

Annual Representative Meeting 2021

Guidance notes

13-14 September 2021 (virtual conference)

ARM2021

Build back together:

supporting our members, supporting our NHS

#ARM2021

Status of guidance

The British Medical Association guidance notes represent the British Medical Association's view of good practice in a particular area. They are not intended to be the only standard of good practice that members can follow. You are not required to follow them but doing so will make it easier to account to oversight bodies for your actions. While this guidance provides suggestions about what to do and who to approach, it cannot be exhaustive. As a result, you will need to use your judgement to apply the principles to your particular circumstances. If you are not sure how this guidance applies to your situation, you should get advice from the individuals and bodies suggested in this guidance.

Guidance notes are not legal advice, and do not necessarily provide a defence to complaints of misconduct or poor service. While we have taken care to ensure that they are accurate, up to date and useful, we will not accept any legal liability in relation to them.

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Welcome to the Annual Representative Meeting



Welcome to your BMA Annual Representative Meeting (ARM) 2021.

Your ARM is our main policy-forming meeting, where you, as a member of the Representative Body (RB), discuss, debate and vote on motions which form the policy that guides our association in the year ahead.

This year's ARM will again be virtual due to the ongoing risk of the pandemic. The safety of our members, our staff and the public we serve remains our priority.

This guide is here to help you get the best from the meeting. We hope you find it helpful.

The past 18 months have been immensely challenging for us all. The year ahead will no doubt continue to challenge us further. This year we'll be focussing on how we, as an association can support our profession, the society we serve and our members to build back following the pandemic.

This year, like all years, our membership submitted a wealth of motions to help guide our associations work. Unfortunately, it will not be possible to debate every motion submitted.

Your ARM agenda committee had the very difficult task to prioritise your motions. They have tried their best to serve the length and breadth of our diverse membership, when prioritising the agenda.

Of course, you will also have an opportunity to further influence the agenda by completing the chosen motions ballot. Please do take this opportunity to have your say.

Furthermore, your agenda committee will also consider any motions which arose after our motion submission deadline on 25 June 2021, by way of emergency motions.

Your **ARM agenda is constructed from start to finish entirely by your agenda committee whom you elected to represent you, at last year's ARM**. They are also the team behind the smooth running of the meeting itself and will be at hand throughout the day to assist you in having your say, whether it be by proposing or speaking on motions, voting or answering your queries. Thank you agenda committee.

We are incredibly fortunate to be supported by our expert staff team who not only help organise the conference; from processes to platform, from the smooth running to supporting elected members and from policy expertise to communications, they are with us at every step. Thank you to our many staff teams.

This year we will be debating our associations policy on physician assisted dying. This follows our 2020 survey of members views on physician assisted dying. Briefing documents on the survey results and the broader context have been drafted to support your decision making and participation in these debates and I encourage you to read them.

For many, this will be a very difficult subject that goes to the core of our professional responsibilities as a doctor. Please do seek support should you need it. Our well-being services are here for both members and non-members: <https://www.bma.org.uk/advice-and-support/your-wellbeing>

Every year we proactively collect detailed feedback from RB and we take your feedback very seriously. Year on year we make improvements to our processes and this year is no different. If you have attended ARM previously, you may notice changes in our agenda layout, the chairing of the meeting,

our communications and the platform, amongst other areas. Please do continue to tell us how we can make your ARM better, how we can support you better. Thank you in advance for completing this years' feedback via our ARM App or the form sent to you. We really appreciate it. Thank you RB.

I would also encourage each and every one of you to consider how you can play a more active part in your BMA and have your say around the tables where decisions are made. Please consider standing for election to our many BMA committees. If you would like more information, please do not hesitate to get in touch! ARM 9 details the online nominations and voting processes.

There are various virtual fringe events taking place around your ARM 2021, including our renown Victor Horsley sessions and our annual GMC meeting where you will hear directly from Charlie Massey (GMC Chief Executive and Registrar) whilst also having an opportunity to ask him questions. Dame Clare Gerada (Chair of BMA's Professional Regulation Committee) will host the meeting.

