

# Your committee

## MLC (medico-legal committee)

Committees play an important role at the BMA. They represent members' views across branches of practice, specialisms, and professional activities and provide expert views and opinions to shape our strategies and policies.

2017-18



The BMA can only function with the contributions of those members who seek election as representatives. Thank you for making the commitment to help represent your colleagues. In order that elected BMA representatives can work together effectively the following principles are important.

- When you are speaking to or communicating in the broadcast, print or social media as an elected BMA representative, or are identified as such, you should honestly represent the views of the BMA.
- When speaking in a personal capacity you should explicitly ask not to be identified as an elected BMA representative.
- Committee officers should coordinate media engagements with the press office.
- You should declare conflicts of interest to your committee chair/committee secretary as appropriate.
- You should uphold the confidentiality of your committee when requested. If in doubt, ask the chair of committee.
- You should uphold the confidentiality of your committee at all times. As a member of the medical profession and as an elected representative, you should behave in a professional manner at all times. You should always treat patients, colleagues and staff with respect. If you have a concern, raise it straight away with the chair of committee or with the committee secretary. You should familiarise yourself with the BMA charter on the standards of behaviour expected of elected representatives.

**In standing for any election you agree to uphold these principles.**

## Medico-legal committee

### About the committee

The Medico-Legal Committee is responsible for advising the BMA on policy matters affecting doctors who undertake work as an expert witness.

You can find out more about the committee on the BMA website <https://www.bma.org.uk/about-us/how-we-work/professional-activities/medico-legal-committee>

### Remit of the committee

The Medico-legal committees remit is to consider and report on medico-legal issues of direct concern to the profession, including those referred to the committee by BMA Council, other BMA committees and external bodies.

### Terms of reference

To consider and report on medico-legal issues of direct concern to the profession, including those referred to the committee by BMA Council, the Board of the Representational and Political Activities Directorate, other BMA committees and external bodies.

## Constitution

Three members appointed by Council and one representative each of the Public Health Medicine Committee, the Consultants Committee (CC), the General Practitioners Committee (GPC), Staff, Associates Specialist and Specialty Doctors Committee (SASC), the Junior Doctors Committee (JDC) the Medical Ethics Committee (MEC) and the Professional Fees Committee (PFC) with power to co-opt.

The Organisation Committee (OC) (19.12.07) agreed to the proposal from the MLC to allow full voting rights to the Professional Fees Committee representative.

Dependent on the issues to be discussed by the Committee, a representative from the Private Practice Committee (PPC) be co-opted should, following elections, the PPC be not otherwise represented on the Committee.

## Your role as a committee member

There are a number of roles on committees with varying responsibilities depending on the position and the work of the committee. To find out more, please see our standard committee role profiles:

<https://www.bma.org.uk/collective-voice/committees/joining-a-committee/role-profiles-for-bma-committees>

### Voting rights

All elected, appointed and co-opted members have full voting rights. The chair of the committee is also entitled, in the case of equality of votes, to give a second or 'casting' vote.

### Code of Conduct

Members are required to familiarise themselves with the BMA's constitution as set out in the memorandum and articles of association and bye-laws of the Association. The code of conduct provides guidance on expected behaviour and sets out the standards of conduct that support BMA's values in the work it does.

## Our values

Values are at the heart of an organisation and help to distinguish it from others. They guide an organisation's conduct, and its relationship with its stakeholders and the outside world. They guide us in our thinking and our actions, and enable us to set standards of behaviour against which we can assess ourselves. The BMA values underpin policies, objectives, procedures and strategies and provide an anchor and reference point for all things that happen, and express how we look, speak and act.

## Our behaviours

We have taken the BMA's values – expert, leading, challenging, committed and reliable – and with your help, turned them into behaviours to provide clarity on what we expect from each other as we go about our work and provide a consistent approach for discussing behaviour. They describe what we expect of each other, and what we don't, as well as what is considered above and beyond. Our behaviours form part of our culture change to become a better BMA. Our aim is to adopt them in all we do.

It is our responsibility as BMA members to role model and promote positive behaviours and to challenge poor behaviours.

