

ROYAL COLLEGE OF EMERGENCY MEDICINE

PROFESSIONAL CODE OF CONDUCT

Introduction

The Code of conduct is intended to provide a clear set of expectations as to how Members, Fellows and Affiliates of the Royal College of Emergency Medicine (RCEM) conduct themselves in accordance with the Core Values of an Emergency Clinician as defined in the RCEM position statement (Annex A). All Members, Fellows and Affiliates have an obligation to uphold the aims, objectives and values of the College and should not act in any manner likely to damage the reputation of the College. The Code of conduct is intended to be used as an adjunct to guidance provided by the GMC and other Professional bodies and does not diminish an individual's duty to act in accordance with their employing organisation's requirements and their contract of employment.

General Principles

Members, Fellows and Affiliates must:

1. Act in accordance with the aims and objectives of the College, its governing documents, guidance and published policies.
2. Conduct themselves in such a way as to uphold the reputation and good standing of the College.
3. Make the College aware of any criminal convictions or regulatory sanctions imposed by their regulatory body.
4. Avoid acts or omissions likely to damage the professional reputation of the College or another member of the College (this excludes disclosures to any statutory, regulatory, supervisory or professional body in accordance with their professional and ethical obligations or required to be made by law, any Court or professional codes of conduct or which may be a protected disclosure for the purposes of the Public Interest Disclosure Act 1998). Examples of such acts or omissions include, but are not limited to, plagiarism or reproduction of College educational material or use of College branding without written permission, falsification of professional qualifications or experience, posting remarks on social media or other outlets that may bring the College, members of the College or College staff into disrepute.

5. Not claim to represent the views or opinions of the College without permission or endorsement. Although members of the College may legitimately disagree with the College leadership, policy and decision making, any comments about such matters should be made in a way which makes it clear it is the member's personal view and must not be made in such a way as to bring the reputation of the College into disrepute
6. Treat members of the College, College staff and the public with respect and not behave in a manner which might reasonably be interpreted as constituting discrimination, bullying or harassment, intimidation or sexual harassment.
7. Comply with the law and best practice regarding equality and diversity and promote compliance by others with whom they are working on College business or in the practice of Emergency Medicine. This includes, but is not limited to, the relevant legislation and College statements and policies on equality and diversity. Members may not discriminate on grounds of race, disability, religion or belief, sex, sexual orientation, gender identity or expression, marriage or civil partnership, pregnancy or maternity, age, body size or appearance or any other characteristic.
8. Behave with integrity, honesty, kindness and patience and be a role model for professional behaviours.
9. Demonstrate the professional behaviours outlined in this Code of Conduct when attending College social or educational events and avoid excessive use of alcohol or use of any recreational drugs that may negatively impact on professional behaviour or judgement at a College event.
10. Hold themselves and others with whom they are working on College business or in the practice of Emergency Medicine accountable for professional and personal behaviours and be prepared to submit themselves to scrutiny for any role that is held on behalf of the College or as a member of the College.
11. Take responsibility for the stewardship of their position of authority, and be mindful of their impact on others.

Conduct when working for or representing the Royal College of Emergency Medicine

Membership of Council, and other committees and bodies of the College, is a privilege which carries with it the twin responsibilities of protecting patients and guiding Fellows, Members and Trainees. In order that all these may have

confidence in the effectiveness and impartiality of the College, members of the College undertake:

12. To make themselves available for service in the College bodies to which they may be elected or appointed.
13. (When serving on a College body) to take decisions in the interests of the aims and objectives of the College without favour to any individual body, corporate or other association, whether medical or lay.
14. To avoid placing themselves under obligation to any individual or organisation which might affect their ability to act impartially and objectively when serving on a College body or performing a College role.
15. To declare in the College's Register of Interests any interests in accordance with College and NHS guidance on this matter.
16. To declare relevant interests or prior knowledge in the course of them undertaking any College business, and/or to take steps to avoid such interests or knowledge giving rise to a conflict of interest, including complying with the College's Conflict of Interest Policy.
17. To promote the principles set out in relevant professional guidance.
18. To serve the College without seeking personal gain or preferment.
19. To avoid bias on grounds of race, disability, lifestyle, culture, religion or beliefs, sex, sexual orientation, gender identity or expression, age, body size or appearance or any other characteristic.
20. To be open about the decisions and actions they take on behalf of the College, restricting information only when the principle of confidentiality demands it.
21. To observe the confidentiality of information identified as confidential which they receive arising from their College service.
22. To distinguish clearly, when speaking or writing, between personal views and those of the College.
23. To support the above principles by leadership and example.