You will also have the opportunity to sign up for active bystander training. There are a limited number of places so do consider signing up early.

Your ARM is a place for meaningful debate and free exchange of ideas and we are committed to creating a culture that is inclusive of all our members. I want every member of the RB to feel able to contribute, knowing that their points of view will be valued and differences of opinion will be respected.

Your BMA's behaviour principles – *Be professional; Be accountable; Be kind; Be representative; Respect others* – are fundamental to this and I ask that you follow our principles, in debates and throughout the ARM.

Thank you for taking the time to represent yourself and your colleagues and helping your BMA to shape our priorities for the next year. Your contribution is invaluable.

I will see you at ARM 2021.

Thank you RB,

Dr Latifa Patel, BMA acting representative body chair

Chapter 1: The Representative Body

These informal notes have been prepared to support members as they navigate their way through the meeting. These notes are only a guide and they do not replace the standing orders or articles and byelaws.

What is the ARM for?

The Representative Body (RB) is often described as the “Parliament of the Profession”, with BMA council as the “cabinet”, although there are many other analogies! Motions passed at the ARM become the policy of the BMA; they become instructions to council, who are charged with either implementing it themselves, or passing it on to another part of the BMA to implement. The RB also elects three of the four chief officers, and to many of the BMA’s key committees: see **Elections** on [page 12](#).

What is the ARM?

The Annual Representative Meeting (ARM) is the annual meeting of the RB – representatives elected by their peers, doctors and medical students, from the range of constituent bodies that make up the professional association that is the BMA. Representatives take up their role at the ARM and remain members of the RB for a full year, until the next ARM. Crucially, you are representatives, not delegates; this means that you are free to act on your own conscience in representing your constituency and are not restricted only to the policy they have expressed.

What is an SRM?

When there is urgent business to be discussed and for which the next ARM is too long to wait, the BMA may call a Special Representative Meeting (SRM) to discuss the issue. Members of the current RB or elected replacements attend this meeting and make or clarify the BMA’s policy on the issue in question. SRMs do not tend to happen very often; in May 2016 the exceptional circumstances surrounding the crises in the NHS, medical workforce and morale were the subject of an SRM requisitioned uniquely by council in non-motion open debate format.

Chapter 2: The meeting

How does the meeting work?

The rules of the meeting are contained within the standing orders, which are in the appendices to the agenda. These rules have been developed and adapted to ensure democracy and fairness; allowing the democratic will of the meeting to be fully heard and to help the chair in getting through a lot of complex business.

How do I get to speak?

At the meeting, you will need to complete and submit a speaker slip (more information can be found in the ARM technical guide which will be released in due course) prior to the session where the motions will be debated and:

Complete **all** boxes including:

- which motion you are requesting to speak on (e.g prioritised motion 1, emergency motion 4, chosen motion 2);
- whether you wish to speak in favour of the motion (“for”) or against the motion (“against”);
- any special expertise you have (this helps the chair balance the debate);
- if this is the first time you have spoken at an ARM;
- if you are the proposer of the motion (for the constituency) you must also complete a slip;
- your **constituency** is the route through which you obtained your ARM seat.

How speakers are chosen

- Once the proposer of a motion has spoken, the chair tries to balance debates by alternating opposing and supporting views from the list of speakers who have submitted speaker slips.
- Choosing from the list is tough; chairs of RB usually make every effort to include ‘first time speakers’ **but this does not guarantee that they get preferential treatment**. As well as this, chairs prioritise speakers from constituencies which have submitted broadly similar motions (i.e. ‘in the bracket’) and those who have special expertise in the subject being discussed.

The RB, however, is rarely sympathetic to those who occasionally try to ‘game the system’.