Behaviour principles are:

- Be professional
- Respect others
- Be representative
- Be kind
- Be accountable

Members must act within the memorandum and articles of the Association and bye-laws of the BMA and to promote the success of the Association for the benefit of its members, and exercise reasonable care, skill and diligence in all their duties.

**Attendance:** Members should be able to allocate sufficient time to the Association to enable them to discharge their responsibilities effectively. Member role profiles provide further detail.

**Personal conduct:** Members are expected to maintain a high standard of personal conduct and to treat staff and other members with respect. In particular, members are required to promote and role model the behaviour principles outlined in this code of conduct. Doctors should display the same duty of care towards one another as they would towards patients and in the workplace.

**Election behaviour:** The BMA can only function with the contributions of those members who seek

election as representatives. In order that elected representatives work together effectively, on standing for election, members agree to uphold the principles outlined in this code of conduct. Candidates will abide by electoral bylaws and respect other candidates. Members will not put undue pressure on other members, or staff to favour a particular candidate.

**Members are recommended to read the complete BMA code of conduct.**

## Key committee dates

Committee meetings take place two times per year and generally last no longer than 3 hours.

The MLC meeting dates for the session will be held on:

- 29 November 2017
- 23rd May 2018

All meetings are held at BMA House and will normally commence at 14.00, with an approximate finish at 17.00.

## Apologies for absence

It is very important that you advise the secretariat in advance if you are unable to attend a MLC meeting.

## Key priorities for the committee for the 2017-18 session

<b>1. Knowledge sharing – medico legal information for medical students</b>	To develop a webinar aimed at increasing exposure to medico legal subjects.
<b>2. Expert witness conference</b>	To hold a highly successful conference on 23 March 2018.
<b>3. Expert witness courses</b>	To hold 2 courses aimed at providing in depth training on report writing and courtroom skills to expert witnesses.
<b>4. Whiplash reform programme</b>	To continue to feed into the whiplash reform programme, as part of the government's aim to reduce the number of fraudulent whiplash claims.
<b>5. Fixed cost in clinical negligence claims</b>	To participate in the Government's future consultations on fixed costs in clinical negligence claims
<b>6. Communication</b>	Improve engagement with the wider BMA membership
<b>7. Medical manslaughter</b>	To work with stakeholders to share pertinent information on this complex subject.

## Helping you participate

### Role of Committee Services

Committee services are responsible for providing support to all the committees and conferences which are covered by the policy directorate.

Committee secretaries work directly with the committee and their chairs, providing high level support, maintaining an overview of all the committee's work and taking forward policy work not covered elsewhere. The committee support team undertake all associated committee administration from carrying out research and policy matters to preparing agendas and action notes. The team also respond to members enquiries, support diary management, travel and rooms bookings and coordinating and monitoring committee listservers.

LMC liaison responsibility also falls within the team and is led by a senior policy adviser.

## Key contacts

The medico-legal committee comes within Committee Services of the Policy Directorate. Get in touch with members of the secretariat if you have any questions or queries.

### Reena Zapata

Committee Secretary

**T 020 7383 6042**

**E [rzapata@bma.org.uk](mailto:rzapata@bma.org.uk)**

### Matt Lasham

Committee Manager

**T 020 7383 6020**

**E [mlasham@bma.org.uk](mailto:mlasham@bma.org.uk)**

### Kim Fowler

Committee Services Manager

**T 020 7383 6140**

**E [kfowler@bma.org.uk](mailto:kfowler@bma.org.uk)**

### Committee Support Team

**E [committeesupport@bma.org.uk](mailto:committeesupport@bma.org.uk)**

### Employment advice

Members can obtain individual advice from our BMA Employment Advisers on:

0300 123 123 3 or email [support@bma.org.uk](mailto:support@bma.org.uk)

### Going paperless

We recognise that we have a responsibility to promote and adopt organisational policies that support sustainable practices and improve health. We would be grateful for your support in supporting these environmentally friendly practices. All meeting papers will now be available electronically. Hard copies will be available (and posted out) on request.

