership Manager by checking publicly available information held by the regulatory body. For overseas applicants who are medical practitioners they must provide a current Certificate of Good Standing in respect of registrations they have at the time of the application with overseas medical regulatory

authorities. If there is no medical regulatory authority in a country in which the applicant practises to issue a Certificate of Good Standing or which is willing to do so, or the overseas applicant is not a medical practitioner, the applicant must provide from their employer in that country (or in the case of an applicant who is not a medical practitioner from their employer in any country in which they practise overseas) an employer reference in the form required by the Vice President (Membership).

- v. Where registration with a regulatory body is a requirement for College membership, an applicant will not be admitted to College membership if they are suspended from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by that body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired. The provisions of this paragraph vi. shall not apply to an applicant where the regulatory body has determined that their fitness to practice is impaired by reason only of their adverse physical or mental health.
- vi. If during the application process for Membership or Fellowship (where registration with a regulatory body is a requirement for College membership) the College becomes aware that the applicant
  - has or may have been erased, as a consequence of their application to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner; or
  - is currently erased or suspended from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health; or
  - has conditions or undertakings attached to their registration in any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired,

their application to be admitted as a College member may be rejected in accordance with the process in Byelaw 17e.

- c. All persons entered in the Register of College members in any of the above categories as at 1 August 2021 shall remain from that date as College members

in the same category and shall continue to be entitled to their rights and privileges as a College member.

- d. Any persons entered in the Register of College members as at the date the new Ordinances take effect as Fellows by election, Fellows by distinction and Honorary Life Fellows shall be deemed to be Fellows. No further admissions can be made to these categories of Membership and Fellowship unless the Council decides to open any of these categories to applicants and sets out the criteria associated with them.
- e. All applications received prior to the 1 August 2021 to become a College member will be assessed under the criteria and procedures set out in the Byelaws of the College in force immediately prior to that date.
- f. Further criteria for eligibility, or the application process, for the different categories of membership (or for sub categories of a membership category) shall be as published in Regulations made by the Council and on the advice of the Examinations Sub Committee in the cases of Fellowship or Membership by examination and on the advice of the Vice President (Membership) in all other cases.
  - i. Rights, privileges and responsibilities of each membership category (except as set out in the Ordinances or the Byelaws) will be determined by the Council and published in the Regulations.
  - ii. The use of the post-nominal letters MRCEM and FRCEM is restricted to persons who meet the necessary Membership or Fellowship requirements and are in good standing. Persons not subscribing to the College by reason of fees paid are not entitled to use the post nominal letters FRCEM or MRCEM. This requirement is waived in the case of Honorary Fellows.

If a member of the College ceases to be in good standing they must cease using immediately the post-nominal letters “FRCEM” or MRCEM” to which he was entitled under Ordinance 3.2 of the Ordinances, except where the member is subject to disciplinary proceedings which have not been completed in accordance with Byelaw 17 and those proceedings are the sole reason for ceasing to be in good standing.
- g. Regulations relating to Fellowship and Membership by examination will be published by Council on advice from the Examinations Sub Committee.
- h. The Register of Fellows, Members and Affiliates shall be maintained by the Vice President (Membership).
- i. Each College member agrees to abide by the Code of Conduct and will be required to sign a declaration confirming that they have read the criteria of eligibility for the College and will at all times, upon admission as a member of the College, abide by the College’s Code of Conduct, and its Charter, Ordinances and Bye-Laws.

**17. Procedures resulting in the termination or reinstatement of College membership and/or the suspension of membership rights**

**a. Termination of membership for arrears of subscriptions**

- i A person shall cease to be a College member pursuant to Ordinance 14.1(b) if they are in arrears with their subscription for a period of four months which may be extended in exceptional circumstances (including without limitation in a pandemic) at the discretion of the Vice President Membership.
- ii The Council may reinstate a College member who is removed from College membership under Ordinance 14.1(b) when all arrears, and any reinstatement fee (which may be charged at the discretion of the Board of Trustees), are paid.

**b. Erasure or suspension from a register by another body**

- i. If a College member's name is suspended or erased from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by that body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, the person's College membership is automatically terminated and Council will be informed. The provisions of Byelaw 17b.i. shall not apply to a College member where the regulatory body has determined that their fitness to practice is impaired by reason only of their adverse physical or mental health
- ii. A person whose College membership has been terminated in accordance with Byelaw 17 b. may apply in writing to the College for reinstatement as a College member if they are re-registered on the register from which they were erased or their suspension from a register ends. The application shall be dealt with in accordance with the process in Byelaw 17d.

