



THE ROYAL COLLEGE OF EMERGENCY MEDICINE

Patron: HRH The Princess Royal

7-9 Bream's Buildings
London
EC4A 1DT

Tel: +44 (0)20 7404 1999

www.rcem.ac.uk

BYE-LAWS

This updated copy of the College Bye-Laws incorporates the amendments approved by Council at its meeting held on Thursday 14 May 2020

.....
Dr Carole Gavin

Vice President Membership

.....
Dr Katherine Henderson

President

Seal of The College

Excellence in Emergency Care

Incorporated by Royal Charter, 2008 • Registered Charity No. 1122689

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MEDICINE

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Byelaws of The Royal College of Emergency Medicine

1. 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 vice versa and words in the singular include the plural and vice versa.
- d. In these Byelaws "the Charter" shall mean the Royal Charter incorporating The College of Emergency Medicine.
- e. In these Byelaws "the Ordinances" shall refer to the Ordinances of The College for the time being made under Article 13 of the Charter.
- f. In these Byelaws "constituency" shall mean the members of the College allocated to a geographical area of work or group of individuals who are responsible for electing or appointing a given member of the Council or office holder.
- g. A member of the College is in good standing of or with the College provided that he:
 - i. has paid in full all subscriptions and other monies due to the College; and
 - ii. has not been suspended or erased from the Medical Register by the General Medical Council; and
 - iii. is not subject to any disciplinary proceedings pursuant to Byelaw 12.

- h. In these Byelaws “the Code of Conduct” shall mean the Code of Conduct for Members, Fellow and Affiliates” as made or varied by the Council from time to time.
- i. In these Byelaws “working day” means any day except a Saturday, Sunday or statutory bank holiday in England and Wales.

2. Council

- a. The Council shall have the power to create Regulations for the management of any aspect of College business, provided that such Regulations are not contrary to the Charter, the Ordinances or to these Byelaws.
- b. Any Officer or member of the Council shall vacate office if:
 - i. The Council reasonably believe he is suffering from mental disorder, illness or injury and incapable of acting and resolve that he be removed from office;
 - ii. He is disqualified under the Charities Act 1993 from acting as a charity trustee;
 - iii. He resigns from the Council by notice in writing to the College;
 - iv. He ceases to be a member of the College;
 - v. He ceases to be a member in good standing of the College;
 - vi. He fails to attend three consecutive Council meetings, without good reason, and the Council consequently resolves that he should cease to be such an Officer or member;
 - vii. The College in General Meeting resolves that he 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;
 - viii. At a meeting of the Council at which at least half the members are present, a resolution is passed that he 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.
- c. All members of the Council must be employed in Emergency Medicine in the United Kingdom or Republic of Ireland at the time of their election or appointment (save for the lay member or co-opted members of the Council) and must remain in good standing with the College. Any Officer or member of the Council may continue to serve out a term of office after retirement from practice. A member of the Council who moves for work or any other reason outside the United Kingdom or Republic of Ireland, for a period of three months or longer, should demit office at the Council meeting following his change of status.

- d. Members of Council may participate in a Council meeting 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 Council members are participating in a Council meeting, it is irrelevant where any member of Council is or how they communicate with each other. If all the Council members participating in a meeting are not in the same place, Council may decide that the meeting is to be treated as taking place wherever any of them is.
- e. A resolution in writing signed or approved in electronic form by the higher of twelve voting members of Council (of whom at least three must be Officers) and a simple majority of the members of Council (of whom at least three must be Officers) entitled to vote on the resolution shall be as valid and effectual as if it had been passed at a meeting of the Council duly convened and held provided each of the following conditions is satisfied:
 - i. the written resolution must be circulated to all members of Council 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 member of Council gives his approval to a proposed written resolution when the College receives from him a copy of the resolution signed by him or his indication of his approval of it given by electronic means.
- f. The Council may act notwithstanding any vacancies in its numbers but if at any time the number of members of the Council is reduced below sixteen elected members, including Officers, the Council shall act only for the purpose of filling up vacancies among the members or convening a General Meeting of the College.
- g. The Chief Executive of the College shall be a co-opted member of the Council and shall participate in the Council business. The Chief Executive shall not be a voting member.
- h. The following persons shall be additional co-opted members of the Council who shall not be voting members or charity trustees:
 - i. one person nominated in writing by the Surgeon General who must be a Fellow;
 - ii. one person nominated in writing by the Society of Acute Medicine;
 - iii. up to six Fellows of the College by Examination ("Fellows in Council") who shall be nominated and elected by the Fellows of the College in accordance with Byelaw 2.i;
 - iv. the President or his nominated deputy for the time being of the Irish Association of Emergency Medicine.

- i. Fellows in Council shall be nominated and elected as follows:
 - i. Candidates must be Fellows of the College by Examination who are in good standing of the College. Nominations for candidates for election as Fellows in Council shall be invited by the Registrar from Fellows of the College in good standing in accordance with Regulations made by Council, which may set out additional eligibility criteria for candidates and proposers and seconders.
 - ii. If more than one candidate is nominated for a vacancy, then the candidate shall be elected, using the method of a single transferable vote, by ballot of the Fellows of the College in good standing and in accordance with Regulations made by the Council.
 - iii. If the number of candidates nominated who are eligible for election are less than or equal to the number of vacancies in the election they shall be deemed to be elected.