Improving your chances of getting called

- Make sure that you submit your speaker slip before the debate in which you wish to speak commences. There is no need to wait to submit your speaker slip; even if you wish to speak in a debate not scheduled to take place until later in the day, it is advisable to submit the slip earlier rather than later. You will also need to submit a speaker slip if you wish to speak for or against an amendment or rider.
- Complete your speaker slips fully. It is particularly important to tick “proposer” if you are to propose the motion on behalf of your constituency.
- If you have special expertise in the matter to be debated, make this clear on your speaker slip.
- Finally, be persistent. If you are not called for the first couple of debates in which you wish to speak, don’t give up and keep submitting speaker slips for the debates to come. Also, bear in mind that the chair has to organise a balanced debate and tries to call equal numbers of speakers for and against the motion. The chair also has discretion to call those with special expertise and tries to call as many first-time speakers as possible.

Speaking protocol

- If your request to speak has been accepted, you will receive an email containing a link which will take you to a waiting room. When it is your turn to speak you will be moved onto the speaking platform. Only speak on the motion (or the “starred” motion, if you are in a bracket).
- You have **two minutes** to make your point (three if you are proposing the motion – as opposed to speaking for or against it).
- Watch the ‘Traffic lights’ on the display – when it goes yellow, you have one minute left, so start winding up. When it goes red your time is up.
- If the chair so indicates, you must stop speaking whilst they give advice/instruction.
- At the end of the debate, proposers may respond briefly to points made in the debate. They may not make new points.

Making an impact

- Three minutes in which to propose a motion is not long to get your points across and the two minutes allowed for speaking in debates is even less. Unless you are very self-controlled and practised it is better to construct your speech carefully and stick to it, rather than rely on extemporising from brief headings. The latter approach may unlock either too much information that you suddenly feel is vital to include or alternatively, completely fail to trigger any recognition as to what you had in mind when you wrote it down.
- It is vital that any speech should have a 'hook' and a 'tail' and 60 per cent of your effort should go into these. The hook should be something that will catch the audience's attention – for example something unexpected or lateral in approach. The tail should be well signalled to allow flagging attention to be perked up. Relate to your audience with some point of local relevance. Try both to seek contribution from, and bounce ideas off, forbearing colleagues in advance.
- Facts are hard to assimilate, so do not crowd them in. Make a couple of points well. If time allows, repeat the information. Research your facts carefully. Use statistics sparingly – one in four may be easier to understand and more dramatic than 25 per cent.
- Jokes may be better avoided unless you are very sure of a positive reception and are very good at delivery. A flat or inappropriate joke will deflate the best speech.
- Rehearse your timings. Try to learn your speech but make sure you have your notes close by.
- When you have written your speech, pare it back to half the length – remove every extraneous phrase and word. Write in spoken English, not grammatical sentences. Remember that you will be speaking at half your normal speaking pace. You do not want to be cramming the end in at breakneck speed as the orange light goes on. Better to finish early with dignity intact and your point well made.
- Use techniques that make words flow such as:
 - repetition ("I have a dream")
 - two-part contrasts
 - alliteration
 - groups of three
 - sequences
 - puzzles (obscure sentences for an opener whose relevance and meaning become clear – perhaps in the tail)
 - images/metaphor/analogy
 - balancing a long sentence with a short one to follow.

Above all

- do not mislead
- do not give false information
- ensure that specialised information is factually accurate
- avoid long lists

Chapter 3: The agenda

Items for discussion are mostly in the form of motions submitted by constituencies of the BMA. These are ordered and grouped entirely by an elected agenda committee appointed each year by you.

The ordering of motions

Items are prioritised based on the issues your agenda committee judge you *most* want to debate in the time available, which may be based on gaps in BMA policy, current professional and political climate, whether it will prompt a good debate, actions the BMA can take forward, or how clearly, concisely and accurately the wording of the motion is, and many other factors. As it has proved successful, this year we are continuing **the two-part agenda format**.

Brackets and starred motions

- You will see groups of motions with a black line down the side of them. This is called a 'bracket'; this groups similar motions together under one '**starred**' motion (referring to the asterisk against that motion). The starred motion will have a number (e.g. 20), with the similar motions carrying a letter (e.g. 20a, 20b, 20c etc).
- The starred motion is the only motion in the bracket that will be proposed to the meeting.
- Speakers must only debate the starred motion – even if they submitted one of the motions within the bracket.
- Agenda committee motions are proposed by the constituency second in the bracket (e.g. 20a); do check in case this is you, but you must still *only* propose the agenda committee motion, not your own.