### Video conferencing facilities

For some meetings you may find it easier to join via video conference from your home or workplace. Video-conferencing and webcam facilities are available at BMA house, regional centres, and in the Scotland, Wales and Northern Ireland offices. For more details about how to connect, see the In your area section in your pack. If you would like to video conference into a meeting, please talk to your committee secretariat or staff contact.

### Childcare

We have a family-friendly fund to help all our members participate fully in current expenses-qualifying activities. We can provide care facilities for children under 14 years and adults and children requiring care. If you require care for a dependent you must request this four weeks before the event or meeting. For more information or for an application form contact [committeesupport@bma.org.uk](mailto:committeesupport@bma.org.uk).

See [bma.org.uk/about-the-bma/equality-and-diversity/care-guidelines-for-the-full-guidelines-and-conditions](https://www.bma.org.uk/about-the-bma/equality-and-diversity/care-guidelines-for-the-full-guidelines-and-conditions)

### Prayer room

A prayer room is available at BMA House and the national offices. If you would like access to the prayer room please ask your committee secretariat or staff contact who can provide you with further details.

### Catering

Please let us know your dietary requirements and what we can do to make our meeting fully accessible to you. You can email [committeesupport@bma.org.uk](mailto:committeesupport@bma.org.uk)

## How to claim expenses and honoraria

### Expenses

You are eligible to claim expenses incurred when attending committee meetings. This includes costs of travel, subsistence and accommodation. Payments are made directly into your bank or building society accounts.

We have introduced a new web-based expenses system called Concur, which replaces committee expense claim forms and the Global Expenses system. The website can be used on all current web browsers and is also available on most smart phones and tablet devices.

We do not provide mobile telephones or land lines, but if you incur significant call costs on BMA business, you can submit a copy of your itemised phone bill highlighting the costs incurred on our behalf of and we will reimburse you.

Please contact Reena Zapata [rzapata@bma.org.uk](mailto:rzapata@bma.org.uk) or on 0207 383 6042 to get approval for expenses for other committee related activities, such as attendance at conferences or stakeholder meetings. You can find more information about how to claim expenses on our website.

### Concur quick reference guide

[bma.org.uk/about-the-bma/how-we-work/concur-training-committee](http://bma.org.uk/about-the-bma/how-we-work/concur-training-committee)

### Reimbursement of locum costs

We will reimburse locum costs on production of receipted invoices, in line with the maximum level which is set annually by the finance committee (currently £550 per day), and where the expense would otherwise be payable by you. Locum reimbursement is available from the first meeting. If you have to pay above the level set for the year by the finance committee, you can make a claim to the remuneration committee at the end of each session showing evidence of your loss by means of receipted invoices from your locums. You'll also need to give details of the work undertaken for us during the period of the claim.

## Honoraria

Our members are entitled to claim honoraria for attendance at committee meetings or on business on behalf of the committee (including participation by video or telephone conference).

An honorarium is only payable to members who have completed twelve meeting days without payment and will not be eligible to claim an honorarium until their thirteenth attendance. This restriction underlines the fact that members are not employed by us. The rate of the honorarium will continue to be set annually by the finance committee (currently £250 per day).

You should ensure that you indicate on the meeting attendance form that you wish to claim an honorarium for that meeting. Payments will be made directly into your bank or building society accounts. You can find more information about how to claim honoraria on our website.

## Key links and other useful information

### Committee webpages

<http://bma.org.uk/about-the-bma/how-we-work/professional-activities-and-special-interest/medico-legal-committee>

### Listserver address

[MLC-LQLISTSERV.BMA.ORG.UK](mailto:MLC-LQLISTSERV.BMA.ORG.UK)

### Events and conferences

The BMA provides a number of medico-legal conferences and courses.

Visit our [Events and Conferences](#) area or for more information, please the BMA Conference Unit.