3. Terms of Office of members of the Council

- a. With the exceptions noted in Byelaw 3.b. all Officers, Committee Chairs, voting members of the Council and any Fellow overseeing a specific portfolio, accountable to Council, shall normally serve for an initial three years (as defined in these Byelaws) following their election or appointment. After this 3 year term they may demit office or stand for re-election for a second 3 year term. In exceptional circumstance Council may decide to extend the original term of office by up to 12 months without a formal election. No person shall be eligible to stand for any College post for a period exceeding two 3 year terms.
- b. The exceptions are:
 - i. A Fellow elected President will serve for up to five years following election: for six months initially as President-Elect, then three years as President and up to one year as Immediate Past President.
 - ii. The member elected by Emergency Physicians who are members of the College working as Staff Grades, Associate Specialists or equivalent grades in Emergency Medicine shall be elected for a term of three years, after which he will not be eligible for re- election.
 - iii. The member elected by the members of the College in training shall serve for a period not exceeding two years following which he will be eligible for re-election for one further term of office. The member elected by the members of the College in training may serve for up to 6 months after he takes up a substantive consultant post.
 - iv. The initial periods of office of members of the Council and Officers following the grant of the Charter shall be as determined by the Council.
- c. The Council may direct that elections for officer posts other than as President be arranged such that the successful candidates can serve as Officers-Elect for up to a year prior to taking up office. These Officers-Elect may attend meetings of the Council,

but shall not be voting members of the Council unless deputising for the Officer in his absence or unless already an elected member of the Council.

- d. The President shall take up office six months from election at the first Annual General Meeting following the formal announcement of his election, and demit office at the end of the third Annual General Meeting following his taking up office.
- e. Other members of the Council shall be elected or appointed by the Council and shall normally take up office at the end of the Annual General Meeting after the announcement of election or appointment is made and demit office at the end of the third Annual General Meeting after their taking up office (or the fifth anniversary if elected for a further two years):
- f. Other than with the express consent of the Council, no Officer or member of the Council may occupy more than one post simultaneously (other than as an Officer-Elect). Where such consent is granted, it shall not run for more than one year.
- g. No member of the Council elected by a constituency may remain as such an elected member of the Council if he ceases to be a member of that constituency, and he should demit office at the Council meeting following his change of status.
- h. An Officer or other member of the Council may resign his office at any time by giving written notice to the President of his intention to do so. The Registrar shall arrange for the election or appointment of a successor to be made as soon as practicable,
- i. Co-opted additional members of the Council, whether invited members from other Colleges or bodies or otherwise, shall be co-opted for such terms as the Council may determine and may be co-opted for further terms (which shall normally be for three years).

4. Elected members of the Council

- a. Vacancies amongst members of the Council occasioned either by elected members of the Council leaving office in accordance with Byelaw 3a or by any cause shall be filled by election following the provisions of this Byelaw.
- b. Elected members shall comprise the following:
 - i. The two Co-Chairs of the London Regional Board provided as a result of their election the number of elected members of Council under paragraphs i. and ii. shall not exceed fourteen;
 - ii. The Chairs of the other Regional Boards of England;
 - iii. The Chairs of each of the Scottish, Welsh and Northern Ireland Boards;
 - iv. The member elected by the members of the College in training;
 - v. The member elected by members of the College working as Staff Grades and Associate Specialist doctors or equivalent grades in Emergency Medicine.

- c. At least three, and not more than six months before the Annual General Meeting in each year the Registrar shall send a circular of vacancies however arising to all members in good standing practising in the appropriate constituency or category, who are entitled to receive notice from the College. The circular shall describe the vacancies, invite nominations and specify the time within which any such nominations must reach the Registrar.
- d. No person may be a candidate for election to the Council unless he is a member in good standing with the College. It is the responsibility of the individual to inform the College if he ceases, at any stage during the election or afterwards, to be in good standing. The Council may refuse to accept the nomination of a candidate not in good standing or to withdraw a nomination if the candidate subsequently ceases to be in good standing.
- e. Each nomination must be signed by the proposer and the seconder who each must be a member in good standing. Each nominee must signify his willingness to be nominated and serve if elected.
- f. If more than one candidate is nominated in a particular constituency or in a particular category, or in the case of an election for the Co-Chairs of the London Regional Board more than two candidates are nominated, then the candidate shall be elected by ballot held in accordance with Regulations made by the Council and issued to each member entitled to vote at least two months before the Annual General Meeting and indicating the date for return to the Registrar.
- g. The Registrar shall appoint scrutineers to count the votes cast upon each ballot and they shall report to him.
- h. If a ballot is not required the names of candidates nominated for election and otherwise the names of candidates who received the greatest number of votes on such ballot shall be announced by the Registrar (or his delegate) at the Annual General Meeting.
- i. If Officers are appointed or elected from among elected members of the Council, the vacancy so created shall be filled by further nomination and, if required, ballot of the members from the relevant constituencies at the earliest opportunity, the results of the ballot being thereafter communicated to the members and the candidate(s) elected will take up post in the interim pending announcement at the next AGM.
- j. 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.
- k. Members' geographical and other voting qualifications shall be decided on the basis of the most recent information supplied to the College.
- l. 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.