Chosen motions

This is your chance to correct things you feel the agenda committee have got wrong. Information about the chosen motion ballot will be made available separately. The top five will be debated in the "Motions Arising" session on Tuesday 14th September.

Part One Agenda

This contains the motions prioritised for debate within the time available for each section. These are likely to be debated, but we do sometimes run out of time. If this happens the chair and agenda committee do their very best to come back to missed items another time, so do keep an eye on the screens and any notices in case this happens at short notice.

Part Two Agenda

The agenda committee recognises that constituencies have carefully considered their motions and these issues are important to each constituency. However, there are many more motions than we can possibly get to during the meeting and your agenda committee have placed the ones they think it is unlikely there will be time to address in the Part Two agenda. This does not exclude them being debated and there is always the chance **any one of the "part two" motions could be chosen for debate** (see above regarding 'chosen motions').

'A' motions are motions which are believed to be sufficiently non-controversial that they can be put to the meeting and voted on without debate. This can include items which are already policy – although not all such motions are categorised as 'A' – otherwise the policy book would rapidly expand with motions which repeat each other. 'AR' motions are motions which the chair of council is prepared to accept without debate as a reference to council.

Motions Arising from the ARM

As well as chosen motions this includes **emergency motions**, which can be submitted on important issues which could not have been envisaged before the closing date for motions, and can be submitted to the agenda committee at the ARM for consideration of whether they can be accepted for debate and in what order they are taken. An emergency motion form can be obtained and submitted in advance of the meeting from ARMmotions@bma.org.uk, but forms can also be submitted on the day through the online platform.

Changes to the agenda

Amendments

Members of the RB can request changes to the wording of a motion (e.g. because of problems with the wording, omissions, or other technicalities) provided that:

- the change does not fundamentally change the meaning of, or 'wreck' the motion;
- the request is made by completing the amendment slip on the ARM platform and the text of the amendment is sent to: ARMmotions@bma.org.uk;
- the form is submitted before the end of the session (half-day period of time) before the motion is scheduled for debate.

Please speak to the proposer of the original motion first: they may agree with you, which makes changing the motion *much* easier!

If the proposers and the agenda committee agree with you, they will amend the motion and it will go to the meeting as amended and be proposed by the constituency submitting the original motion. Watch out for the revised wording on the screens.

If they do not agree then the chair may ask at the meeting to decide.

- You will be asked to propose the amendment (not the motion) – you'll need a speaker slip.
- There may be speakers against.
- The meeting will then vote.
- If the meeting agrees the change, the main motion, as changed by you, becomes your motion, which you will then have to propose in the usual way.
- If not, the chair will move on to debating the original motion.

Riders

These are like 'mini-motions', or additions which support, expand or explain the original motion.

- They are debated separately, and **after** the original motion.
- Like amendments, forms must be submitted before the end of the previous session to that in which the original motion is scheduled.

Supplementary agendas

These are published just before the meeting, and sometimes during the meeting. These will have:

- changes to the order of business
- updated motions from the branch of practice conferences
- emergency business

It is worth keeping a close eye on these and noting changes on your main agenda so that it is easier to follow what is happening. There will also be regular updates on the screens.

Voting

When a vote is called, representatives will see a new poll appear next to the video of the ARM in the POLL area. The POLL will look like the below. Please choose your answer and click 'Send' to submit. If for any reason you do not see the POLL please try and refresh your page.