**c. There are several reasons why the College will investigate the actions of a College member; these can broadly be outlined as follows:**

- i. When
  - I. an allegation is received by the College of a breach of the Code of Conduct by a College member, or of a College member not acting in the interests of the College; or
  - II. an allegation is received by the College of a College member having obtained a College qualification by fraud or false statement; or
  - III. the College becomes aware that a College member has or may have been erased, as a consequence of their application



to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner; or

- IV. the College becomes aware that a College member has been erased or suspended from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health; or
- V. the College becomes aware that a College member has conditions or undertakings attached to their registration in any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired.

ii. **Report the issue to the Vice President (Membership)**

Once the College has been made aware of any of the circumstances listed in Byelaw 17c i., the Membership Manager or their nominated deputy will collate all relevant information available and redact as appropriate to anonymise the identity of the individual(s). The Membership Manager or their nominated deputy will share all details of the anonymised allegation or matter with the Vice President (Membership) (or a nominated deputy being another Council Role Holder if the Vice President (Membership) is directly involved in the allegation or any of the above matters, or has a conflict of interest or is unavailable), who will initially consider the matter.

The criteria which the Vice President (Membership) (or nominated deputy) shall consider shall include:

- I. is there a case to answer in relation to an alleged breach of the Code of Conduct? and/or
- II. is there a case to answer that the actions of the College member are not in the interests of the College? and/or
- III. is there a case to answer that the College member has obtained a College qualification by fraud or false statement? and/or
- IV. is there evidence of voluntary erasure of the College member from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner? and/or

- V. is there evidence of erasure or suspension of the College member from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health? and/or
  - VI. is there evidence of conditions or undertakings attached to the registration of the College member in any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired.
- iii. **Vice President (Membership) (or nominated deputy) determines if the anonymised allegation or matter needs to be progressed or if there is insufficient evidence to indicate that any further action is required.**
- I. If the Vice President (Membership (or nominated deputy) concludes that there are no grounds or insufficient evidence to support the allegation(s) made relating to any of the matters listed in paragraph 17 c. i, no further action will be taken, and no record of the allegation(s) will be formally recorded on the College's records (subject to the provisions of the next paragraph).
  - II. A confidential record of the allegation(s), and the information collated by the Membership Manager (or nominated deputy) relating thereto, will be kept by the Membership Manager (or nominated deputy) with this information only being used for the purpose of investigating, and the Tribunal considering, other allegations against the same individual, with the Vice President (Membership (or nominated deputy) making the decision on whether this information should be used in that way or not.
  - III. If the Vice President (Membership) (or nominated deputy) determines that there are grounds to investigate any of the matters listed in paragraph 17c.i. they will inform the College member in writing that they are under investigation, and the expected time frame of the investigation.
- Depending on the nature of the investigation it will either be coordinated by the Membership Manager (or nominated deputy) or the College may choose to outsource this function

to an external organisation to conduct all or part of the investigation on their behalf.

The College member will be signposted to possible sources of independent pastoral support. Depending on the nature of the matter under investigation, the Vice President (Membership) (or nominated deputy) may seek advice from an independent member of the Training Standards Committee with experience of disciplinary matters to ensure best practice is followed regarding the communication and support provided.

- IV. If after further investigation the Vice President (Membership) (or nominated deputy) decides that there is no case to answer against the College member, a confidential record of the allegation(s), and the information collated by the Membership Manager (or nominated deputy) relating thereto, will be kept by the Membership Manager (or nominated deputy) with this information only being used for the purpose of investigating, and the Tribunal considering, other allegations against the same individual, with the Vice President (Membership) (or nominated deputy) making the decision on whether this information should be used in that way or not. The reasons for the decision shall be recorded in the College's membership records and the College member informed in writing of the outcome.

#### **iv. Progressing the issue to a disciplinary tribunal**

- I. If the Vice President (Membership) (or nominated deputy) decides that there is a prima facie case against the College member relating to any of the matters listed in paragraph 17 c. i then the Council authorise the Vice President (Membership) (or nominated deputy) to convene a Member Disciplinary Tribunal ("the Tribunal").