- m. Only members whose addresses are within the United Kingdom or the Republic of Ireland shall be entitled to vote in elections for members of the Council other than that for a Presidential election.
- n. All candidates shall be required to abide by the Charter, Ordinances and Byelaws. In the event of the Council determining that a breach of these Byelaws has occurred, the Council 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.

5. Appointed members of the Council

- a. Vacancies amongst members of the Council occasioned either by appointed members of the Council leaving office in accordance with Byelaw 3a or by any other cause shall be filled by the Council appointing persons to fill any such vacancy.
- b. The appointed members of the Council shall consist of six members normally being Chairs of Committees of the College (who are not otherwise Officers) and a lay member (not being a person in practice or previously in practice in Emergency Medicine).
- c. In advance of a vacancy occurring pursuant to Byelaw 3a or upon a vacancy otherwise arising the Council shall take steps to seek nominations to fill the vacancy in such manner as it sees fit and by consultation with any relevant Committee of the College so that an appointment to the vacancy can be made as soon as reasonably practicable.
- d. Council may fill a vacancy arising under Ordinance 6.1(1)(c) by appointing to Council the Vice President-Policy in accordance with the following procedure:
 - i nominations shall be sought from the Fellows.
 - ii nominations shall be in writing and bear the signature of their proposer and seconder (who must both be Fellows) and the written assent of the nominee of his willingness and ability to serve if appointed.
 - iii in the event of there being more than one nomination, the Vice President-Policy shall be chosen by a ballot of voting members of the Council which shall not include the votes of those nominated and shall be decided by single transferable vote.
 - iv If there is only one nomination, his appointment as Vice President-Policy shall require confirmation by a resolution of Council.

6. Election of Officers

a. The President

- i. The President shall be nominated and elected by the Fellows of the College.
- ii. Nominations for the office of President shall be in writing and must bear the signature of the proposer and seconder and the written assent by the nominee of his willingness and ability to serve if elected.

- iii. If only one member be so nominated his name shall be laid before the Council for consideration and if confirmed shall be announced at the Annual General Meeting.
- iv. If more than one member be so nominated a ballot shall be held in accordance with Regulations made by the Council so that a result may be announced at the Annual General Meeting.
- v. In the event of the death or resignation of the President, the President-Elect (if appointed) shall immediately assume office as Acting President until the next AGM at which point he shall assume the position of President. In the event of the prolonged illness of the President, the President-Elect (if appointed] shall assume the office of Acting President following a resolution of the Council. In the event that there is no President-Elect, the Immediate Past President shall assume the office of Acting President, until such time as a new President is elected and agreement reached over the date on which the new President shall take up office. The Acting President shall assume all of the powers of the President.
- vi. In the event that there is no Immediate Past President or he is unable or unwilling to assume the position of Acting President, the Council shall appoint one of the Vice-Presidents, or other Officer to become Acting President until such time as a new President shall be elected.

b. Registrar, Vice-Presidents, Treasurer and Dean

- i. Nominations shall be sought from the Council, relevant Committees and the Fellows according to the Regulations.
- ii. Nominations for the Officers shall be in writing and must bear the signature of their proposer and seconder and the written assent of the nominee of his willingness and ability to serve if elected.
- iii. In the event of there being more than one nomination for any office the Officers shall be chosen by a ballot of voting members of the Council which shall not include the votes of those nominated and shall be decided by single transferable vote.

7. Roles of the Officers

The roles of Officers will be defined by the Council in the Regulations and will be subject to periodic review and amendment as and when necessary.

- a. **President** shall function as the principal Officer of the College and shall preside at all General Meetings, Council and Executive Committee meetings of the College at which he is present and shall be an ex-officio member of all Committees with full voting rights.
- b. **President-Elect** shall support the President for the one year prior to assuming the role of President.

- c. **Immediate Past President** shall in the year following completion of his term of office support the incoming President in his role.
- d. **Vice-President (one)** will support the Chairs of committees as appropriate.
- e. **Vice-President (two)** will support the Chairs of committees as appropriate.
- f. **Registrar** will oversee administration and governance of the College. He will support the Chairs of committees as appropriate.
- g. **Treasurer** will oversee all financial aspects of the College, including subscriptions, investments, business planning, financial auditing and insurance and support the Registrar and the Chief Executive in the Corporate Governance Committee.
- h. **Dean** will chair the Education Committee and be responsible for the College education strategy, including the production, staging and quality control of examinations. He will support the work of the Training Standards Committee and work with other Committees to develop the curriculum and training courses.