Once the vote has taken place the chair will confirm whether the motion is **carried** or **lost**:

- A motion is carried if a simple majority (more people vote for than against) is obtained. Otherwise it will be declared “lost”. Lost motions do not create policy opposite to that of the motion – the issue (as a whole) is just lost.
- Some motions require **2/3rds majority (more than twice as many votes for than votes against)**:
 1. Motions which would cost the BMA significant amounts of money
 2. Some procedural motions, and changes to the BMA’s rules

Policy Book

Motions which are passed are entered into the **BMA Policy Book** which defines what formal ‘BMA Policy’ is. After the ARM new policies are reviewed by UK council and prioritised for action by the various parts and committees of the BMA. The actions taken are reported upon throughout the year (online) and at the ARM (Document ARM 6 is available on the [ARM 2021](#) website).

Every five years policies are reviewed and those which have been enacted, overtaken by events, have newer or better policy or are out-of-date in other ways are recommended to pass into the **Lapsed Policy Archive**. This should not be seen as diminishing the importance of any issues, only as focussing the BMA’s efforts.

Chapter 4: Procedures and processes

Reference

Some motions have general support for an idea, but actually making them BMA policy would be problematic for the Association. Voting on such a motion “as a reference” means that the ARM/RB want council to look at the idea, but not to be held to a precise form of words.

Ending debate

Debate ends if:

- There are no more speakers;
- **“Vote”**: the meeting calls **“Vote”** (technically, “that the question be now put”). This means the meeting voting on whether to end debate and go straight to a vote - and requires 2/3rds of the meeting to support that move.
 1. If they don't, then we carry on with the debate.
 2. If they do, then we vote on the actual motion.
 3. Yes, it is voting on voting!
- **“Next Business”**: The meeting calls for a move to “next business”.
 1. This stops the debate and moves on to the next item on the agenda with no vote.
 2. It is sometimes used to avoid unhelpful debate.
 3. It requires a 2/3rds majority.
 4. The mover of the motion has a right to say why we should not move to next business and should continue the debate.
 5. From a policy point of view, it is as if the motion and debate “never happened”.

To call for a vote or next business on the platform you will need to write ‘VOTE’ or ‘NEXT BUSINESS’ in the questions box and then the chair will call for a vote on whether to end the debate.

Suspension of standing orders

- Puts “the rules” on hold to allow the meeting to deal with some unplanned emergency business, or consider something outside the planned order.
- If you want to do this, you will need to persuade the meeting of and why this is necessary – but not debate the actual motion.
- If the meeting agrees (by a 2/3rds majority) you can *then* go on to propose, debate, and vote on the actual motion, in the usual way.
- CAUTION: This action takes up the RB's time, meaning other business is “timed out” – and there needs to be a really good reason. It is best to tell the agenda committee using the question box what you want to achieve – they may find a better, planned way to help you achieve it whilst minimising disruption for other representatives.

To suspend standing orders, you must write ‘THE RULES’ in the question box.

Question

- If you genuinely have a question about what is being discussed, you may indicate this by typing ‘QUESTION’ into the question box. The chair may allow you to then ask the question. This is not an opportunity to give a speech without submitting a speaker slip.
- Alternatively, you can type your question into the chat function and someone may be able to answer your question.

Point of information

- If you have a short piece of information that will clarify inaccuracies noted in debate, you may ask the chair for permission to notify RB of this. This is not an opportunity to make a speech without submitting a speaker slip and should only raise points of fact.

To raise a point of information you must fill in the ‘point of information form’ which you can find on the platform.

Point of order

- If you feel standing orders are not being followed or you have a question about how they relate to the business under discussion, you may make a point of order for this to be clarified by typing 'POINT OF ORDER' into the question box and the chair will invite you to speak.

Elections

The RB elects to many of the key BMA committees and boards, and we value new people in all these areas, particularly from less well represented groups of members. We offer induction and mentoring programmes, as well as visitors' schemes to get a taster of what committees do. Elections at the ARM will again be conducted through our online system which has been developed as part of our ongoing work to better represent our members. The system is simpler and quicker to use than previous paper-based voting and can be accessed on any electronic device ensuring our elections are transparent and inclusive so that more members can use their voice. **Please see ARM 9 for further details.**

Open Debates and Special Sessions

The formal sessions of the meeting are tightly regulated as laid out in the Standing Orders. Sometimes particular topics merit a more open discussion and are thus held in Open Debate or Special Session. Here the rules can be more relaxed and allow a more open discussion. Whether such sessions generate motions, or give a sense of the range of views, or are followed by published motions, depends on the topic and will be set out in the Agenda by your agenda committee.