Guidance and Interpretation

24. Questions about the interpretation of this Code, or concerns about the conduct of a member of the College, should be referred initially to the Chief Executive or their delegated lead.

Breaches of the Code of conduct

25. Complaints relating to a breach of this Code may not be brought by members of the public. Any complaint made by a member of the College or member of College staff, or notifications received from

either publicly accessible data or professional regulatory body regarding misconduct of a member of the College shall be dealt with under the procedures set out in the College's Disciplinary Proceedings Rules at Annex B. All members of the College are required to cooperate with any investigation into breaches of this Code.

Sanctions for breaches of the Code

26. Any alleged breach of the Code will be investigated according to the procedure detailed in the College's Disciplinary Proceedings Rules at Annex B.
27. The College Council shall have the power to terminate the membership of any member of the College in accordance with Ordinance 10 if:
 - i) they are convicted of a criminal offence
 - ii) they have their name erased from the Medical Register by the GMC under Section 35D of the Medical Act 1983
 - iii) a receiving order is made against them or they make any composition with their creditors
 - iv) at any time the Council, after due enquiry, in accordance with the College's Disciplinary Regulations, resolves that the interests of the College so require
28. In addition to its power to terminate the membership of a member of the College under Ordinance 10 the Council may retain College membership and impose one or more of the following sanctions if after due enquiry in accordance with the College's Byelaws and Disciplinary Proceedings Rules the Code of Conduct is considered to have been breached :
 - i) A requirement that the offending member of College apologise for their conduct in writing and/or in public
 - ii) A requirement that the offending member of the College gives an undertaking to the College to amend his or her behaviour, breach of which would amount to breach of this Code.
 - iii) A requirement that the offending member of the College withdraws any material in the public domain or issues a correction in any manner directed by the Council or ceases using the College logo and branding
 - iv) Referral for remediation and monitoring of the College member's future performance

- v) The imposition of conditions on the offending College member, breach of the conditions amounting to breach of the Code
- vi) Removal from Council membership or as an Officer
- vii) Suspension or removal from any other position in the College or external body held by virtue of membership of the College either permanently or for a specified period until any specified conditions have been met.
- viii) Referral to the offending member's professional regulatory body.

Disciplinary process.

29. The procedure for disciplinary proceedings shall be as prescribed by Byelaws 19,20,21,22 and 23 as set out at Annex B

Annex A: Core Values of the Emergency Physician

Core values of the UK Emergency Physician - A position statement from the Royal College of Emergency Medicine

1. The Royal College of Emergency Medicine exists to promote excellence in Emergency Care by training, research and provision of high-quality care within the Emergency care system
2. The Royal College has no party political or religious ideology and the quality of care provided is not influenced by Member's personal beliefs
3. The Royal College is proud of the "access to all" ethos of the Health Service in the UK and Ireland, and is committed to maintaining a system of service provision that disadvantages no one.
4. All care provided must be patient focussed regardless of external pressures.
5. The practice of Emergency Medicine best attends to patients' needs when it is informed by scientific method and delivered with compassion. Neither alone is sufficient and so Members are expected to participate in, and/or support, ethically sound research and adopt evidence-based practices within the context of patient autonomy and physician beneficence.
6. Patients' autonomy must be respected. All clinical decisions should be made in conjunction with the patient wherever possible. Whenever patients are unable to exercise such autonomy, all actions performed or sanctioned by their EM doctors should be proportionate and manifestly in the patients' best interests.
7. All Members should maintain respect for other members of the healthcare team and behave in a way that enables the optimal function of the team at all times.
8. All Members are expected to continually improve their own performance by participating in continuing education and development and by supporting the development of others wherever possible.
9. The College expects its Members and Fellows to act in the course of their Emergency Medicine Practice in a way that brings credit to the profession and the individual.

10. All Fellows and Members should ensure that their health (physical and mental) is properly attended to and where health problems could affect the exercise of their medical responsibilities appropriate action and advice is taken.

11. All Fellows and Members should pursue any business interests either directly or indirectly related to patient care, in accordance with the highest standards of personal and business probity. Any conflict of interest must always be declared and where the risk is significant, arrangements must be made to avoid any such conflict.

Authors: Dr Ruth Brown College Vice-President Dr Cliff Mann College Registrar
as approved by the College Executive Committee

Annex B – Extract from the Bye Laws

19. Erasure from the Medical Register by the GMC

- a. If a College member's name is erased from the Medical Register by the GMC under Section 35D of the Medical Act 1983, the person's College membership is automatically terminated and Council will be informed.
- b. A person whose College membership has been terminated in accordance with Byelaw 19 a. may apply in writing to the College for reinstatement as a College member if they are re-registered on the Medical Register by the GMC. The application shall be dealt with in accordance with the process in Byelaw 22.