8. 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 Council must convene a meeting within forty-two days of receipt of the requisition. In the event of the Council 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, 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.
- 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. Any members of the College designated as having voting rights shall be entitled to attend, speak and vote at General Meetings of the College. All other members of the College shall be entitled to receive notice of General Meetings and to attend and speak, but not vote, at them. The voting rights of members are defined in the Regulations.
- f. A resolution put to the vote at the meeting shall be decided by a show of hands of every member present who has the right to vote. 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 and voting by proxy shall not be allowed.

- g. 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.
- h. 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 Council.
 - ii. The audited accounts of the College for the last completed financial year shall be presented and the College's auditors shall be appointed.
 - iii. The receipt and discussion of previously circulated reports from the Officers, Regional Boards, Chairs of Committees and Representatives of the members in training and Staff and Associate Specialist doctors.
 - iv. The debate and approval of alterations to fees in respect of admission or election and annual subscriptions.
 - v. Motions to be introduced by members for discussion at the meeting shall be signed by not less than ten of those presenting the motion and shall be submitted to the Registrar by the date stipulated in the announcement of the meeting.
 - vi. Such other business as may be decided by the Council.
- i. The President shall determine which motions are in order and direct the arrangement of the agenda.
- j. 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 Chairman 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.
- k. At any General Meeting a declaration by the Chairman 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.
- l. With the exception of approval of changes in the Charter and Ordinances and in the level of annual subscription, motions passed at a meeting of members are advisory to the Council.
- m. The Chairman 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. Regulations made by the Council may provide for the further conduct of the meeting.

9. National and Regional Boards and Representatives

- a. The work of the College will be supported by regional and national Boards as defined in these Byelaws and which will be responsible for the coordination and collation of information on local issues and the dissemination of information from the College to its membership. National and Regional Boards are part of the College.
- b. All elected or nominated members of the National or Regional Boards will normally be Fellows of the College on the Specialist Register for Emergency Medicine in the UK and working as substantive Consultants in Emergency Medicine with the exception of the representatives of the members in training and the Staff and Associate Specialist doctors who shall be members of the College and all will be employed in the constituency in which they stand at the time of their election. Each Board may invite a lay representative to provide advice and attend Board meetings but such representative shall not be a voting member of the Board.

c. English Regions

- i. The geographical boundaries within which Regional Boards in England have authority to undertake their functions shall be determined by the Council in Regulations.

- ii. Each English Region will be represented by a **College Regional Board** which will meet at least once each year. Its functions will be:

- to act as a conduit between local members and the Council
- to gather information relating to regional issues and report to the Council
- to ensure the regional membership is kept informed of national matters

iii. Membership of each of the College Regional Boards

- I. **Chair of the Regional Board** (or in the case of the London Regional Board its Co-Chairs) will normally serve for a term of three years. The Chair, or in the case of the London Regional Board its Co-Chairs, will represent the Region on the Council and will also normally undertake the role of College Regional Advisor. At the end of his term he will normally serve on the Regional Board as Immediate Past Chair, or as Immediate Past Co-Chairs in the case of the London Regional Board, for a period of one year. The first Chair will be elected by the Fellows in the Region.

- II. **Vice-Chair of the Regional Board** will be elected by Fellows in the Region. He will normally become the Chair after two years in office. The first Vice-Chair will, however, serve for the full term of the first Chair. In the event of the Vice-Chair not wishing to serve as Chair, he will stand down and there will be a further local election.

III. Fellows:

1. **Chair of the Regional Training Committee or School of Emergency Medicine** (or equivalent body) will be actively involved in postgraduate training, will normally be a Fellow of the College and will be nominated by the Regional Training Committee, subject to ratification by the Postgraduate Dean. His term of office will be as determined by the Postgraduate Dean.
2. **Regional College Academic Lead** be nominated by the Regional Board, subject to confirmation by the College Research and Publications Committee. The term of office will normally not exceed three years in the first instance.
3. **The Chair of the College e-learning Committee for the Region.**
4. **A Fellow responsible for CPD in the Region.**
5. **A Fellow leading on the advice for revalidation in the Region.**
6. **Other Fellows locally elected or nominated according to arrangements proposed by the Regional Board and approved by the Council.**
7. In some Regions one individual may hold more than one of the above posts. That is subject to the decision of the Regional Board and the agreement of the individuals involved.
8. **Representative of the members in training** will be elected by the members in training in the Region. The term of office will be for up to two years or until 6 months after the individual takes up a substantive consultant post, whichever is the lesser period of time.
9. **Representative of the Staff and Associate Specialist doctors** will be elected from the Staff or Associate Specialist doctors in Emergency Medicine in the Region. The term of office will be for 3 years after which the representative may be re-elected for a further term but will not then be eligible for re-election.