The ARM virtual platform

The online portal will look something like this:

Use this box to fill in:
Speaker slips
Points of Information
Emergency information

Use this box to raise:
Points of Order
Questions
Suspending standing orders
Ending the debate

Here you will be able to watch the speakers and business of the ARM

Click here to vote on a motion

Chapter 5: General guidance

1. Registration

An email will be sent out to you a day before the ARM containing a unique link which will grant you access to the online portal we are using for the ARM this year.

2. ARM sessions

The ARM will be in session online from 9:00am to 5:45pm on both 13 September and 14 September.

3. Annual General Meeting

The AGM will take place during the ARM on 14 September at 13:00. Those members wishing to attend must register **at least 48 hours in advance** (link to register can be found at:

<https://events.bma.org.uk/agm-2021/agm2021>).

4. BMA general publications and policy advice

BMA staff will be on hand to signpost representatives to guidance on publications and answer questions on matters of policy to support the debates and wider discussions at the ARM.

You can get in touch with them via email ARMenquiries@bma.org.uk.

5. Documentation

A list of the documents being issued for the meeting can be found in the appendix on **page 19** and on the BMA website www.bma.org.uk/arm.

6. The media

The ARM often attracts a great deal of media attention and this year the ARM will be broadcast to the general public and the major debates may be covered by the national print and broadcast media and medical press. The BMA's media office will be on call during the ARM, and members of the media team will be able to advise representatives should they require help in dealing with the press. Please direct any media inquiries you get to the media office and if you do need to speak to a team member, you can call 0207 383 6448, or email mediaoffice@bma.org.uk.

Please note – the meeting will be recorded. If you do not want photos or video recordings of you to be used in our publicity and marketing materials, including our website, please contact the Brand & Production team – images@bma.org.uk. Otherwise you will be deemed to consent to the BMA using such photos and video recordings indefinitely for its purposes.

Please do not use or reproduce the BMA logo and our associated brandmarks without prior permission from the BMA Brand & Production team. Any queries regarding our logo or branding please contact creative.services@bma.org.uk.

7. The App

The agenda, briefings, policy and virtually all the information you could need about the ARM, can be accessed via the ARM app. The app is available for download now on Apple and Android by searching 'BMA events' in your app store. Additional content will be uploaded shortly and it will be updated regularly throughout the meeting. To allow us to contact you with updates please accept push notifications during set up. You will also be able to access ARM information on the BMA website

Chapter 6: Reimbursement of expenses

Quick reference guide to ARM expenses

Please read this document carefully in advance of the meeting.

Scrutiny of expenses and honoraria

Please note, as per the BMA's policy on the scrutiny of honoraria and expenses, all BMA expenses and honoraria shall be open to scrutiny by BMA members on their request. However, such scrutiny shall be subject to strict confidentiality undertakings being given by the requester and access shall only be given by secure confidential email with an attachment watermarked with the requester's (BMA member's) personal details.

- The ARM is a business meeting of the BMA and as such is governed by the [BMA Committee & GPC Expense Policy 2020 – 2021](#) and by the additional conditions set out below which are specific to this event.
- There will be **no exceptions** to this policy unless previously agreed by the treasurer. If a representative has reason to believe that their claim may fall outside the limits set, they must write or email the treasurer **in advance of the ARM** to check on the eligibility for approval. Please email ARMexpenses@bma.org.uk.
- The BMA would like to remind representatives that the ARM expenses are paid from BMA members' subscription money. **Each representative is responsible for the appropriate use of members' money and the accuracy of their claim.**
- Only expenses incurred wholly, exclusively and necessarily in attending the ARM will be reimbursed. This excludes all other personal expenses and all expenses incurred by partners. All claims are checked thoroughly by external auditors and BMA staff.
- All expenses must be submitted on Concur (**DLE110 AJ00002**). All claims must be submitted within 3 months of the meeting date. In exceptional circumstances, the treasurer may approve late claims. Please submit **itemised receipts** for all expenses. Credit card receipts and bank statements are **not acceptable, and expenses will not be paid if these are the only documents submitted. If you have any queries, please email ARMexpenses@bma.org.uk.**
- **Childcare costs**

