How we offer support to members

How to contact us to get help and support at work
Whatever your employment- or pensions-related enquiry, we’re here to help. If you have an enquiry, please contact our team of advisers on 0300 123 1233 between 8.30am and 6pm, Monday to Friday.* Alternatively, you can email or web chat with an adviser through the BMA’s website at bma.org.uk/support

We will try to deal with the matter either during your call or via a reply email if at all possible. If your enquiry is more involved, or requires local support, we’ll pass it to a local adviser covering your employer or the pensions department. Our advisers here combine a detailed knowledge of employment law, industrial relations, contractual and pension matters, with a clear understanding of local issues so are well placed to help resolve your queries. Support and assistance is offered to you on a discretionary basis. Therefore, you do not have an automatic right to such help but you will have your request fairly considered in appropriate circumstances.

The following section outlines where support and assistance will be considered and the nature of the support that may be available. There are certain areas in which we do not give support or assistance and we advise that you check first to avoid disappointment or misunderstandings.

Summary of help and support offered
For members who are employees
We offer advice and representation on employment contracts, including terms and conditions of service and pension matters arising from an employment contract. We also offer support and advice at grievance hearings and representation at disciplinary hearings and externally before employment tribunals and the civil courts.

For members who are employers
We offer advice† on people management, drawing up contracts of employment for staff employed in entities providing medical services (excluding medical businesses such as nursing homes and locum agencies). This includes advice on terms and conditions of service and pension matters and advice and representation on matters arising from day-to-day employment relationships with staff. We can also provide support and advice to conduct grievance and disciplinary hearings.

* All calls made to or from the BMA may be recorded for training purposes to help us ensure we deliver the highest standards of service.
† In England through the BMA Employer Advisory Service.

The information in this issue of My BMA 2012-13 is valid from 1 October 2012 to 30 September 2013 inclusive.
We also offer representation externally before employment tribunals. If you are contemplating taking any disciplinary action or action which may lead to proceedings against you in respect of one or more of your staff, you must contact us to discuss the matter before taking any action and you must follow the advice given. If you fail to do this then we will be unable to represent you in any subsequent action taken by the staff member(s). For employer issues and details on the BMA Employer Advisory Service please call 0300 123 1233.

£50,000 discretionary Contribution towards employment tribunal damages awards and approved settlements
At no additional cost to you, we may provide a discretionary contribution (‘Contribution’) to Final Damages Awards and Approved Settlements of up to £50,000 to qualifying Employer Members who use and follow the advice provided by the BMA Employer Advisory Service or equivalent service in Northern Ireland, Scotland and Wales, subject to the qualifying criteria set out below.

Where a qualifying Employer Member is subject to an employment tribunal’s final damages award made against his/her business and once all appeal processes have been exhausted (‘Final Damages Award’) or where he/she has paid a settlement which has been approved in advance by the BMA (‘Approved Settlement’), we may provide a Contribution to him/her in respect of such award or settlement. Since this is a discretionary benefit, the BMA may impose such additional conditions on the payment of the Contribution as it decides are appropriate or restrict the Contribution or decline to grant a Contribution altogether (see qualifying criteria below).

Qualifying criteria relating to payment of the discretionary Contribution
Subject to the additional qualifying criteria set out below, the Contribution is available to BMA members who are employers providing medical services (excluding medical businesses such as nursing homes and locum agencies) whether as a partner or as a sole practitioner (‘Employer Members’). The Contribution covers legal liabilities, duties and obligations incurred by an Employer Member as an employer in the ordinary and usual course of practice and in respect only of a current or former employee of that Employer Member. It does not cover members who are employees in respect of their own contracts of employment (or those of their families) and issues arising in relation to them.

An Employer Member may make a claim for a Contribution following a Final Damages Award or payment of an Approved Settlement subject to: (i) the Annual Cap and Claim Cap set out
below; (ii) a £5,000 excess; and (iii) meeting the qualifying criteria as set out in My BMA 2012-13. The Contribution does not cover the payment of legal costs which are dealt with under the section headed ‘Recovery of legal costs’ set out on page 17.

The Employer Member must comply with any conditions we attach to our provision of support and act upon, follow and implement any advice and instructions given to him/her in respect of the conduct of a case and cooperate fully with the BMA and its nominated advisers in the handling of any case and, in particular, in relation to pursuing any rights of recovery available from third parties.

In particular, the Employer Member must comply with the conditions set out in the sections headed ‘Your eligibility for services’ and ‘Case handling’ on page 15. In addition, the Employer Member must not terminate the employment of any employee for any reason unless it has first obtained and followed advice from the BMA (or its nominated advisers) that it is entitled lawfully and fairly to terminate the employment of that employee and gained the BMA’s approval of such termination.