- iv. iv. Regional meetings open to all categories of members in each English Region may be held as determined by the Regional Boards.

d. **Scotland**

- i. There will be a **Scottish Board of the College**. In addition to representative functions of the College, the Scottish Board will also liaise on behalf of the

specialty with existing bodies and structures in Scotland. In particular this includes the Scottish Royal Colleges of Physicians and Surgeons and relevant local and national government agencies. The Scottish Board of the College of Emergency Medicine will have authority to establish its own connections and representations with appropriate bodies.

ii. The Scottish Board will meet at least once each year and at other times as may be decided locally. The Scottish Board will report, by way of the minutes of its meetings, to the Council, which will remain the main authority within the College throughout the United Kingdom.

iii. **Membership of the Scottish Board**

1. The **President** will be an ex officio member of the Scottish Board. He may designate a Vice-President or other Officer to act in his place as necessary.

2. The **Chair of the Scottish Board** will normally serve for a term of three years. He will represent Scotland on the Council. At the end of his term he will normally serve on the Scottish Board as the Immediate Past Chair for a period of one year. The first Chair will be elected by the Fellows in Scotland. The Chair of the Scottish Board will act as College advisor for Scotland in conjunction with the chairs of the Training committees and will appoint additional College advisors as required.

3. The **Vice-Chair of the Scottish Board**. To provide for continuity, and to reflect the important functions of the College within Scotland, a Vice-Chair will be elected by the Fellows in Scotland and will normally assume the office of Chair after 2 years. The first Vice-Chair will, however, serve for the full term of the first Chair. In the event of the Vice-Chair not wishing to serve as Chair, he will stand down and there will be a further local election.

4. **Chairs of Regional Training Committees, Schools of Emergency Medicine** or other equivalent bodies within Scotland will be actively involved in postgraduate training, will normally be Fellows of the College and will be nominated by each Regional Training Committee, subject to ratification by respective Postgraduate Deans in Scotland. The Chairs of each Deanery Training Committee will elect one of their members to sit on the Scottish Board. Terms of office will be as determined by the Postgraduate Deans.

5. **Regional College Academic Leads**, representing each Region within Scotland, will be nominated by the Scottish Board, subject to confirmation by the College Research and Publications Committee. The term of office will be determined from time to time by the Research and Publications Committee, but shall not exceed three years in the first instance, extendable for a maximum of a further two years.

6. **The Chair of the College e-learning Committee for Scotland.**

7. **A Fellow responsible for CPD in Scotland.**
8. **A Fellow leading on the advice for revalidation in Scotland.**
9. **Other Fellows locally elected or nominated according to arrangements proposed by the Scottish Board and approved by the Council.**
10. Eligible individuals may hold more than one of the above posts, subject to the appointment procedures outlined above and the willingness of the individual.
11. **Representative of the members in training** will be elected by the members in training in Scotland. The term of office will be for up to two years, or until 6 months after the individual takes up a substantive consultant post whichever is the lesser period of time.
12. **Representative of the Staff and Associate Specialist doctors** will be elected from the Staff or Associate Specialist doctors in Emergency Medicine in Scotland. The term of office will be for 3 years after which the representative may be re-elected for a further term but will not then be eligible for re-election,

- iv. National meetings of the Scottish Board are open to all categories of members in Scotland and may be held as determined by the Scottish Board.

e. **Wales**

- i. There will be a **Welsh Board of the College**.
- ii. The Welsh Board will meet at least once each year and at other times as may be decided locally. The Welsh Board will report by way of the minutes of its meetings to the Council, which will remain the main authority within the College throughout the United Kingdom.
- iii. **Membership of the Welsh Board**
 1. The **President** will be an ex officio member of the Welsh Board. He may designate a Vice-President or other Officer to act in his place as necessary.
 2. The **Chair of the Welsh Board** will normally serve for term of three years. He will represent Wales on the Council, and will serve as the **College Advisor in Wales**. At the end of his term he will normally serve as Immediate Past Chair on the Welsh Board for one year. The first Chair will be elected by the Fellows in Wales.
 3. The **Vice-Chair of the Welsh Board**. To provide for continuity, and also reflecting the important functions of the College within Wales, a Vice-Chair of the Welsh Board will be elected by the Fellows in Wales and will normally assume the office of Chair after 2 years. The first Vice-

Chair will serve for the full term of the first Chair. In the event of the Vice-Chair not wishing to serve as Chair, he will stand down and there will be a further local election.

4. The **Chairs of Training Committees, Schools of Emergency Medicine** or other equivalent bodies within Wales will be actively involved in postgraduate training, will normally be Fellows of the College and will be nominated by the Welsh Training Committee, subject to ratification by the Postgraduate Deans in Wales. Terms of office will be as determined by the Postgraduate Deans.
 5. **Welsh College Academic Leads** will be nominated by the Welsh Board, subject to confirmation by the College Research and Publications Committee. The term of office will be as determined from time to time by the Research and Publications Committee, but shall not exceed three years in the first instance, extendable for a maximum of a further two years.
 6. **The Chair of the College e-learning Committee for Wales.**
 7. **A Fellow responsible for CPD in Wales.**
 8. **A Fellow leading on the advice for revalidation in Wales.**
 9. **Other Fellows locally elected or nominated according to arrangements proposed by the Welsh Board and approved by the Council.**
 10. Eligible individuals may hold more than one of the above posts, subject to the appointment procedures outlined above and the willingness of the individual,
 11. **Representative of the members in training** will be elected by the members in training in Wales. The term of office will be for up to two years or 6 months after the individual takes up a substantive consultant post, whichever is the lesser period.
 12. **Representative of the Staff and Associate Specialist doctors** will be elected from the Staff or Associate Specialist doctors in Emergency Medicine in Wales. The term of office will be for 3 years after which the representative may be re-elected for a further term but will not then be eligible for re-election.
- iv. National meetings of the Welsh Board are open to all categories of members in Wales and may be held as determined by the Welsh Board,
- f. **Northern Ireland**
- i. There will be a **Northern Ireland Board of the College.**