Please refer to page 4 of the [BMA Committee & GPC Expense Policy document](#) for more information. All additional claims made for childcare and associated expenses will be considered on an individual basis. **Please contact the council secretariat team (ARMexpenses@bma.org.uk) with your estimated childcare costs, who will liaise with the treasurer in advance of the ARM.**

Reimbursement of locum expenses

Locum expenses up to £550.00 per day will be reimbursed only to those members who make a "major contribution" to the work of the BMA. The remuneration committee has defined a "major contribution" as being completion of more than 24 days' service for the BMA (including the ARM) in any one session (the session runs from the end of one ARM to the end of the next).

Members claiming locum costs should provide receipts and details of their 24+ days' BMA service in the session in order to receive reimbursement. All claims must be accompanied by an invoice from the locum/agency including their name, address, dates and daily/hourly rate charged, otherwise claims will not be paid.

Chapter 7: BMA Defamation Statement

The BMA requires all its committees to be issued with a statement on defamation at the first meeting of each political session and similar statements are provided to members of its Annual representative meeting each year.

An individual making a public statement on behalf of the BMA and its committees needs to be aware of the potential pitfalls of the law of defamation. In general, a defamatory statement is one which:

“tends to lower an individual’s reputation in the eyes of right thinking members of society, or which would cause him to be shunned or bring him into hatred, ridicule or contempt, or which tends to discredit him in his profession or trade.”

There are two forms of defamation - libel and slander. Libel is the publication in permanent form of a defamatory statement. Slander is its publication in transitory form. So, to give examples, typically slander is spoken unrecorded word or gestures, whereas libel includes the written form such as hard copy or electronic communications, but also spoken words that are recorded, for instance in video form, or even in a voice recording such as potentially on a voicemail. An individual can bring proceedings for libel where harm is proven or is likely to have been caused. Proceedings for slander, however, can only generally be brought if it can be shown that the slander caused for tangible damage, although there are limited exceptions such as the slander of an individual in their profession.

There are a number of defences to a claim of defamation which include:-

- (a) **truth** – being able to show that what was said is true or substantially true;
- (b) **honest opinion** – a statement of genuinely-held opinion on a stated factual basis;
- (c) **public interest defence** – a defendant can avoid liability if the truth of a statement cannot be proved but if it can be established that publication was responsible and in the public interest;
- (d) **qualified privilege** – a partial defence where the defendant can prove that the publication was in the public interest (there are two forms of qualified privilege – statutory and common law); and
- (e) **absolute privilege** – a complete defence applying to statements made in certain situations e.g. in Parliament, between solicitor and client, statements to the police in a criminal investigation.

An action for defamation can only be brought in the High Court. Legal aid is not available and proceedings are notoriously expensive.

Where it is necessary to mention individuals or organisations, great care should be taken to ensure that no gratuitous or unsustainable comment is made, this being so whether the discussion is on or off the record. Great care must also be taken to ensure that where an issue regarding an individual or organisation is the subject of rumour, it is not given weight or authority by being publicised by the BMA to the detriment of that individual or organisation’s reputation. Similarly, unsubstantiated comment should not be made about individuals and organisations.

Internet Postings

There is a common misconception that because of the informal and accessible nature of the Internet, different rules apply. The position is, quite simply, that the author of material posted over the Internet is every bit as liable in defamation as the author of off-line material.

Publication of defamatory material takes place once it has been posted on the Internet. It is not necessary for an aggrieved person to prove that anyone has actually read the material. There is the added danger that the material can be accessed anywhere in the world enabling anybody who is aggrieved to sue in that country as well as here.

