

AGM 3

Amendments to the ARTICLES (ARM 2021)

(The current articles and bye-laws can be found at: (<https://www.bma.org.uk/about-us/how-we-work/uk-and-national-councils/bma-uk-council/articles-and-bye-laws>)

Article	RECOMMENDED CHANGE	EXPLANATION
13	<p>Article to be amended to read (amendments tracked):</p> <p>13. The grounds upon which a member, officer or member of any committee may be investigated are that:</p> <p>(1) Their conduct has been <u>alleged to be:</u></p> <p>(a) detrimental to the honour and interests of the medical profession or the Association; <u>and/or</u></p> <p>(b) likely to bring the profession into disrepute; <u>and/or</u></p> <p><u>(c) in breach of the BMA Code of Conduct.</u></p> <p>(2) They <u>are alleged to</u> have wilfully and persistently refused to comply with the articles, bye-laws or the rules of any division or branch of which they may be a voting member.</p>	<p>This proposal is to update Articles 13 and 14, which relate to the disciplinary process for member conduct. There are now policies in place that detail the standards of behaviour expected of members and how complaints are handled, and it is proposed that the articles be updated to reflect this and ensure that the articles and these policies are aligned.</p> <p>The BMA's behaviour principles were created by members for members and implemented through the BMA Code of conduct and BMA resolution process (originally call the BMA support and sanctions process), which were unanimously approved in 2017 by the Board and the BMA Council and were supported by the Annual Representative Meeting. The code and process came into effect on 1 July 2017 and have been periodically reviewed and updated since then. They were created in order to ensure that processes are clear and fit for purpose. The BMA resolution process, has been designed to be fair and to be applied consistently to all members. The process and any sanctions are proportionate to the issue being investigated and any issues raised are investigated in a timely manner.</p> <p>Queens Counsel was instructed by the BMA to propose revisions to the Articles, having regard to the BMA Code of conduct and BMA Resolution</p>

		<p>process, to ensure the articles and processes align and that they comply with the BMA's data protection obligations.</p>
<p>14</p>	<p>Article to be amended to read (amendments tracked):</p> <p>(1) Where a director, chief officer, voting member, division, branch or committee or a member of the official staff of the Association believes that a member, officer or member of any committee has contravened the provisions of article 13, the allegation must be submitted in writing to the chief executive.<u>(1) The chief executive shall carry out necessary investigations of any allegations under Article 13 in order to establish the facts of the case and without unreasonable delay. The chief executive may delegate all or part of the investigation to such person or persons as they think fit. The investigation shall follow the procedure under the current BMA Resolution Process.</u></p> <p>(2) The chief executive shall investigate the allegation and in doing so shall inform the member concerned of the allegation and invite the member to comment on the allegation. The chief executive may, in accordance with article 57, delegate all or part of the investigation to such person or persons as they think fit.</p> <p>(3) The<u>(2) Upon conclusion of the investigation, the</u> chief executive (or those persons appointed by them to conduct the investigation) may:</p> <p>(a) dismiss the allegation<u>(s)</u> with no further action upon concluding the investigation;</p> <p>(b) issue an oral or written warning upon concluding the investigation;</p> <p>(c) refer the allegation to go<u>(s) to a disciplinary hearing upon concluding the investigation;</u> or</p>	<p>As above.</p>

~~(d) — during or after c) — take such further action as is appropriate in all the circumstances.~~

~~(3) Where the member being investigated is a director, office holder or any person holding any office of the Association, the chief executive:~~

~~(a) — may suspend the member from all of the BMA offices they hold with immediate effect pending the outcome of the investigation and in consultation with the council chair, representative body chair or treasurer, temporarily suspend a member from some or all BMA offices pending a /or hearing. Such a suspended member where this is considered necessary; and~~

~~(b) — shall report the matter to an interim measures panel, which shall have the right of appeal against the decision to power to uphold any suspension under Article 14 (3)(a) or itself suspend within 21 days to an appeal panel of the member from all of the BMA offices they hold with immediate effect pending the outcome of the investigation and/or hearing. The procedures (including in respect of any appeal) set out in the current BMA Interim Measures Panel Process will apply.~~

~~(4) The disciplinary panel and disciplinary hearing will be subject to the procedures set out in the current BMA Resolution process.~~