- ii. The Board will meet at least once each year and at other times as may be decided locally. The Northern Ireland Board will report by way of the minutes of its meetings to the Council, which will remain the main authority within the College throughout the United Kingdom. The Northern Ireland Board of the College will have authority to establish its own connections and representation with other appropriate bodies in Ireland.
- iii. **Membership of the Northern Ireland Board**
 1. The **President** will be an ex officio member of the Northern Ireland Board. He may designate a Vice-President or other Officer to act in his place as necessary.
 2. The **Chair of the Northern Ireland Board** will normally serve a term of three years. He will represent Northern Ireland on the Council, and will serve as the **College Advisor in Northern Ireland**. At the end of his term he will normally serve as Immediate Past Chair on the Northern Ireland Board for one year. The first Chair shall be elected by the Fellows of the College in Northern Ireland.
 3. The **Vice-Chair of the Northern Ireland Board**. To provide for continuity, and also reflecting the important functions of the College within Northern Ireland, a Vice-Chair of the Northern Ireland Board will be elected by the Fellows of the College in Northern Ireland and will normally assume the office of Chair after 2 years. Upon inception of the Northern Ireland Board the first Vice-Chair will serve for the full term of the first Chair. In the event of the Vice-Chair not wishing to serve as Chair, he will stand down and there will be a further local election.
 4. The **Chairs of Training Committee or Schools of Emergency Medicine** or other equivalent bodies within Northern Ireland will be actively involved in postgraduate training, will normally be Fellows of the College and will be nominated by the Northern Irish Training Committee, subject to ratification by the Postgraduate Deans in Northern Ireland. The term of office will be as determined by the Postgraduate Deans.
 5. **Northern Ireland College Academic Leads** will be nominated by the Northern Ireland Board, subject to confirmation by the College Research and Publications Committee. The term of office will be as determined from time to time by the Research and Publications Committee, but shall not exceed three years in the first instance, extendable for a maximum of a further two years.
 6. **The Chair of the College e-learning Committee for Northern Ireland.**
 7. **A Fellow responsible for CPD in Northern Ireland.**
 8. **A Fellow leading on the advice for revalidation in Northern Ireland.**
 9. **Other Fellows locally elected or nominated according to arrangements proposed by the Northern Ireland Board and approved by the Council.**

10. Eligible individuals may hold more than one of the above posts, subject to the appointment procedures outlined above and the willingness of the individual.
11. **Representative of the members in training** will be elected by the members in training in Northern Ireland. The term of office will be for up to two years, or until 6 months after the individual takes up a substantive consultant post, whichever is the lesser period of time.
12. **Representative of the Staff and Associate Specialist doctors** will be elected from the Staff or Associate Specialist doctors in Emergency Medicine in Northern Ireland. The term of office will be for 3 years after which the representative may be re-elected for a further term but will not then be eligible for re- election.
- iv. National meetings of the Northern Ireland Board are open to all categories of members in Northern Ireland and may be held as determined by the Northern Ireland Board,

10. Committee Structure and Functions

- a. There shall be the following Committees of the College:
 - i. Executive Committee;
 - ii. Corporate Governance Committee;
 - iii. Lay Committee;
 - iv. Quality in Emergency Care Committee;
 - v. Service Design and Configuration Committee;
 - vi. Informatics Committee;
 - vii. Workforce Committee;
 - viii. Conference Committee;
 - ix. Research and Publications Committee
 - x. Training Standards Committee;
 - xi. Education Committee;
 - xii. Non training EM Clinicians Committee/FASSGEM;
 - xiii. Training EM Clinicians Committee/EMTA;
 - xiv. Global Health EM Committee;
 - xv. Honours Committee;

xvi. RCEM Foundation Advisory Board;

and such other Committees as the Council shall from time to time establish.

- b. Each Committee will be governed by Terms of Reference which shall be approved by the Council 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.
- c. 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.
- d. Each sub-committee shall report to the Committee which established it.
- e. 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.
- f. The Executive Committee shall be asked to approve the co-option of members onto any Committee; such approval shall not delay the timely work of such a Committee.
- g. Subject to any Regulation or instructions by the Council, a Committee may meet for the dispatch of business and otherwise regulate its meetings as its Chairman shall determine.

11. Categories of Membership

- a. All elections of candidates for membership of the College shall be made by the Council and 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 regarded by the College as being suitable as Fellows of the College may apply for election to Fellowship by examination.