Website hosts may also be liable, along with the author, for publishing defamatory material if they have been made aware of its presence on a website and have failed to remove it within a reasonable period of time. People who hide behind anonymous postings will find that the website hosts can be required to disclose the identity of the author. **If in doubt the BMA’s Legal Department or other professional lawyers should be contacted for advice.**

Electronic Communications

Under the UK General Data Protection Regulation (UK GDPR) and the Data Protection Act 2018 (DPA 2018), data subjects are entitled to request the disclosure of information held on them by the BMA. The UK GDPR and DPA 2018 extends not only to electronic files (including external and internal email correspondence and including activity tracking) but to manual files as well. Subject to exemptions, the BMA is legally obliged to provide the information requested. To avoid the risk of a claim for defamation, it is extremely important that all recorded information relating to individuals is accurately and properly expressed. **Anything which could be regarded as offensive, insulting and defamatory must be avoided unless approved by the BMA's Legal Department or other professional lawyers.**

The best practical advice is that any reference to an individual or an organisation should be made in measured terms after a careful appraisal of the evidence available with legal advice being sought where appropriate.

BMA Legal Department
30 July 2021

Chapter 8: Social media for representatives

Using social media at the ARM

Social media provides an opportunity to interact with other doctors, journalists, politicians, and stakeholders to publicise the BMA's annual representative meeting. Here are some of the ways you can use social media to amplify the work of the representative body:

Twitter

You can get involved in debates on Twitter. Just search for **#ARM2021** and remember to use **#ARM2021** in all your tweets.

Follow **@theBMA** on Twitter to get the latest updates from the conference.

You can also follow our other accounts for more tailored updates **@BMA_Conconsultants**, **@BMA_GP**, **@BMA_JuniorDocs**, **@BMA_Academics**, **@BMA_BAMEForum**, **@BMAwellbeing**

If you want any of these account's updates live to your phone, you can turn on 'tweet notifications' for each of them. Just click on the bell icon on their Twitter page and you'll be sure to never miss any of their tweets.

Given a great speech? Why not turn it into a Twitter thread by distilling your key messages into a series of tweets. You could also post a video of your speech, or of the key messages – remember to keep it no longer than 2.20 minutes!

If you're unsure how you'd like to vote on a motion, or if you'd like to gauge the opinions on a certain topic from your followers, you could post a poll on Twitter.

Facebook and Instagram

You can keep up to date with the latest from the conference on the **BMA Facebook page** and **Instagram page**.

You could post relevant speeches or views on the ARM debates on one of the popular UK doctor Facebook groups to broaden the conversation eg **UK Medical Consultant Contract Forum**, **Junior Doctors Contract forum**. Or post them to your Instagram feed, tagging in **@TheBMA**.

Before you post...

Bear in mind that posts on social media can be reported in the media and read by colleagues or patients. It is also important to respect patient confidentiality and not get drawn into posting material that could be perceived as unprofessional, offensive, or inappropriate.

You can find out more by reading the BMA's comprehensive **guidance for safe and effective use of social media** both from a practical and an ethical perspective.

Appendix

Documentation (all available on the ARM website www.bma.org.uk/arm and the ARM app)

- ARM 1 – Agenda
- ARM Part 2 Agenda
- ARM 1A – Appendices to the agenda
- ARM 9 – Nomination information for elections to all committees and boards at the ARM
- ARM 2 – Guidance notes
- ARM 5 – Timetable and appendix of elections
- ARM 6 – Report of action taken on 2020 ARM resolutions
- ARM 10 – Lapsed policies
- ARM 12 – Minutes of the 2020 ARM
- BMA annual report and financial statements (on the website only via link to AGM webpage)
- Branch of practice reports
- Pre-ARM briefings
- ARM 1B – Supplementary ARM Agenda (will be available w/c 6 September)
- AGM agenda with minutes of 2020 AGM (on the website only via link to AGM webpage)
- BMA charities report
- ARM 3 – Return of the representatives and members of council*
- ARM 4 – Alphabetical list of representatives*

*Copies of ARM 3 & 4 will be sent directly to representatives a week before the ARM.

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