## Key policies

### Dignity at work policy

We try to ensure that all members of staff have a safe, healthy and fair working environment. We do not tolerate bullying or harassment of any kind. Bullying may be characterised as offensive, intimidating, malicious or insulting behaviour, an abuse or misuse of power through means intended to undermine, humiliate, unfairly criticise or injure the recipient. Harassment includes unwanted conduct related to a protected characteristic, conduct of a sexual nature, or less favourable treatment for rejecting or submitting to unwanted conduct. You can read further details online, including what to do if a complaint is made against you and contact details for confidential support.

### Defamation statement

There are two types of defamation – libel and slander. Libel is the publication in permanent form of a defamatory statement, such as written form and electronic communications, whereas slander is its publication in transitory form, such as spoken, unrecorded word. Defamation works in the same way online, and website hosts can also be held responsible for hosting defamatory statements. When making any reference to an individual or organisation the BMA legal department should be consulted.

## Conflict of Interest

### What is a conflict of interest?

A conflict of interest can be defined as a 'set of circumstances that creates a risk that an individual's ability to apply objective judgement or act in one role is, or could be, impaired or influenced by a secondary interest.' (National Audit Office "Conflicts of interest", 27 January 2015).

Conflicts of interests occur where a person acting in a representative capacity (in this case, elected and appointed members, BMA directors and representatives<sup>1</sup> (hereafter referred to in the collective 'member/s'), could be unfairly influenced by financial or other commitments into failing to represent his or her constituency adequately, or adequately discharge their responsibilities in their appointed position.

It is appropriate, therefore, that there is openness and transparency about other commitments that Members may hold. By ensuring that any potential conflicts of interest are disclosed and known to others, they are less likely to influence debates/votes in meetings etc.

The information provided by Members will be processed in accordance with data protection principles as set out in the Data Protection Act 1998.

Data will be processed only for the purposes set out in this policy and not for any other purpose.

### **What type of information should I declare?**

All Members must complete and return to the committee secretary a 'Declaration of Interest' form as soon as possible. Members will be responsible for notifying any changes in their registrable interests within fourteen (14) days of the change occurring to ensure that the register is kept updated.

Some guidance on the type of information which Members should consider declaring as potential conflicts of interest is set out below. It is important to note that this list is not exhaustive and it is impossible to list every potential situation or circumstance that could give rise to a conflict of interests. Members should therefore use their judgment to decide whether any of their interests should be disclosed.

**Directorships and committee appointments:** Both paid and unpaid directorships (including non-executive directors or senior employees) of any public or private company or other body, together with any roles or positions with other committees.

**Alternative trade union membership external to the BMA:** any membership of another trade union must be disclosed.

**Other remunerated work:** Any paid employment or other sources of income outside their normal medical work. Examples might be paid consultancy or advisory positions with government departments, pharmaceutical companies or the medical press, articles sold to the paramedical press, or remunerated speaking engagements. Also included should be work for companies active in other healthcare fields, NHS Trusts, health authorities, any NHS commissioning body or health boards and endorsements or appointments which could be used by other organisations for marketing purposes.

**Gifts, benefits and hospitality:** This includes any substantial gift or material advantage received by a member which in any way relates to his/her membership of BMA committees. This would include trips or visits arising out of membership, where the cost has not been wholly borne by the member or the BMA. Gifts of less than £500 in value and other benefits of less than £500 in value would be exempt, as would events to which all members are invited.

Shareholdings or other positions: Declaration of the name of any public or private company (including any not-for-profit), business, partnership or consultancy active in the field of healthcare or certain other sectors where a conflict of interest might arise (eg retail financial services, STM (scientific, technical and medical) publishing) in which the member holds significant shareholdings, interests or control. Significant in the context of shareholdings is defined as either (a) greater than 1 per cent of the issued share capital of the company or body, or (b) less than 1 per cent of the issued share capital but more than £25,000.

Indirect social/business relationships and family interests: These would include any close association with an individual who has a financial interest, a non-financial professional interest or a non-financial personal interest (and any other interests) of close family members/friends/business partners that might be considered relevant to an individual's position as a member of any BMA committee.

Appointments which could lead to a commercial conflict of interests.

Potential conflicts arising from the possession of confidential information.