2. Fellowship by Election

Registered Medical Practitioners who have not passed the Fellowship examination but who are on the specialist register in Emergency Medicine and who satisfied the Article 14 criteria of the Postgraduate Medical Education and Training Board or have obtained a Certificate of Eligibility for Specialist Registration from the General Medical Council otherwise than by examination may apply for election to Fellowship. There will be no new elections to Fellowship by Election in respect of applications received after 31 March 2015.

3. Fellowship ad eundem

Registered Medical Practitioners who have been successful in examinations outside the United Kingdom and Ireland recognised by the College as equivalent to the Fellowship examination of the College may be elected 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. Fellowship by Distinction

Fellows by distinction of the College (previously the Faculty of Accident and Emergency Medicine) will continue to be known as such. There will be no further elections to Fellowship by Distinction.

6. Life Fellowship

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

7. Associate Fellowship

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:

7.1 have worked as a substantive Middle Grade in the United Kingdom for at least 6 years with United Kingdom postgraduate qualifications MRCGP, FRCS, MRCS, FRCA or MRCPCH; or

7.2 have worked as a substantive Middle Grade in the United Kingdom for at least 3 years with a recognised overseas

postgraduate qualification in Emergency Medicine, or be on the General Medical Council specialist register for A&E medicine; or

- 7.3 have worked overseas for at least 6 years at a level equivalent to Middle Grade, and hold a recognised overseas postgraduate qualification in Emergency Medicine,

(for Medical Practitioners working less than half-time, the time requirements will be increased by 1 year for each 10% below half-time)

may apply to be elected as Associate Fellows.

Council will specify a date from which applications may be received for Associate Fellowship under the criteria set out above. All applications received prior to that date will be assessed under the criteria for Associate Fellowship set out in Byelaw 11.b. of the Byelaws of the College as at 21 September 2017. All Associate Fellows immediately prior to the date specified by Council shall continue to be entitled to the rights and privileges, and to have the responsibilities of Associate Fellows.

8. 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, may be elected to Membership by examination, provided they are regarded by the College as being suitable as Members of the College.

2. Membership by Election

Registered Medical Practitioners who hold a Career Training Post in Emergency Medicine and are registered for training with the College may be elected to Membership of the College. There will be no new elections to Membership by Election in respect of applications received after 31 March 2017.

3. Associate Membership

There shall be the following categories of Associate Membership

- 3.1 Registered Medical Practitioners 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 Students at a Medical School in the United Kingdom and Ireland, who are studying medicine may apply for Associate Membership and shall be known as 'Student Members'.
- 3.3 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 Physician Associates registered on the voluntary register for their profession in the United Kingdom or the Republic of Ireland recognised by the College for the purposes of election as an Associate Member, or persons in training as a Physician Associate recognised by the College for the purposes of election as an Associate Member, or who are on a physician associate degree programme in the United Kingdom or the Republic of Ireland, who live or work in the United Kingdom or the Republic of Ireland recognised by the College for the purposes of election as an Associate Member, 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 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 and have completed a training programme recognised by the College for the purposes of election as an Associate Member, or who are training as an Advanced Clinical Practitioner in a programme recognised by the College for the purposes of election as an Associate Member, may apply for Associate Membership and shall be known as "Associate Members (Advanced Clinical Practitioner)".

Council will specify a date from which applications may be received for Associate Membership under the criteria set out above. All applications received prior to that date will be assessed under the criteria for Associate Membership set out in Byelaw 11.b. of the Byelaws of the College as at 21 September 2017. All Associate Members immediately prior the date specified by Council shall continue to be entitled to the rights and privileges, and to have the responsibilities of Associate Members.

4. Overseas Membership

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

iii. Affiliate

1. A Registered Medical Practitioner or non-medically trained individual who is interested in the practice of Emergency Medicine who does not satisfy another category of membership may be admitted as an Affiliate.

2. Organisations deemed appropriate by Council may become affiliated to the College. Such affiliated status is subject to the following constraints.

- Associated with no voting/representation rights.
- The "Statement of Affiliation" would declare that the College supports only those activities of the affiliated organisation that are concordant with the stated aims, objectives and principles of the College.
- No specific obligations are vested upon the College in respect of any such affiliation.
- Affiliated organisations are entitled to use the phrase "affiliated with the College of Emergency Medicine". Such entitlement could be revoked at any time by the College in writing.

iv. If during the application process for Membership or Fellowship the staff, Officers or members of the Council are aware or made aware of any issue resulting in GMC sanctions whether current or spent, the Registrar will request endorsement of the application by way of a reference from the applicants clinical director or equivalent.

c. Transitional arrangements for Fellowship by Previous Qualification or Consultant Appointment

i. Registered Medical Practitioners who are Fellows of the College of Emergency Medicine (previously the Faculty of Accident and Emergency Medicine) on the incorporation of the College by Royal Charter, shall automatically be entitled to assume the rights, responsibilities and privileges of Fellows by examination, election or ad eundem as the case may be.

ii. Consultants in Emergency Medicine working in substantive posts within the United Kingdom or Republic of Ireland and who are on the Specialist Register for Emergency Medicine in the UK or the Register of Medical Specialists in Emergency Medicine in Ireland who are not Fellows of the College of Emergency Medicine (previously the Faculty of Accident and Emergency Medicine), but desire to be admitted as Fellows of the College, shall submit a

written application to the Council and provide such evidence as the Council may require, within six months of the incorporation of the College by Royal Charter. Subject to payment of appropriate fees these persons will be elected as Fellows by election.