The amount of Contribution which the BMA will pay to each Employer Member is subject to an annual cap of £50,000 in each contribution year of (1 October to 30 September) (‘Contribution Year’) in respect of any and all claims for a Contribution(s) which arise and are made by such Employer Member in that Contribution Year (‘Annual Cap’).

The Annual Caps of £50,000 are further restricted by a cap of £50,000 on individual claims which applies to any claim for a Contribution arising out of the same or connected circumstances irrespective of whether the Eligible Contribution is made in more than one Contribution Year (‘Claim Cap’).

Once a Contribution has been made to one Employer Member, any further claim from the same or a different member for a Contribution arising out of the same or connected circumstances will be refused.

In respect of each claim for a Contribution, the Employer Member is liable for the first £5,000 of any Eligible Contribution. Only once the Employer Member has made payment of this amount will we pay an Eligible Contribution.

At the time a claim for a Contribution is made and until the BMA has determined the Employer Member’s claim for a Contribution the Employer Member must:
(i) be and remain a member of the BMA and his/her subscription must be fully paid; and
(ii) have a substantial interest in the business to which the claim for a Contribution relates, eg if it is a partnership, he/she must be a partner in the practice.

A potentially Eligible Contribution will not be made where the claim relates to a circumstance which occurred, or a series of circumstances the first of which occurred, prior to 1 October 2010 and/or the date the Employer Member became a member of the BMA, whichever is later.

A potentially Eligible Contribution will not be made in respect of any claims arising out of any of the following:
• the Equal Pay Act 1970 (or any subsequent comparable statutory measure)
• High Court proceedings
• claims in relation to individuals who are not employees of the Employer Member including independent contractors, consultants and locums
• death or personal injury or any alleged injury to any employee
• any deliberate or reckless actions of the Employer Member, its representatives or agents
• any settlement, compromise or other payment unless the amount and terms of such settlement, compromise or payment have been approved in advance by the BMA

• any consequential or indirect loss
• any circumstances falling within the areas listed under the heading ‘Areas excluded from representation or support’ on page 18.

For members who are independent contractors or self-employed
We offer advice in relation to contracts for the provision of medical services (excluding medical businesses such as nursing homes and locum agencies). We also offer advice on GMS and PMS contracts (or Scottish equivalent Section 17c contracts), including related regulations and directions, Statement of Financial Entitlements (SFE) advice, representation on matters arising out of the day-to-day operation of the contracts above, and advice and representation on pension matters.

For members who are in medical partnership
We are able to provide initial advice on the drawing up of and amendments to the partnership deed/agreements, including limited advice on premises issues and advice on matters arising out of the day-to-day operation of the partnership deed/agreements. We can provide mediation in partnership disputes provided this role is acceptable to all parties to the dispute.
**Partnership drafting**

Our legal department offers a partnership agreement drafting service for general medical practices. The partnership agreement is a formal legal document designed to govern all aspects of inter-partner relations and we offer high-quality legal advice and drafting at an ‘all in’ competitive price of £1,500 +VAT, which includes the final agreement. For this service contact us on 0300 123 1233 or email nhoope@bma.org.uk

**Online help on the BMA website**

Access information at bma.org.uk/practical-support-at-work

Here, you will be able to access a wide range of frequently requested information and have your questions dealt with.

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**Regional Services query/case handling**

This flowchart shows a simplified view of the decision-making process.

1. **Your first contact with our advisers**
2. **Does your query/case require a case adviser or 3rd party input?**
   - **Yes:** Query/case answered and closed
   - **No:** Referred to a local adviser
3. **Adviser will represent/ negotiate on your behalf**
   - **Yes:** Can query/case be resolved without litigation?
     - **Yes:** Has case passed merits assessment?
       - **Yes:** You become client of solicitors and case proceeded with
       - **No:** Case not proceeded with and you are advised of your options
     - **No:** Dependent on circumstances case may be referred to BMA appointed solicitors for merits assessment
4. **Case not proceeded with and you are advised of your options**
Your eligibility for services
You must notify us as soon as possible of any potential problem as failure to do this could adversely affect the outcome of any case and therefore the support we can give you. This particularly applies to cases of discrimination or matters that may go forward to an employment tribunal where there are specific statutory time periods in which applications must be made. In most cases, an appropriate adviser will be appointed to provide you with direct and ongoing assistance. Requests for support will be fairly considered in appropriate cases in line with the following conditions:

- you must be, and continue to be, a fully paid-up member of the BMA
- your problem or issue must not pre-date the date you joined or rejoined the BMA
- you must fully cooperate at all times with your adviser
- you must provide full and accurate facts relevant to your case at all times
- you must not instruct or have instructed, directly or indirectly, any other representative(s) or organisation(s) to act for you
- you must not have issued any court or tribunal proceedings without our prior agreement.