Miscellaneous and unremunerated interests: This includes other interests which do not fall clearly within any of the above categories, for example, an active role within a political party, membership of societies such as the Freemasons or of other organisations. Membership of, or work for, other bodies such as charities or trusts which could possibly influence a member's position with regard to his/her BMA associated activities should also be included, as well as membership of UK Governments or Department of Health committees/working groups (or their equivalents in Scotland, Wales or Northern Ireland) on which the member is not a designated BMA representative.

**Members are recommended to read the complete BMA conflicts of interest policy.**

### **BMA listserver guidance and terms and conditions of use**

Each BMA committee has a listserver, an email function that distributes an email to each contact registered with it. Examples of what is appropriate to use the listserver for include circulating documents or drafts for comments, while inappropriate use would include complaints about services to members or the actions of BMA departments. In cases where the listserver is judged to have been used inappropriately the committee chair has the right to remove access to the listserver.

### **BMA committee expenses and honoraria business rules**

You can claim back expenses you may incur in order to attend BMA committee meetings. You are entitled to claim up to £35 for dinner expenses and up to £205 for accommodation, per night. You can also reclaim locum costs at a limit of £550 per day.

Honoraria payments are payments made by the BMA to members for their voluntary services. You qualify for honoraria payments for each BMA meeting you attend once you have attended 12 meetings in a session. Payments are £250 per day, and you can claim by making sure that you sign and tick the relevant

column on the committee attendance sheet from your thirteenth meeting onwards.

### **Preferential hotel rates**

We have negotiated special discounts at hotels near regional headquarters in London, Scotland and Northern Ireland for use by BMA members, BMA and BMJ staff. You can see the list of hotels available for each region and details on how to book on the BMA website.

### **Anti-corruption and anti-bribery policy**

We take a zero-tolerance approach to bribery and corruption, and do not make or accept facilitation payments, also known as 'kickbacks', of any kind in return for a business advantage. Corruption is dishonest and fraudulent conduct, which often involves bribery. Bribery is the inducement or reward offered, promised or provided in order to gain any commercial, contractual, regulatory or personal advantage.

### Time off for trade union duties and activities

Employees who are representatives of a recognised trade union have the legal right to be permitted a reasonable amount of paid time off work to enable them to carry out trade union duties. The code of practice for trade union duties is different in Northern Ireland than the rest of the UK. Further details, including a list of key documents that you may need to secure paid time off work, are available online.

### Whistleblowing guidance

Whistleblowing is a term applied to a situation where an employee, former employee or member of an organisation raises concerns to people who have the power and presumed willingness to take corrective action. You are protected in law from harassment and bullying when you raise a concern, and we can support you in addition to local support structures. A more detailed guide to whistleblowing, including case studies, is available online.

### Equal opportunities policy

We are committed to equality in the provision of services to our members and stakeholders. This ensures that all members, those applying for membership, and other service users will receive the highest possible standards of service from us, irrespective of race, ethnicity, gender, sexual orientation, marital status, civil partnership status, age, disability, chronic illness, religion or belief. You can read further details on our equal opportunities policy online.

### Co-chair guidelines

Co-chairing of committees can be an effective way of sharing a heavy workload and harnessing the strengths and expertise of two people. In the event of a co-chairship both chairs should only attend committee meetings and negotiation meetings of the committee they are chairing. Attendance at other committees, external meetings and conferences, both internal and external, should be shared unless they sufficiently important to merit both chairs. You can read more detailed guidance on co-chairship online.

### **Care guidelines for BMA members**

We can provide care for under 5s, 5-14 year olds, and dependants (adults and 14-18 year olds requiring care) through the BMA family friendly fund. With a minimum of four weeks' notice care can be provided for approved BMA meetings, either at BMA House, or elsewhere to minimise disruption. In order to apply for care you must complete a copy of the care requirements form, which will be available from committee staff or the BMA conference unit.

### **Baby friendly policy**

Breastfeeding is supported at BMA House and other BMA offices, including in the public areas of BMA House and during meetings. There are also private areas available that include appropriate facilities that you are able to request. Additional breaks are also available during meetings if you are breastfeeding.

**British Medical Association**

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