20. Reporting Misconduct

- a. When a notification of a criminal offence being committed, or an allegation of breach of the Code of Conduct, by a College member, or of a College member not acting in the interests of the College, or of a College member having obtained a College qualification by fraud or false statement, is received from a third party in writing, or the College becomes aware that a College member is erased from any register (excluding from the Medical Register of the GMC) 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 Membership Manager or their nominated deputy will collate all necessary documentary evidence. The Membership Manager will present all details of the anonymised allegation, or of such an erasure from a register, to the Vice President Membership (or a nominated deputy being another College Officer if the Vice President Membership is directly involved in the allegation, the matter which is the subject of the erasure from the register or unavailable), who will initially consider the matter. The criteria the Vice President Membership (or nominated deputy) shall consider in making this decision 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 may damage the reputation of the College or are otherwise 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 that the College member has been erased from a register (excluding the Medical Register of the GMC) as a consequence of a determination to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired?

- b. If the Vice President Membership (or nominated deputy) concludes that there are no grounds or insufficient evidence to support the allegation made or that the College member has been erased from a register (excluding the Medical Register of the GMC) as a consequence of a determination to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, no further action will be taken, and no record of the incident will be recorded on the College member's record.

- c. If the College member has been convicted of a criminal offence which would constitute a breach of the Code of Conduct, then their College membership shall be automatically terminated under Ordinance 10.1.1 and the member will be sent a letter informing them of this.

- d. If the Vice President Membership (or nominated deputy) believes there are grounds for concern that require further investigation, they will inform the College member in writing that they are under investigation following an allegation of breach of the Code of Conduct or of not acting in the interests of the College, or of having obtained a College qualification by fraud

or false statement, or following receipt of information they have been erased from a register (other than the Medical Register of the GMC) as a consequence of a determination to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, and the expected time frame of the investigation. 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.

- e. 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 College member informed in writing of the outcome.

21. Removal from the College Register pursuant to Ordinance 10.1.4

- a. If the Vice President Membership (or nominated deputy) decides that there is a prima facie case that the College member has breached the Code of Conduct or otherwise not acted in the interests of the College, or has obtained a College qualification by fraud or false statement, or has been erased from a register (excluding the Medical Register of the GMC) as a consequence of a determination to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, they will convene a Member Disciplinary Tribunal (“the Tribunal”). The Tribunal will consist of:
 - A Vice President 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.
- b. 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 21 h. 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).

- c. 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, its purpose and the case against the College member that they have breached the Code of Conduct or otherwise not acted in the interests of the College, or have obtained a College qualification by fraud or false statement, or have been erased from a register (excluding the Medical Register of the GMC) as a consequence of a determination to the effect that their fitness to practise as a medical or other healthcare practitioner is impaired, has been served on the College member; and
 - ii. the notice will attach a copy of the Code of Conduct and Byelaws 21 and 23 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 their membership of the College should not be terminated, or why they have not obtained a College qualification by fraud or false statement; and
 - iv. 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
 - v. the College member has the right to attend, and present their case as to why their College membership should not be terminated, at the meeting, or why they have not

obtained a College qualification by fraud or false statement; and

- vi. 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
 - 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 5 working days prior to the date of the hearing.
- d. The College member 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.
- e. The College member may cross examine any person at the hearing.
- f. 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 recommendation to Council. 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.
- g. After the meeting the Tribunal will adjourn to decide on the outcome. The decision will be that:
- i. Membership be retained – no further action; or
 - ii. A recommendation to Council that Membership be retained but that one or more of the sanctions listed in paragraph 28 of the Code of Conduct be invoked, provided that a sanction does not suspend or withdraw any rights or entitlements of the College member under the Charter, the Ordinances or these Byelaws, and/or a qualification conferred by the College be rescinded and declared void; or

- iii. A recommendation to Council that College membership be terminated
- h. The Tribunal will report its recommendation together with the motion to be considered by Council, and send a copy of the minutes of the Tribunal hearing, to Council. The College shall send an email to the College member indicating the outcome of the Tribunal meeting.
- i. The Council shall consider the motion recommended by the Tribunal at its next meeting.
- j. If the Council resolves to approve the recommendation of the Tribunal that the person's College membership is terminated, or that any of the sanctions listed in paragraph 28 of the Code of Conduct are invoked against them, or that their qualification is declared void, the Chief Executive will notify in writing the College member of the decision and 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 Council. 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 the termination of their College membership, or the sanctions invoked against them, or the declaration that their qualification is void, after the decision takes effect under Byelaw 23 b.
- k. The Council may make additional rules for the process in connection with meetings of the Tribunal as long as not inconsistent with this Byelaw 11.