Case handling
We want to ensure that your case is handled as efficiently as possible and we have set out certain rights for you and us as follows:

Your rights:
- jointly agreeing with your adviser the objectives in pursuing your case
- timely handling of your case
- to be kept regularly advised of the progress of your case
- to have any complaint about your case dealt with as quickly as possible.

Our rights:
- to determine with you how your case will be progressed
- to determine who will be your adviser
- to enter into discussions and correspondence with other parties we consider appropriate to explore the possibility of resolving your case
- to withdraw support if you reject an offer of settlement which we believe is reasonable
- to withdraw support if you reject the advice given to you
- to withdraw support if you do not fully cooperate with your adviser.
Members in the Channel Islands and the Isle of Man
For members in the Channel Islands and the Isle of Man, employment advice and support is given by our advisers but it excludes legal advice and representation because our legal advisers are not conversant with the local legal systems.

Members outside the UK
Members outside the UK should note that while you have access to many membership benefits, some of our services are not available to you. For example, we are not able to offer employment advice or representation.

For other advice and information please contact our advisers on 0300 123 1233.

**Tribunal or court proceedings**
In certain circumstances – and at our sole discretion – external legal representatives may be appointed to represent you. We have a duty to exercise sound stewardship of assets and to ensure that money is spent appropriately. As a result, external legal representation will only be considered if, in our or our external representatives’ professional judgement, you have a ‘good case’. This means that your case must have a better than 50 per cent chance of success and that the estimated financial expenditure on your case is proportionate to any award or damages potentially recoverable. You will be provided with a copy of any merits assessment of your case. External representatives will be instructed by us and will liaise directly with you in line with any terms and conditions we agree with them. This will include any restrictions on the support we are prepared to offer and the costs that we are prepared to incur. If your case does not have a better than 50 per cent chance of success, or does not meet the expenditure proportionality requirement, or if we consider that your best interests will not be served by pursuing or continuing with your case, advice will usually be given on your best course of action. This might mean settlement, compromise or withdrawing your case.

External representatives are required to report to us on a regular basis or when requested concerning any developments which affect your case. We reserve the right to withdraw the instruction of external representatives. To complement the employment support services we provide, we have appointed a specialist law firm who, if we support you in tribunal or court proceedings, will normally be instructed to act as your external legal representative.
General conditions relating to the provision of employment services

Recovery of legal costs
In any case where we have agreed to appoint an external representative, you will be responsible for meeting your legal costs. However, subject to you complying with the conditions applying to our support, we will indemnify you against these costs. In the event that any order for costs is made in your favour and sums are recovered in settlement of that order, you will pay and agree to instruct the external representatives to pay these amounts to us. We will not be responsible for any legal fees incurred without our prior written approval. If we have agreed to pursue your case and you subsequently have costs awarded against you then, providing you have complied with our conditions, we will be responsible for payment of these costs.

Resolving concerns
We want your case to progress to completion to your entire satisfaction and we are pleased to say that this happens in the vast majority of cases. However, if you are unhappy in any way with how your case is handled, you can make us aware of this through our feedback procedure if your informal attempts to resolve the matter are not successful. A copy of this is available by calling 0300 123 1233, emailing hrs@bma.org.uk or from our website.

Dealings with our staff
We have a duty and legal obligation to ensure the wellbeing of our staff, including protecting them from harassment, bullying and discrimination. We take this responsibility very seriously and while we fully understand that members may be under stress while pursuing cases, all our staff are here to help you and we expect them to be treated with courtesy at all times.

Harassment can include unwanted conduct, which has the purpose or effect of violating another person’s dignity, or creating an intimidating, hostile, degrading, humiliating or offensive environment. It should be noted that it is the impact on the individual rather than the perpetrator which determines whether harassment or bullying has occurred. We believe that all forms of harassment, bullying and discrimination are totally unacceptable. All allegations will be investigated in a fair, effective and confidential manner. If a member is found to have harassed, bullied or discriminated against any of our employees then appropriate action will be taken. This may include the issuing of a warning, suspension of membership/membership benefits or expulsion.
Medical protection/defence organisations
Other than supporting junior doctors in the ARCP process, we do not support members in matters concerned with clinical performance or conduct. You are therefore strongly advised to join one of the medical protection or defence organisations who are expert in these matters, in addition to the BMA.