- iii. Persons who are Honorary Fellows or Fellows by Distinction of the College of Emergency Medicine (previously the Faculty of Accident and Emergency Medicine) on the incorporation of the College by Royal Charter, shall automatically be entitled to assume the rights, responsibilities and privileges of such Fellows.
 - iv. Registered Medical Practitioners who are Members of the College of Emergency Medicine (previously the Faculty of Accident and Emergency Medicine) on the incorporation of the College by Royal Charter, shall automatically be entitled to assume the rights, responsibilities and privileges of Members by examination or election as the case may be.
 - v. Staff Grades and Associate Specialist doctors in Emergency Medicine working in substantive posts within the UK or Republic of Ireland, who are Associate Fellows of the College of Emergency Medicine (previously the Faculty of Accident and Emergency Medicine) on the incorporation of the College by Royal Charter, shall automatically be entitled to assume the rights, responsibilities and privileges of Associate Fellows.
 - vi. Staff Grades and Associate Specialist doctors in Emergency Medicine working in substantive posts within the UK or Republic of Ireland, who are not Associate Fellows of the College of Emergency Medicine (formerly Faculty of Accident and Emergency Medicine) but who desire to become Associate Fellows of the College of Emergency Medicine shall be eligible to submit a written application to the Council and provide such evidence as the Council may require, within six months of the incorporation of the College by Royal Charter. Subject to payment of appropriate fees these persons will be elected as Associate Fellows.
 - vii. Existing members of the British Association for Emergency Medicine who are not members of the College of Emergency Medicine (formerly Faculty of Accident and Emergency Medicine) but who desire to become members shall be eligible to submit a written application to the Council and provide such evidence as the Council may require, within six months of the incorporation of the College by Royal Charter. These applicants will become members in the relevant categories as determined by the Council.
- d. Further criteria for eligibility, or the application and election 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 Registrar in all other cases.

- e.
 - i. Rights, privileges and responsibilities of each membership category 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;
 - iii. If a member of the College ceases to be in good standing he 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 12 and those proceedings are the sole reason for ceasing to be in good standing.
- f. Regulations relating to Fellowship and Membership by examination will be published by Council on advice from the Examinations Sub Committee.
- g. The Register of Fellows, Members and Affiliates shall be maintained by the Registrar.
- h. All Fellows, Members and Affiliates agree to abide by the Code of Conduct.

12. Termination of membership

The rules and procedures for disciplinary proceedings are set out in the Disciplinary Proceedings Rules in Bye-laws 19, 20, 21, 22 and 23.

13. Making an Alteration to the Byelaws

- a. The making, amendment or repeal of the Byelaws by the Council shall be conducted in accordance with Ordinance 6.4 of the Ordinances.
- b. Every enactment, amendment or repeal of a Byelaw shall be entered, together with the date, by the Registrar in a copy of the Byelaws kept for that purpose, and shall be initialled by the President, and such copy shall be the authoritative copy of the Byelaws until the next re-printing of the Byelaws.

14. Common Seal

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

15. 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 Council;
 - ii. every transaction is reported at least once every three months¹ to the Council or to a Committee authorised by the Council to receive such reports;
 - iii. the performance of the investments is reviewed regularly with the Council;
 - iv. the Council 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 Council on receipt; and
 - vii. the financial expert must not do anything outside the powers of the Council;

and "financial expert" means a person who is reasonably believed by the Council to be qualified to give advice in relation to investments by reason of his ability in and practical experience of financial and other matters relating to investments.
- b. The Treasurer will be responsible for seeking advice from financial experts and professional advisers for the College and will inform the Council of advice and seek approval for actions.

16. 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. by fax to a fax number notified by the member in writing;
 - iv. in electronic form to an address notified by the member in writing;
 - v. by a website, the address of which shall be notified to the member in writing;
or
 - vi. 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

"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 or fax) or any other means while in electronic form (for example, sending a disk through the post.

- 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 16aⁱⁱ 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;
 - iii. 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.
 - iv. is sent by fax, providing that the College can show that if was sent to the fax number provided by the member, it is treated as being delivered at the time it was sent.
 - v. is sent in electronic form, providing that the College can show that it was sent to the electronic address provided by the member, if is treated as being delivered at the time it was sent.
 - vi. 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.

- vii. If a notice 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 Regulation make further specific provision about methods of communication in particular circumstances.

17. Examiners

The College 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 are appointed in accordance with Regulations and who will complete training as required by the Examinations Sub-Committee.

18. 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 Regulations.

DISCIPLINARY PROCEEDINGS RULES

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 .