



Royal College of Anaesthetists

Disciplinary Policy

This policy sets out the Royal College of Anaesthetists' internal process for considering whether a member's conduct is compatible with continued membership of the College. It does not provide a route for patients, members of the public, or other external individuals or bodies to make complaints about members. Complaints concerning clinical practice or professional misconduct should be directed to the relevant employer or regulatory body, such as the General Medical Council (GMC).

1. Reasons for initiating disciplinary proceedings

- 1.1 A member shall be subject to disciplinary proceedings in accordance with Ordinance 4 or Regulation 11 if they are alleged to have:
 - a. been convicted of any criminal offence which in the opinion of Council or the Board of Trustees is inconsistent with the professional standards required of members;
 - b. failed to observe the Charter, Ordinances or Regulations of the College;
 - c. acted in a manner detrimental to the reputation of the College;
 - d. been guilty of any act or omission which might bring the profession of Anaesthetists into disrepute; or
 - e. been involved in, subject to or otherwise engaged in such other matters as the Board of Trustees or Council considers from time to time is inconsistent with membership of the College.

2. Setting up a Disciplinary Panel

- 2.1 In the event of a complaint or allegation being made or brought to the College about a member having behaved in a manner incompatible with membership of the College, the Committee may first request advice on whether it should set up a Disciplinary Panel, in accordance with Ordinance 4, to enquire into the complaint.
- 2.2 If the Committee decides to set up a Panel, the Committee shall select the members of this Panel. The Panel shall comprise three members, all members of the Committee, one of whom shall normally be the President or a Vice-President.
- 2.3 If, for whatever reason, neither the President nor either of the Vice-Presidents can be part of the Panel (this may be because they have a conflict of interest, or because they are not available, or some other reason) then the Committee may appoint another member of the Committee to join the Panel.
- 2.4 If, for whatever reason, the Committee cannot appoint any members of the Committee to be part of the Disciplinary Panel (this may be because they have a conflict of interest, or because they are not available, or some other reason), the Committee will request that Council identify three alternative Council Members to be co-opted to the Panel. A PatientsVoices representative or Lay Trustee may be invited to join the panel at the discretion of the President or Vice President.

3. Investigation, Hearing and the Panel's decision

- 3.1 The Disciplinary Panel may commission legal advice for an investigation inquiry, subject to the approval of the CEO or the Chair of the Finance and Resources Board.
- 3.2 The Committee shall write to the member concerned to inform them that they are subject to disciplinary proceedings.
- 3.3 The Panel shall:
 - a. be provided with the relevant documentation about the complaint or allegation;
 - b. consider the documentation and any representation from the member concerned;
 - c. make a recommendation to the Committee about the extent to which the complaint is justified, and the consequences for the member concerned.
- 3.4 The Panel can be convened in person or virtually.
- 3.5 The member is entitled to:
 - a. at least 28 days' notice before the hearing;
 - b. submit their defence, including witness statements, at least 14 days before the hearing;
 - c. attend the hearing and present their case;
 - d. be accompanied by a friend or representative (who acts as an observer and does not actively participate).
- 3.6 Depending on the advice of the Panel, the Disciplinary Committee may:
 - a. reprimand the member and set out requirements as to their future conduct; or
 - b. place a motion before Council that the member's membership of the College be terminated; or
 - c. offer support to the member; or
 - d. take no further action.
- 3.7 It is usual for the Disciplinary Committee to form a Disciplinary Panel, however if a member is convicted for serious criminal offences or their licence to practice is removed by the General Medical Council the Committee can proceed directly to place a motion before Council that could lead to immediate disciplinary action, including suspension or expulsion from the College.
- 3.8 If a member is incarcerated or unwilling to participate, disciplinary proceedings may proceed in their absence, ensuring that serious matters are addressed promptly.

4. Council's role

- 4.1 Council shall consider any motion from the Disciplinary Committee to terminate a member's membership.
- 4.2 If Council decides to terminate a member's membership, the Disciplinary Committee shall inform the member concerned and explain the process set out below.

5. Appeals against termination of membership

- 5.1 If the member concerned decides to appeal the decision, they must do so in writing within 15 working days of being informed that Council has resolved to terminate their membership.
- 5.2 If an appeal is received, an Appeal Panel of three Council members will be formed by Council, as follows:
 - a. The President will be the Chair of the Appeal Panel, unless the President has a conflict of interest. In this case, Council may appoint any elected Council Member as the Chair of the Appeal Panel;

- b. Two other elected Council members;
- c. No other Council Member will be eligible to be on the Appeal Panel if they were on the initial Panel.

5.3 The Appeal Panel shall:

- a. be provided with the relevant documentation about the complaint or allegation;
- b. consider the documentation and any representation from the member concerned;
- c. make a recommendation to the Committee as to whether or not the appeal should be allowed.

5.4 The Committee shall review the recommendation and then place a motion before Council as to whether or not the appeal should be allowed.

5.5 Council shall:

- a. consider the Committee's recommendation at the next Council meeting following the conclusion of the Committee's review;
- b. make a decision on the appeal.

5.6 The Disciplinary Committee shall inform the member concerned of Council's decision.

6. Point of termination of membership

6.1 Membership will terminate 16 working days after the member has been informed that Council has resolved to terminate their membership, unless the member notifies the Committee of their intention to appeal the decision. In this case, if Council does not allow the appeal, termination of membership will take place the next working day after this decision. If Council allows the appeal, membership is not terminated.

7. Re-instatement

7.1 An individual whose membership was terminated (an ex-member) under Ordinance 4 is not eligible to apply for membership again until at least two years after the date of termination.

7.2 After two years, the ex-member may apply to the Committee to be considered eligible to apply for membership.

7.3 Any such application must set out why the ex-member considers that the reasons for which their membership was terminated are no longer relevant.

7.4 The Disciplinary Committee shall set up a Panel as described in paragraphs 2.1 to 2.4. This shall be known as a Re-instatement Panel.

7.5 The Panel shall consider the information provided by the ex-member and make a recommendation to the Committee.

7.6 The Committee shall recommend to Council whether or not the ex-member be considered eligible to apply for membership.

7.7 If Council decides that the ex-member is still ineligible, the Committee shall inform the ex-member of the decision. There shall be no appeal.

7.8 If Council decides that the ex-member is eligible to apply for membership, the Committee may not inform the ex-member of the decision unless and until this decision has been ratified by the current Board of Trustees.

7.9 If the decision is ratified, the Committee shall inform the ex-member within a week of the decision being made. At this point, the ex-member may apply for membership. If the application is successful, membership is deemed to start from the date of the new

application being successful, such date to be determined in accordance with Chapter 2 of the Regulations.

7.10 If it is not ratified the Committee shall inform the ex-member of the Board of Trustees' decision, also within a week of the decision. There shall be no appeal.

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