Areas excluded from representation or support
The following areas are specifically excluded from our representation and support:
- criminal matters
- issues arising from commercial contracts or arrangements except in circumstances set out elsewhere above
- defamation (libel or slander) issues
- representation before the professional conduct committee, health committee or any committee on professional performance of the General Medical Council
- matters concerned with clinical or professional performance including professional conduct
- any case where you have instructed your own external representatives
- any case where you have already issued legal proceedings
- any claim which arises outside England, Northern Ireland, Scotland or Wales.

We reserve the right, at our discretion and without notice, to amend the areas included or excluded from representation or support.

BMA Medical Students Committee
We’re here to ensure your voice is heard. Every medical school elects a representative to the national medical students committee (MSC) and an intraschool committee chair and with the backing of the rest of the BMA we:
- represent the views of BMA medical student members, as well as the wider interests of all medical students, on Government Reviews and with the General Medical Council, Medical Schools Council and UKFPO amongst others
- meet regularly to discuss policy and formulate campaigns on important issues affecting you, including student debt and tuition fees, standards in undergraduate education, discrimination and equality, the Foundation Programme, and widening access to medicine.

There are also committees for medical students studying in Northern Ireland, Scotland and Wales that discuss local issues and contribute to the work of the national MSC. You’ll find more information about our national work at bma.org.uk/howwework
How we can help you at medical school
Your reps will also work with our employment advisers who are here to guide you through your time at medical school. They are a valuable source of information and advice. Examples of the issues on which we may advise you include:

- exam failure
- personal conduct issues, eg conflicts with others
- matters relating to completing studies, eg due to ill health
- contracts or banding.

The level of assistance we can give will depend on the nature of your query. Our advisers assess each case individually and can be contacted on 0300 123 1233.

Talks and events
Your rep and the employment adviser for your school work together to help organise special events for students, including:

- freshers events
- debates on topical professional and medico-political issues
- careers fairs
- electives evenings.

There are also a number of events to help you prepare for life after medical school on topics, including:

- preparing for work
- contracts of employment
- contract clinics – these give detailed advice on contractual terms for junior doctors, including shift working arrangements, rotas and the banding system
- the role and responsibilities of the General Medical Council
- various medico-legal issues
- work shadowing.

National Offices and BMA Centres also organise lectures and seminars on professional matters, and advisory talks, including:

- Modernising Medical Careers
- the NHS
- careers in medicine
- working abroad
- the BMA
- ethical issues
- other topics at the request of students.
We are committed to equality in the provision of our services to our members and stakeholders. This ensures that all members, those applying for membership and other service users receive the highest possible standards of service from us, irrespective of race, ethnicity, gender, sexual orientation, marital status, age, disability, chronic illness, religion or beliefs. Our equal opportunities policy has been developed to ensure that members and staff are fully aware of our commitment to provide equality of opportunity in all of our functions. Furthermore, we will monitor the implementation and application of our equal opportunities policy and ensure that it reflects and meets the requirements of the increasingly diverse membership, which we seek to serve.
Championing our profession
Thank you for your membership, which strengthens our collective voice in defending your rights and championing doctors.

Your membership strengthens our ability to protect your rights and fight for positive changes and with 150,000 members we have never had a more powerful and effective voice.

Together we have achieved much in the past 12 months and we look ahead to the ongoing challenges the profession faces with our shared aim to campaign, lobby and influence changes that are positive and fair.

“Where do you want to be in 12 months’ time?”

Make the most of your membership
Wherever you want to head professionally, we’re here to help you get there and want to do everything we can to ensure you meet your career objectives.

We’re always looking to improve how we do things and enhance what we offer. We really want to know what you think about what we do, how we do it and if there’s anything we could do differently, or that we should look to include in your membership package.

Please email any comments or suggestions to info.bmacareers@bma.org.uk

Keep an eye on our website for any new developments to help you meet your career aims.

For a complete overview of your membership benefits go to bma.org.uk/membership
My BMA 2012-13
Make the most of your membership

For comprehensive details of all the benefits of membership and to learn how we support you, go to bma.org.uk/membership

Register to gain full access to exclusive online content at bma.org.uk/register

As your trade union and professional association it is important that we have your up-to-date place of work details so that we can continue to represent you as effectively as possible. Check your details at bma.org.uk/mydetails

Make the most of your membership

0300 123 1233
bma.org.uk/support