##### **Forming a Tribunal panel**

The Tribunal is a committee of Council and the provisions of Byelaw 17 c. iv are its Terms of Reference. The Tribunal will consist of:

- a. A Council Role Holder who was not involved in the earlier part of the process and who will act as the Chair of the Tribunal
- b. A member of the Executive Committee
- c. A member of the Lay Advisory Group.

##### **The Tribunal panel**

- II. The Membership Manager, or nominated deputy, will act as Secretary to the Tribunal. The meetings of the Tribunal shall be held in private, and its proceedings and deliberations will be kept confidential, except for disclosure to Council pursuant to Byelaw 17c.v and where sharing of information pertaining to the case is necessary to avoid a conflict of interest (which might include working in the same hospital/region).
- III. Before making a decision at the meeting of the Tribunal in respect of a College member:
  - a. at least twenty-one days' written notice of the date, time and place of the meeting, its purpose, and the case against the College member in respect of any of the matters listed in Byelaw 17c.i. has been served on the College member; and
  - b. the notice will attach a copy of the Code of Conduct and Byelaws 17c. iv. and f. and name the members of the Tribunal; and
  - c. the notice invites the College member to make representations in writing, and to attend the meeting to make representations in person and to nominate one person to make representations on their behalf at the meeting, as to why their membership of the College should not be terminated, or why they have not obtained a College qualification by fraud or false statement; and
  - d. the Tribunal must consider at the meeting any written representations which the College member makes as to why their College membership should not be terminated, or why they have not obtained a College qualification by fraud or false statement; and
  - e. the College member has the right to attend, and present their case as to why their College membership should not be terminated, or why they have not obtained a College qualification by fraud or false statement, at the meeting; and
  - f. the College member has the right to be represented at the meeting by one individual chosen by them who may make any representations on their behalf; and
  - g. the Membership Manager may collect further evidence if required by the Tribunal and must ensure that is sent to members of the Tribunal and the College member at least five working days prior to the date of the hearing.

- h. The College member must give at least fourteen working days' written notice prior to the hearing date of the Tribunal of the name of any representative they wish to appoint or any witness they want to call.
- i. The College member may cross examine any person at the hearing.
- j. If the College member does not attend the Tribunal meeting either in person or by a representative, the meeting will still proceed based on the evidence obtained and make its decision. If the member attends, with or without witnesses or a representative, there will be open dialogue to ensure all aspects of the allegation are addressed.

**v. Tribunal Outcomes**

- I. After the meeting the Tribunal will adjourn to decide on the outcome. The decision will be that:
  - a. Membership be retained – no further action; or
  - b. Membership be retained but that one or more of the sanctions listed in Ordinance 14.3 and/or paragraph 28 of the Code of Conduct be invoked and/or a qualification conferred by the College be rescinded and declared void; or
  - c. Where a College member has been erased, as a consequence of their application to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner, the College member be required to apply by a specified date for admission to another category of College membership; if the College member fails to apply by that date, their College membership be removed; or
  - d. College membership be removed
- II. The Tribunal will report its decision, together with a copy of the minutes of the Tribunal hearing, to Council.
- III. The Chief Executive will notify in writing the College member of the decision and, if the decision is to invoke sanctions, declare void a qualification, require applying for admission to another category of College membership or remove membership, the reasons for it and their right of appeal. If the College member appeals, at the conclusion of that appeal hearing the College member shall have no further

right of appeal in respect of that determination of the Tribunal. Where sanctions are invoked against the College member or their College qualification is declared void, that decision shall be entered on their membership record of the College. The College reserves the right to inform the body responsible for the regulation of them as a medical or other healthcare practitioner in any country in which the College member practises and any employer of the College member of their removal from College membership, or the sanctions invoked against them, or the declaration that their qualification is void, after the decision takes effect pursuant to Byelaw 17f.ii..

- IV. The Council may make additional rules for the process in connection with meetings of the Tribunal as long as not inconsistent with this Byelaw 17c.

d. **Reinstatement to the College Register following removal of College membership under Byelaws 17b. or c.**

- i. A person who has been removed from College membership pursuant to Byelaw 17b. or as a result of a determination by the Tribunal in accordance with Byelaw 17c. may apply for reinstatement as a College member at any time after the expiry of one year, but not later than ten years, from the date of removal of their College membership.
- ii. The written request for reinstatement should set out in full the grounds for reinstatement.
- iii. Upon receipt Council authorises the Vice President (Membership) (or a nominated deputy being another Council Role Holder if the Vice President (Membership) is directly involved in the grounds for reinstatement, has a conflict of interest or is unavailable)) to convene a Member Disciplinary Tribunal ("the Tribunal"). The Tribunal is a committee of the Council and the provisions of Byelaw 17d. are its Terms of Reference. The Tribunal will consist of:
  - A Council Role Holder who will act as the Chair of the Tribunal
  - A member of the Executive Committee
  - A member of the Lay Advisory Group.