22. Reinstatement to the College Register following termination of College membership under Byelaws 19 or 21

- a. A person whose College membership has been terminated pursuant to Byelaw 19 or as a result of a determination by the

Council in accordance with Byelaw 21 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 termination of their College membership.

- b. The written request for reinstatement should set out in full the grounds for reinstatement.
- c. Upon receipt the Vice President Membership (or a nominated deputy being another College Officer if the Vice President Membership is directly involved in the grounds for reinstatement or unavailable)) will convene a Member Disciplinary Tribunal (“the Tribunal”). The Tribunal will consist of:
 - A Vice President 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 by Council which lead to the termination of the applicant’s College membership.

- d. 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 22 j. 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).
- e. 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 22 and 23 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
 - iv. 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
 - v. 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
 - vi. 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
 - 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 5 working days prior to the date of the hearing.
- f. The College member 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.
- g. The College member may cross examine any person at the hearing.
- h. 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 recommendation to Council. 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.

- i. After the meeting the Tribunal will adjourn to decide whether to recommend to Council that the applicant should be reinstated to College membership.
- j. The Tribunal will report its recommendation together with the motion to be considered by Council, and send a copy of the minutes of the Tribunal hearing, to Council. The College shall send an email to the applicant indicating the outcome of the Tribunal meeting.
- k. The Council shall consider the motion recommended by the Tribunal at its next meeting.
- l. The Chief Executive will notify the applicant of a decision by the Council that they are reinstated to the Register of College members.
- m. If the Council 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 Council's decision and their right of appeal.
- n. If the Council 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.
- o. 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 22.

23. Appeals against determinations by Council

- a. A person may appeal against a determination by the Council to:
 - i. terminate their membership pursuant to Ordinance 10.1.4; or
 - ii. retain their Membership but to invoke one or more of the sanctions listed in paragraph 28 of the Code of Conduct; or

- iii. rescind and declare void a qualification conferred by the College pursuant to Ordinance 10.4; or
 - v. reject their application for reinstatement as a College member pursuant to Byelaw 22.
- b. No determination by the Council to terminate membership of a person, to invoke sanctions against that person, to declare their College qualification void or to reject their application for reinstatement may take effect until:
- i. the expiry of the period for them to notifying an appeal under Byelaw 23 c. (if no appeal has been notified); or
 - ii. (if an appeal is validly notified) the appeal has been determined.
- c. The written notice of appeal must be submitted by the College member to the Membership Manager within ten working days of the date of the notification to them of the Council'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
- d. The Vice President Membership (or a nominated deputy being another College Officer if the Vice President Membership is directly involved in the grounds for appeal or unavailable)) will convene an Appeals Panel within eight weeks of receipt of the notice of an appeal. The Appeals Panel will consist of three members of the Council of the Academy of Medical Royal Colleges (excluding the College member) nominated by the President of the Academy who have not previously been involved in any aspect of the Tribunal process or decision by Council 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 request the President of the Academy to appoint independent Panel members. The Membership

Manager shall be appointed secretary to the Appeals Panel and attend the Panel as an observer. The Panel will select one of their number to chair meetings of the Panel.

- e. 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 5 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.
- f. The applicant must give at least 10 working days' written notice prior to the hearing date of the Appeal Panel of the name of any representative they wish to appoint.
- g. The Appeal Panel will base its deliberations on:
 - i. the written request submitted by the applicant; and
 - ii. the findings of the Tribunal and the Council; and
 - iii. any written representations of the applicant which are received by the Membership Manager at least 5 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.
- h. The meeting of the Appeal Panel shall be held in private and its proceedings and deliberations will be kept confidential.
- i. Members of the Appeal Panel and the applicant may cross examine any person at the hearing.
- j. The Appeal Panel shall have authority to accept the appeal or to uphold the original determination of the Council.
- k. The decision of the Appeal Panel will be communicated to the Chief Executive who will notify in writing the applicant of the decision within 10 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 Council, the Panel's findings shall be reported to the Council at their next meeting.
- l. At the conclusion of the appeal hearing there shall be no further right of appeal in respect of the same determination of the Council.
- m. 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 23."