~~Where the chief executive considers that a warning is appropriate, the member concerned shall be invited to comment on the sanction before it is finalised and may request that the matter be dealt with by a hearing instead.~~

~~(4) — If the chief executive is satisfied that a hearing is necessary, or if the member requests a hearing in accordance with sub-section (3), the chief executive shall request the council to set up a panel of three or more members of the Association to hear the case. The member may appear before the hearing and may be accompanied by a friend or representative who may be legally qualified, or they may make a submission.~~

~~The chief executive or their appointed delegate shall present the case on behalf of the Association. The hearing shall be held in public unless the panel considers that there is good reason not to do so.~~

~~(5) The decision of the panel shall be reported to the council but council shall not have the power to overturn the decision.~~

~~(6) The panel shall have the power to:~~
~~(a) expel the member from the Association;~~

(5) The disciplinary panel's powers include, but are not limited to:

(a) expulsion from membership of the Association;

~~(b) suspend the member~~suspension from membership of the Association for such period and on such terms as it considers appropriate;

~~(c) suspend the member~~suspension from some or all of the BMA offices held by them for such period and on such terms as it considers appropriate;

~~(d) issue a~~ public censure in respect of the member's conduct on such terms and through such medium as it considers appropriate;

~~(e) issue~~ an oral or written warning;

~~(7) The sanction imposed by (f)~~
such other sanctions as set out in the panel shall take effect 21 days after the decision of the panel unless the member appeals against the decision of the panel. current BMA Resolution Process.

(6) The member shall have the right of appeal against the decision of the panel disciplinary panel. An appeal should be brought within 21 days to a panel of three members appointed annually by the council. Any appeal hearing shall take place within 21 days of the of notification of the decision. The appeal being received.

~~(8) Where the member concerned is also a director, office holder or any person holding any office of the Association, the chief executive shall report the matter to an interim measures panel (established~~

	<p>annually by council), who shall have the power to suspend temporarily the member from all of the BMA offices they hold with immediate effect pending the outcome of the investigation and/or hearing.</p> <p>(9) — A director, office holder or any person holding any office of the Association who is suspended from all or any BMA offices shall have a right of appeal to a panel appointed by council.</p> <p>(10) — Suitable legal advice will be available <u>subject</u> to the panels appointed by council.</p> <p>(11) — Council shall have the power to determine the detailed procedures appropriate for the investigation and hearing process under this article <u>set out in the current BMA Resolution Process.</u></p>	
<p>79. (1) Finance committee</p>	<p>The finance committee shall consist of fourteenfifteen members namely: seven members of council as may be elected and/or replaced by council from time to time from among its members (by way of such process as determined by council) provided that no such member of council elected shall hold a seat on the board at the same time; the council chair; the deputy chair of council; the representative body chair; the treasurer; the chief executive; the director of finance and corporate services group chief financial officer and two lay persons not being medical practitioners (or employees of the Association) but being qualified and experienced in business and commerce provided that no such lay person appointed shall hold a seat on the board at the same time. Each member of the finance committee as may be elected by council or being a lay person shall hold office for two years from the date of their appointment and shall be eligible for re-election or re-appointment at the expiry of their term of office. In default of, and until election of, a member or members, or so far as such election shall not be complete, all the powers conferred on the finance committee shall belong to and be</p>	<p>This proposal makes the following amendments to Article 79 (1):</p> <ul style="list-style-type: none"> • Updates the membership of the finance committee to include the deputy chair of council, following the role becoming a chief officer in 2020 and a subsequent amendment to reflect the number of members of the committee; • Updates to the membership of the finance committee to amend the title of ‘director of finance and corporate services’ to ‘group chief financial officer’, following the appointment of the GCFO in 2021; • Minor amendment to the wording around eligibility for re-appointment so that this sentence applies to both elected members and lay member appointments.

	exercised by the serving members whatever their number.	
79. 3(k) Finance committee	79. under the Finance committee: <i>establish the following subcommittees having such constitution and terms of reference as determined by it from time to time: investments subcommittee; charitable purposes subcommittee.BMA Giving</i>	This is a minor amendment to reflect the name change of the Charitable purposes subcommittee committee to BMA Giving which better reflects the remit of the committee to both internal and external audiences.