A member of the Tribunal must not have been previously been involved in any aspect of the Tribunal process or decision which lead to the removal of the applicant's College membership.

- iv. The Membership Manager, or nominated deputy, will act as Secretary to the Tribunal. The meetings of the Tribunal shall be held in private and its proceedings and deliberations will be kept confidential, except for disclosure to Council pursuant to Byelaw 17d.vi. and where sharing of information pertaining to the case is necessary to avoid a conflict of interest (which might include working in the same hospital).
- v. Before making a decision at the meeting of the Tribunal in respect of a College member:
  - i. at least twenty-one days' written notice of the date, time and place of the meeting and its purpose has been served on the College member; and
  - ii. the notice will attach a copy of Byelaws 17d. and f. and name the members of the Tribunal; and
  - iii. the notice invites the College member to make representations in writing, and to attend the meeting to make representations in person and to nominate one person to make representations on their behalf at the meeting, as to why they should be reinstated to the Register of the College members; and the Tribunal must consider at the meeting any written representations which the College member makes as to why they should be reinstated to the Register of College members; and
  - iv. the College member has the right to attend, and present their case as to why they should be reinstated to the Register of College members, at the meeting; and
  - v. the College member has the right to be represented at the meeting by one individual chosen by them who may make any representations on their behalf; and
  - vi. The Tribunal will report its decision, together with a copy of the minutes of the Tribunal hearing, to Council.
  - vii. The Membership Manager may collect further evidence if required by the Tribunal and must ensure that is sent to members of the Tribunal and the College member at least five working days prior to the date of the hearing.
  - viii. The College member must give at least fourteen working days' written notice prior to the hearing date of the Tribunal of the name of any representative they wish to appoint or any witness they want to call.
  - ix. The College member may cross examine any person at the hearing.

- x. If the College member does not attend the Tribunal meeting either in person or by a representative, the meeting will still proceed based on the evidence obtained and make its decision. If the member attends, with or without witnesses or a representative, there will be open dialogue to ensure all aspects of the application are addressed.
- vi. After the meeting the Tribunal will adjourn to decide whether the applicant should be reinstated to College membership.
- vii. The Chief Executive will notify the applicant of a decision by the Tribunal that they are reinstated to the Register of College members.
- viii. If the Tribunal determines not to reinstate the applicant as a College member, the applicant will be notified in writing by the Chief Executive of the reasons for the Tribunal's decision and their right of appeal.
- ix. If the Tribunal determines not to reinstate the College member and, if the applicant appeals, the Appeal Panel hearing the appeal upholds that determination, the person concerned may not make any further applications for reinstatement as a College member.
- x. The Council may make additional rules for the process in connection with meetings of the Tribunal for reinstatement hearings as long as not inconsistent with this Byelaw 17d.

**e. Investigating Membership applications**

- i. If during the application process for Membership or Fellowship (where registration with a regulatory body is a requirement for College membership) the College becomes aware that the applicant
  - has or may have been erased, as a consequence of their application to be erased, from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner; or
  - is currently erased or suspended from any register in any country maintained by a body responsible for the regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired by reason only of their adverse physical or mental health; or
  - has conditions or undertakings attached to their registration in any register in any country maintained by a body responsible for the



regulation of their practice as a medical or other healthcare practitioner as a consequence of a determination by such a body to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired,

the Membership Manager or their nominated deputy will collate all necessary documentary evidence. The Membership Manager will present all details of the above matters relevant to the applicant to the Vice President (Membership) (or a nominated deputy being another Council Role Holder if the Vice President (Membership) is directly involved in any of the above matters or is unavailable), who will initially consider the matter. The criteria the Vice President (Membership) (or nominated deputy) shall consider in making this decision shall include:

- is there evidence of the relevant registration matters referred to above; and
  - is there a case to answer that the actions of the applicant prior to their application for voluntary erasure or which relate to, or were considered by the regulatory body in reaching, the determination on any of the above registration matters are a breach of the Code of Conduct.
- ii. If the Vice President (Membership) (or nominated deputy) concludes that there are no grounds or insufficient evidence to support such a case, the application process will continue.
- iii. If the Vice President (Membership) (or nominated deputy) believes there are grounds for concern that require further investigation, they will inform the applicant in writing that they are investigating the circumstances relating to any of the registration matters listed in paragraph i which are relevant to the applicant, and the expected time frame of the investigation. The applicant will be signposted to possible sources of independent pastoral support. Depending on the nature of the matter under investigation, the Vice President (Membership) (or nominated deputy) may seek advice from an independent member of the Training Standards Committee with experience of disciplinary matters to ensure best practice is followed regarding the communication and support provided.
- iv. If after further investigation the Vice President (Membership) (or nominated deputy) decides that there is no case to answer, the reasons for the decision should be recorded in the membership records and the applicant informed in writing of the outcome.
- v. If the Vice President (Membership) (or nominated deputy) decides that there is a prima facie case to answer in respect of the applicant the Council authorises the Vice President (Membership) (or nominated deputy) to convene a Member Disciplinary Tribunal (“the Tribunal”). The Tribunal is a committee of Council and the provisions of Byelaw 17e. are its Terms of Reference. The Tribunal will consist of:

- A Council Role Holder who was not involved in the earlier part of the process and who will act as the Chair of the Tribunal
  - A member of the Executive Committee
  - A member of the Lay Advisory Group.
- vi. The Membership Manager, or nominated deputy, will act as Secretary to the Tribunal. The meetings of the Tribunal shall be held in private and its proceedings and deliberations will be kept confidential, except for disclosure to Council pursuant to Byelaw 17e.viii and where sharing of information pertaining to the case is necessary to avoid a conflict of interest (which might include working in the same hospital).
- vii. Before making a decision at the meeting of the Tribunal in respect of the applicant:
- a. at least twenty-one days' written notice is served on the applicant of the date, time and place of the meeting, its purpose and the case (the "Case") against the applicant that their actions prior to their application for voluntary erasure or which relate to, or were considered by the regulatory body in reaching, the determination on any of the registration matters referred to in paragraph i. are a breach of the Code of Conduct; and
  - b. the notice will attach a copy of the Code of Conduct and Byelaws 17e. and f. and name the members of the Tribunal; and
  - c. the notice invites the applicant to make representations in writing, and to attend the meeting to make representations in person and to nominate one person to make representations on their behalf at the meeting, as to why their actions referred to in the Case are not a breach of the Code of Conduct; and
  - d. the Tribunal must consider at the meeting any written representations which the applicant makes as to why their actions referred to in the Case are not a breach of the Code of Conduct; and
  - e. the applicant has the right to attend, and present their case as to why their actions referred to in the Case are not a breach of the Code of Conduct, at the meeting; and
  - f. the applicant has the right to be represented at the meeting by one individual chosen by them who may make any representations on their behalf; and
  - g. the Membership Manager may collect further evidence if required by the Tribunal and must ensure that is sent to members of the Tribunal and the applicant at least 5 working days prior to the date of the hearing.

- h. the applicant must give at least 14 working days' written notice prior to the hearing date of the Tribunal of the name of any representative they wish to appoint or any witness they want to call.
  - i. the applicant may cross examine any person at the hearing.
  - j. if the applicant does not attend the Tribunal meeting either in person or by a representative, the meeting will still proceed based on the evidence obtained and make its decision. If the applicant attends, with or without witnesses or a representative, there will be open dialogue to ensure all aspects of the Case are addressed.
  - k. after the meeting the Tribunal will adjourn to decide on the outcome. The decision will be that:
    - admission as a College member is approved; or
    - admission as a College member is not approved.
  - viii. The Tribunal will report its decision, together with a copy of the minutes of the Tribunal hearing, to Council.
  - ix. The Chief Executive will notify in writing the applicant of the decision and, if the decision is to not to approve admission as a College member, the reasons for it and their right of appeal. If the applicant appeals, at the conclusion of that appeal hearing the applicant shall have no further right of appeal in respect of that determination of the Tribunal.
  - x. The Council may make additional rules for the process in connection with meetings of the Tribunal as
- f. **Appeals against determinations by the Tribunal**
- i. A person may appeal against a determination by the Tribunal to:

- i. reject their application for admission as a College member pursuant to Byelaw 17e; or
  - ii. remove their membership pursuant to Ordinances 14.1(d) or 14.1(e); or
  - iii. retain their Membership but to invoke one or more of the sanctions listed in Ordinance 14.3 or paragraph 28 of the Code of Conduct; or
  - iv. rescind and declare void a qualification conferred by the College pursuant to Ordinance 14.5; or
  - v. require them to apply for admission to another category of College membership pursuant to Ordinance 14.7; or
  - vi. reject their application for reinstatement as a College member pursuant to Byelaw 17d.
- ii. A determination by the Tribunal to reject an application for admission as a College member, to terminate membership of a person, to invoke sanctions against a College member, to declare void a College qualification, to require them to apply for admission to another category of College membership or to reject an application for reinstatement shall take effect immediately on the Chief Executive, or a nominated deputy, notifying the person in writing.
  - iii. The written notice of appeal must be submitted by the applicant for College membership or the College member to the Membership Manager within ten working days of the date of the notification to them of the Tribunal's decision by e-mail. Included in the notice of appeal must be the detailed grounds for appeal and any supplementary evidence the applicant wishes to present. Council may determine that a fee is payable when the notice of appeal is submitted which will be refunded in full should the appeal be successful.
  - iv. Council authorises the Vice President (Membership) (or a nominated deputy being another Council Role Holder if the Vice President (Membership) is directly involved in the grounds for appeal or unavailable)) to convene an Appeals Panel within eight weeks of receipt of the notice of an appeal. The Appeals Panel is a committee of the Council and the provisions of Byelaw 17 f. are its Term of Reference. The Appeals Panel will consist of the President (or in their absence a Council Role Holder), who will chair the Panel, another member of Council and a member of the Lay Advisory Group who have not previously been involved in any aspect of the Tribunal process or decision and shall have no current or previous connection with the applicant. In the event that potential Panel members have a conflict of interest, the Vice President (Membership) (or nominated deputy) will appoint independent Panel members. The Membership Manager shall be appointed secretary to the Appeals Panel and attend the Panel as an observer.
  - v. Before the Appeal Panel makes a decision at a meeting in respect of the applicant:

- i. at least twenty-one days' written notice of the date, time and place of the meeting has been served on the applicant; and
  - ii. the notice invites the applicant to attend the meeting to make representations in person and to nominate one person to make representations on their behalf at the meeting; and
  - iii. the Membership Manager may invite the applicant and members of the Tribunal to produce further evidence which must be received at least five working days prior to the date of the hearing; and
  - iv. the applicant, and on their behalf any person nominated by them, has the right to attend, and make representations, at the meeting.
- vi. The Appeal Panel will base its deliberations on:
  - i. the written request submitted by the applicant; and
  - ii. the findings of the Tribunal; and
  - iii. any written representations of the applicant which are received by the Membership Manager at least five working days prior to the date of the hearing; and
  - iv. any representations made at the meeting of the Appeal Panel by the applicant or on their behalf by their representative; and
  - v. any evidence presented at the meeting of the Appeal Panel by any other person invited to attend for that purpose by the Membership Manager.
- vii. The meeting of the Appeal Panel shall be held in private and its proceedings and deliberations will be kept confidential.
- viii. Members of the Appeal Panel and the applicant may cross examine any person at the hearing.
- ix. The Appeal Panel shall have authority to accept the appeal or to uphold the original determination of the Tribunal.
- x. The decision of the Appeal Panel will be communicated to the Chief Executive who will notify in writing the applicant of the decision within ten working days of the hearing. If the appeal is rejected the applicant will be informed of the reasons for the Appeal Panel's decision. If the findings of the Panel are to accept the appeal, no further action will be taken. If the findings of the Appeals Panel uphold the decision of the Tribunal, the Panel's findings shall be reported to the Council at their next meeting.
- xi. At the conclusion of the appeal hearing there shall be no further right of appeal in respect of the same determination of the Tribunal.

- xii. The Council may make additional rules for the process in connection with submitting, investigating and hearing appeals as long as not inconsistent with any of the provisions of this Byelaw 17f.

## **18. Making an alteration to the Byelaws or the Regulations**

- a. The making, amendment or repeal of the Byelaws or the Regulations by the Board of Trustees shall be conducted in accordance with Ordinance 9 of the Ordinances.
- b. Every enactment, amendment or repeal of a Byelaw or a Regulation shall be entered, together with the date, in a copy of the Byelaws or Regulations kept for that purpose, and shall be initialled by the Chair of the Board of Trustees (if appointed) or otherwise by the President, and such copy shall be the authoritative copy of the Byelaws or Regulations until the next re-printing of the Byelaws or Regulations.

## **19. Common Seal**

- a. The Common Seal shall not be affixed to any instrument unless it is witnessed by the signature of a Trustee and one other person being another Trustee, the Chief Executive or Deputy Chief Executive of the College.
- b. The Chief Executive shall be responsible for safe custody of the Common Seal.

## **20. Investment Management Delegation**

- a. The College may delegate the management of investments to a financial expert but only on terms that:
  - i. the investment policy is set down in writing for the financial expert by the Board of Trustees;
  - ii. every transaction is reported at least once every three months to the Board of Trustees or to a Committee authorised by the Board of Trustees to receive such reports;
  - iii. the performance of the investments is reviewed regularly with the Board of Trustees;
  - iv. the Board of Trustees shall be entitled to cancel the delegation arrangement at any time;
  - v. the investment policy and the delegation arrangement are reviewed at least once a year;
  - vi. all payments due to the financial expert are on a scale or at a level which is agreed in advance and are notified promptly to the Board of Trustees on receipt; and

- vii. the financial expert must not do anything outside the powers of the Board of Trustees;

and "financial expert" means a person who is reasonably believed by the Board of Trustees to be qualified to give advice in relation to investments by reason of their ability in and practical experience of financial and other matters relating to investments.

- b. The Vice President (Treasurer) will be responsible for seeking advice from financial experts and professional advisers for the College and will inform the Board of Trustees of advice and seek approval for actions.

## **21. Notices and communications with members**

- a. Subject to the Charter and Ordinances, the College may deliver a notice or other document to a member:
  - i. by delivering it by hand to the address of the member as shown in the Register of Fellows, Members and Affiliates;
  - ii. by sending it by post or other delivery service in an envelope (with postage or delivery paid) to the address of the member as shown in the Register of Fellows, Members and Affiliates;
  - iii. in electronic form to an address notified by the member in writing;
  - iv. by a website, the address of which shall be notified to the member in writing; or
  - v. by advertisement in at least two national newspapers.

And

"notice" and "document"	include, unless otherwise specified, any notice or document sent or supplied in paper form or in an electronic form which is capable of being read and a copy retained by the recipient; and
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"electronic form"	means, in relation to a notice or document, a communication made using electronic equipment for the processing (which expression includes digital compression) or storage of data and transmitted, conveyed and received by wire, by radio, by optical means or by other electromagnetic means (for example, e-mail but excluding fax) or any other means while in electronic form (for example, sending a disk through the post).
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- b. This Byelaw does not affect any provision in any relevant legislation or the Byelaws requiring notices or documents to be delivered in a particular way.
- c. If a notice or document:
  - i. is delivered by hand, it is treated as being delivered at the time it is handed to or left for the member.
  - ii. is sent by post or other delivery service in accordance with Byelaw 21a.ii. above it is treated as being delivered:
    - 24 hours after it was posted, if first class post was used; or
    - 48 hours after it was posted or given to delivery agents, if first class post was not used;

provided it can be proved conclusively that a notice or document was delivered by post or other delivery service by showing that the envelope containing the notice or document was:

    - properly addressed; and
    - put into the postal system or given to delivery agents with postage or delivery paid.
  - iii. is sent in electronic form, providing that the College can show that it was sent to the electronic address provided by the member, it is treated as being delivered at the time it was sent.
  - iv. is sent by a website, it is treated as being delivered when the material was first made available on the website, or if later, when the recipient received (or is deemed to have received) notice of the fact that the material was available on the website.
  - v. is given by advertisement, it is treated as being delivered at midday on the day when the last advertisement appears in the newspapers.
- d. The College may by Regulations make further provision about methods of communication in particular circumstances.

## 22. Examiners

The Council will appoint examiners for professional examinations according to the Regulations made by the Council. Such examiners shall be Members or Fellows in good standing who will complete training as required by the Examinations Sub-Committee.



### **23. External representation of College**

The Council may, from time-to-time and by invitation of external bodies, nominate a Fellow of the College to represent the College on the governing body or other committee or board (howsoever called) of such body. Failing any contrary requirements of individual bodies, the period of tenure of such representation shall normally be three years. Duties and responsibilities of such representatives shall be governed by the terms of reference made by Council for each representative role.